



The City of Liberty
City Council
Regular Meeting
~ Agenda ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, June 9, 2020

6:00 PM

City Hall - Liberty Center

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
Mayor Carl Pickett	☐	☐	☐	
Mayor ProTem Diane Driggers	☐	☐	☐	
Council Member Dennis Beasley	☐	☐	☐	
Council Member Libby Simonson	☐	☐	☐	
Council Member David Arnold	☐	☐	☐	
Council Member Chipper Smith	☐	☐	☐	
Council Member Neal Thornton	☐	☐	☐	

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

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 # 4788)

City Manager's Report - T. Warner - City Projects and Activities - July 3rd Celebration - COVID 19 - Budget - Electrical Outages

- City Manager's Report(DOCX)
- City Mgr Rpt-Att #1 (PDF)
- City Mgr Rpt-Att #2 (XLSX)

B. Information Item (ID # 4789)

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

C. Information Item (ID # 4790)

Department Reports

- Fire Dept Report (XLS)
- Golf Course Report (PDF)
- Inspection Report (PDF)
- Library Condensed Report (XLSX)
- Library Narrative Report (DOCX)
- Library Volunteer Report (XLSX)
- Police Dept. Report (XLS)
- Public Works Dept Report (DOCX)
- Public Works Construction Report (DOCX)

D. Information Item (ID # 4791)

Sam Rayburn Municipal Power Agency - Mayor Pickett

- February, 2020 Minutes (PDF)
- April 2020 Minutes (PDF)

E. Information Item (ID # 4792)

Mayor, Council and Staff Comments

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. Minutes Approval

1. Tuesday, May 12, 2020
2. Tuesday, May 26, 2020

VII. REGULAR AGENDA**A. Regular Session****1. Resolution (ID # 4793)**

Consider approval of a Resolution authorizing the use of Cambridge Funds for repairs to the Pro Shop at the Liberty Municipal Golf Course.

2. Resolution (ID # 4795)

Consider a Resolution authorizing a Chapter 380 Economic Development Agreement between the City and Nutrition Supply Corporation.

- NSC -380 agreement (DOCX)

3. Resolution (ID # 4796)

Consider a Resolution authorizing the award of bid to DBT Transportation Services for installation of an Automated Weather Observing System (AWOS) at the Liberty Municipal Airport.

4. Resolution (ID # 4797)

Consider a Resolution authorizing the City Manager to submit grant applications relating to the Texas General Land Office (GLO) Community Development Block Grant (CDBG-MIT) funding.

5. Work Session (ID # 4798)

City Council will conduct a Work Session to discuss issues relating to Certificates of Occupancy.

6. Work Session (ID # 4799)

City Council will conduct a Work Session to discuss the reinstatement of utility late fees and possible payment plans.

7. Ordinance (ID # 4800)

CONSIDER ADOPTION OF AN ORDINANCE AMENDING CHAPTER 3, BUILDING REGULATIONS, OF THE CITY OF LIBERTY CODE OF ORDINANCES, BY CREATING ARTICLE 3.13 REQUIRING CERTIFICATES OF OCCUPANCY OR CERTIFICATES OF COMPLIANCE FOR CERTAIN RESIDENTIAL AND COMMERCIAL STRUCTURES IN THE CITY; REQUIRING LIFE, HEALTH AND SAFETY INSPECTIONS AND FIRE SAFETY INSPECTIONS FOR CERTAIN RESIDENTIAL AND COMMERCIAL STRUCTURES IN THE CITY; ESTABLISHING AN EFFECTIVE DATE; AND DISPENSING WITH SECTION 3.10 OF THE HOME RULE CHARTER THAT ORDINANCES BE READ ON TWO SEPARATE OCCASIONS.

8. Ordinance (ID # 4801)

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS AMENDING THE MASTER FEE SCHEDULE CREATING FEES FOR CERTIFICATES OF OCCUPANCY AND CERTIFICATES OF COMPLIANCE; 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.

9. Resolution (ID # 4802)

Consider a Resolution authorizing City Staff to resume utility disconnects and charge late fees for failure to pay utilities beginning June 26, 2020.

B. Executive Session

EXECUTIVE SESSION:

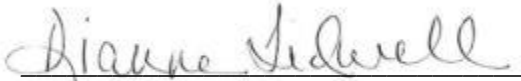
Tx. Gov. Code §551.071 - Private Consultation with Attorney.

- To seek advice regarding contemplated / pending litigation.

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

C. Reconvene into Regular Session**VIII. ADJOURNMENT****A. Motion To: Adjourn**

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 5th day of June, 2020 at 5:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.



Dianne Tidwell, City Secretary

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the _____ day of _____, 2020.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.A

Meeting: 06/09/20 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 4788)

DOC ID: 4788

Subject: City Manager Report - City Projects and Activities

Background: This agenda item affords the City Manager the opportunity to update the Council and public on current and future City projects, activities and other items related to City business.

Memo

To: Mayor & City Council

From: Tom Warner, City Manager

Date: June 9, 2020

Re: City Manager Report

-
1. On June 3rd Governor Abbott announced special provisions had been made for outdoor gatherings, such as Fourth of July Celebrations. The Governor also indicated it is imperative that local officials and public health officials collaborate on safe standards. The safety standards for the City Annual Fourth of July Celebration, held on July 3rd, will result in the suspension of Fire and Police Equipment Displays, food booths, musical entertainment and other person to person activities. Although attendees to the event will not be required to stay in their vehicle, it is strongly encouraged they follow social distancing guidelines. The Minimum Standard Health Protocols for outdoor events is enclosed.
 2. Beginning on June 1st City offices and facilities were reopened to the public with limited restrictions. In City Hall, the lobby is the only area is open to the public. The Library reopened on a reduced schedule with the continued suspension of children programs and patron computer usage. All parks and park facilities, except the baseball/softball fields and splash pad, have reopened. It is anticipated the closed park facilities will reopen on July 6th.
 3. With the reopening of businesses and City facilities, it would be appropriate to begin considering holding City Council Meetings in City Council Chambers. Beginning with the July 14th City Council Meeting, and with no new COVID-19 restrictions, the meeting will be held in City Council Chambers. This meeting will also be open to the public.
 4. The Fiscal Year 2020-2021 Budget preparation is currently underway. Due to the timing of COVID-19, the impact on this and next year's budgets is currently unknown. If there is a significant impact on sales tax and property tax revenues, developing a balanced budget may be difficult. Budget Work Sessions with City Council are tentatively scheduled for July 15th and 16th.
 5. The Electrical Department has begun tracking each power outage by date, location, time called out, time power restored, response time, outage time and cause of outage. The Power Outages for May are enclosed. Future outage reports will be included with the Electric Department's Monthly Report to City Council.
 6. The Sanitary Sewer Improvement Project is approximately 97% complete as of June 1, 2020. The contractor has completed all items in the project and is working on the punch list. The

Attachment: City Manager's Report (4788 : City Manager's Report)

projected completion date for this project is June 30, 2020. The total estimated construction cost for this project is \$5,389,342.57.

7. The Main B Levee Repairs was approved as substantially complete (98%) on February 18, 2020. The contractor is currently awaiting the delivery of material to finish addressing issues on the punch list. FEMA is currently reviewing the City's request for the change in the scope of work. If approved, FEMA will pay 90% of the total project cost. The total estimated construction cost for this project is \$754,814.20. The total cost of the project for engineering and construction is \$896,875.20. The projected completion date for this project is June 30, 2020.
8. The following is a status of the current Electric Projects:

<u>Project</u>	<u>Complete</u>	<u>Estimated Cost</u>	<u>Spent to Date</u>
a. Pine Place Subdivision	55%	\$ 46,953	\$ 25,626
b. Featherstone Subdivision	58%	\$105,920	\$ 61,776
c. Whittington Subdivision	79%	\$206,725	\$164,230
d. Live Front Transformer	26%	\$323,456	\$ 85,862
e. Beaumont #3 Lateral	128%	\$182,325	\$233,114
f. UG Primary	47%	\$250,000	\$117,496
g. OH Transformer Platform	29%	\$ 91,450	\$ 26,415
h. Regency Place	44%	\$279,040	\$123,272
i. Travis Park	69%	\$380,505	\$261,289
j. UG Street Lighting	83%	\$155,000	\$128,392
k. Beaumont #2 Laterals	113%	\$414,254	\$469,993
l. Beaumont #4 Laterals	98%	\$308,344	\$301,893
m. Beaumont #5 Laterals	24%	\$764,156	\$191,675
n. Liberty #1 Laterals	5%	\$345,881	\$ 17,523
o. Liberty #3 Laterals	0%	\$371,354	
p. <u>Street Light Conversion</u>	107%	\$ 82,500	\$ 88,594
Totals		\$4,307,863	\$2,297,151

REVISED JUNE 3, 2020

MINIMUM STANDARD HEALTH PROTOCOLS



☒ CHECKLIST FOR OUTDOOR EVENTS

Page 1 of 2

Outdoor events, such as July 4 celebrations and other large outdoor gatherings with estimated attendance of 500 or more, are permissible to hold in Texas. The county judge or the mayor, as appropriate, in coordination with the local public health authority, may decide if a particular outdoor event should be modified or the occupancy further limited based on the facts and circumstances of the event and COVID-19 in the particular jurisdiction, based on the factors set forth below.

The following are the minimum recommended health protocols for all outdoor events in Texas. These minimum health protocols are not a limit on the health protocols that individuals may adopt. Individuals are encouraged to adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all Texans.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Individuals should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization.

Health protocols for individuals:

- ☐ Individuals aged 65 or older are at a higher risk of COVID-19. To the extent possible, avoid contact within 6 feet with individuals aged 65 and older. Individuals aged 65 and older should stay at home as much as possible. Large gatherings, even those held outside, pose a significant risk to this population.
- ☐ Individuals should avoid being in a group larger than 10 individuals (including those within the individual's household). Within these groups, individuals should, to the extent possible, minimize in-person contact with others not in the individual's household. Minimizing in-person contact includes maintaining 6 feet of separation from individuals. When maintaining 6 feet of separation is not feasible, other methods should be utilized to slow the spread of COVID-19, such as wearing a face covering or mask, washing or sanitizing hand frequently, and avoiding sharing utensils or other common objects.
- ☐ Individuals should maintain 6 feet of separation from others outside the individual's group. A group is defined as no more than 10 persons including the members of the household and those persons who traveled together to the event.
- ☐ Self-screen before going to an outdoor event for any of the following new or worsening signs or symptoms of possible COVID-19:

☐ Cough	☐ Sore throat
☐ Shortness of breath or difficulty breathing	☐ Loss of taste or smell
☐ Chills	☐ Diarrhea
☐ Repeated shaking with chills	☐ Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
☐ Muscle pain	☐ Known close contact with a person who is lab confirmed to have COVID-19
☐ Headache	

Attachment: City Mgr Rpt-Att #1 (4788 : City Manager's Report)

REVISED JUNE 3, 2020

MINIMUM STANDARD HEALTH PROTOCOLS



OUTDOOR EVENTS: Page 2 of 2

- ☐ Wash or disinfect hands after any interaction with employees, other individuals, or items at the outdoor event.
- ☐ Consistent with the actions taken by many individuals across the state, consider wearing cloth face coverings (over the nose and mouth) at the outdoor event when within 6 feet of another person who is not a member of the individual's group.
- ☐ Clean and sanitize any items before and after use.

Local approval factors:

- ☐ Local approval for large outdoor gatherings (those with an estimated attendance exceeding 500 individuals) is appropriate in this instance because a statewide standard is unable to take into account the various factors needed to ensure such a gathering in varied locations is safe and will minimize the spread of COVID-19. Further, business parity is not an issue at large outdoor events.
- ☐ In evaluating large gatherings (those with an estimated attendance exceeding 500 individuals), the county judge or the mayor, as applicable, in consultation with the local public health authority, should consider the following factors:
 - ☐ The overall number of projected attendees;
 - ☐ The likelihood of individuals over the age of 65 attending;
 - ☐ The density of the forum and the ability to ensure social distancing of 6 feet between individuals; and
 - ☐ The level of transmission in the county.
- ☐ Gatherings of less than 500 individuals may proceed consistent with all the health protocols above without approval of the county judge, local health authority, or mayor, as applicable.

POWER OUTAGES

MAY 2020

Date	Location	Time Called Out	Time Power Restored	Response Time (min)	Outage Time (min)	Cause of Outage
18	Milam & MLK	10:00 a.m.	10:27 a.m.	6	21	Capacitor Bank Failure
24	Loblolly	1:41 p.m.	7:00p.m.	19	319	Tree limb damaged transformer bank
	Various	6:30 p.m.	9:00 p.m.	30	150	Tree limbs took out powerline
	Ridgewood	9:00 p.m.	11:00 p.m.	4	120	Vines in cause fuse to blow
	Ave D	11:00 p.m.	1:00 a.m.	21	120	Tree took down service
25	Ave I	7:01 a.m.	7:48 a.m.	21	47	Tree limb blew line fuse
	Bypass	12:18 p.m.	1:10 p.m.	18	49	Line fuse blown by racoon
	Holly St.	1:03 p.m.	2:00 p.m.	17	57	Tree fell on service/meter pole
	N. Travis	3:00 a.m.	6:30 a.m.	30	210	Tree limb on powerline
26	Port Rd.	8:22 a.m.	9:30 a.m.	2	68	Blown line fuse
27	Feeder 2	4:45 p.m.	5:13 p.m.	5	28	Lightning strike
	Bypass	6:06 p.m.	6:47 p.m.	16	41	Line fuse and 2 tap fuses blown
	Buxton	8:22 p.m.	8:41 p.m.	18	19	Customers generator transfer switch
	Hill	2:37 a.m.	6:10 a.m.	29	213	Transformer bad & fuse blown
28	Park Place	12.56 p.m.	1:46 p.m.	34	50	Blown cutout
31	Ridgewood Sub.	5:05 p.m.	5:49 p.m.	18	54	Line fuse blown
	Wallisville Rd.	5:30 p.m.	6:24 p.m.	17	54	Lightning took out fuse
	Wallisville Rd.	6:32 p.m.	7:30 p.m.	8	58	Tree limb blew transformer fuse
	Wallisville Rd.	7:30 p.m.	7:45 p.m.	5	15	Blown fuse
Average				17	89	

17 Minutes 1 Hour 29 Minutes



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.B

Meeting: 06/09/20 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 4789)

DOC ID: 4789

Subject: Finance Report

Background: This agenda item affords the Asst. City Mgr./CFO an opportunity to report on the financial activities and position of the City, to include revenues, liabilities, assets, and other financial information.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.C

Meeting: 06/09/20 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 4790)

DOC ID: 4790

Subject: Department Reports

Background: Attached are reports compiled by various City departments regarding facts about projects, situations and activities of the individual department. These reports are submitted on a monthly basis.

All Departments Weekly Activity Report

Month Of: May 1 to May 31, 2020

Department: Fire Department Report Prepared By: Misty Dulaney

FULL: (All Authorized Filled) YES NO
 If No, Why Not? Sick Vacancy Vacation

Explain: _____

Accomplishments For Last Week:

- 1.) _____
- 2.) _____
- 3.) _____
- 4.) _____
- 5.) _____
- 6.) _____

Goals For Upcoming Week:

- 1.) _____
- 2.) _____
- 3.) _____
- 4.) _____
- 5.) _____
- 6.) _____

Repairs Completed: Potholes: _____ Water: _____ Sewer: _____

Number Of Runs: (Fire Only) In Town 29 Mutual Aid 1

Number Of Runs: (EMS Only) 911 Calls 117 Mutual Aid 7
 Transfers-Out of Town 48 Transfers-In Town 12 Dialysis 49

Other Information:

Total of payments that have been received at the Fire Department for EMS is: \$49,002.03

EMS Payments received at Fire Department: Year to Date (fiscal): \$438,995.57

Year to Date (calendar): \$287,471.39

Attachment: Fire Dept Report (4790 : Department Reports)

GOLF COURSE MONTHLY REPORT

MAY PROJECTS

In May we did a few major projects. The biggest project we completed was the install of all new irrigation heads around all greens. This was a major undertaking as there was previously four separate types of heads with varying sizes. The piping in the ground is also old iron pipe that had to be retrofitted and there was not a single install that was the same as the other. This project was completed by Andrew Edgerley and Madison Carlton. Within the month we applied fertilizer on all fairways and tees as well as granular fertilizer on greens two times. We were hit with a major outbreak of mole crickets and we applied insecticide to all greens. We verticutted greens two times and aerified greens a single time. We also were active in repairing hog damage at the end of the month so that a grow in period of turf can begin.

JUNE TASKS & PROJECTS

Weekly Jobs

- Mow greens Tuesday through Sunday
- Mow tees Tuesday and Friday
- Mow Fairways Tuesday
- Mow Rough Monday through Friday with zero turns
- Water greens by hand Monday and Friday
- Change cups on Thursday or Friday

Scheduled Job and Projects - Week of June 1-6

- Change bedknives, reset height, backlap, and change bearings on Fairway unit
- Put 18-3-18 fertilizer on greens and water in afterwards
- Topdress thin areas with sand on edges of greens
- Continue to repair hog damage

Scheduled Job and Projects - Week of June 7-13

- Continue to level dirt around new irrigation heads
- Spray tees, fairways, and greens with Primo (growth regulator) and liquid fertilizer
- Backlap and reset tee mower
- replace deck on zero turn

Scheduled Job and Projects - Week of June 14-20

- Put out granular fungicide on greens
- Verticut greens at 1/8th of an inch
- Replace blades on rotary mowers

GOLF COURSE MONTHLY REPORT

Scheduled Job and Projects - Week of June 21-27

- Spray roundup around all trees, curbs, and impediments to improve cutting quality
- Continue with dirt work around heads

CURRENT PROBLEMS

Currently on the course we have a significant hog problem. These hogs have caused damage on holes 4, 6, 7, 8, and 9. We are currently deploying a trap with corn bait. We have also set up deer feeders to try to control where the hogs go and at what times they are evident so that they can be taken away. This feeder has a timer so that it throws corn two times a day. I feel that these actions will put pressure on the hogs and they will move on but if not our plan B is to call a professional trapper. We have been active in repairing hog damage throughout the course.

MARKETING ACTIVITIES

In March, staff launched a Facebook Page for the Liberty Municipal Golf Course. This page can be used to keep up with projects and activities at the golf course. You can find the Facebook Page here:

<https://www.facebook.com/Liberty-Municipal-Golf-Course-102643874731647/>

*Sincerely,
Andrew Edgerley
Golf Course Superintendent*

CITY OF LIBERTY INSPECTIONS & PERMITS MONTHLY REPORT

Apr-20 May-20

PLAN REVIEW

# of Plans Reviewed	N/A	7	
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BUILDING PERMITS

Commercial Building Permits - New	1	0	
Commercial Building Permits - Renovation/Remodel	1	1	
Commercial Building Permits - Addition/Expansion	0	0	
Residential Building Permits - New (Single Family)	3	5	
Residential Building Permits - New (Multi-Family)	0	0	
All Other Permits Issued	32	24	

CERTIFICATE OF OCCUPANCY

Commercial C of O's Issued	N/A	0	
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FEE REVENUE

Permit Fee Revenue	\$ 6,615.00	\$ 8,083.70	
Tap Fee Revenue		\$ 1,550.00	

May 2020 Commercial Permits

* Liberty High School-tennis court light poles replaced

Liberty Municipal Library Monthly Report December 2019 through May 2020

Circulation	December	January	February	March	April	May
Spanish Materials Circulation	59	80	97	49	1	8
Total Adult & YA Circulation All Formats	1,849	2,039	2,084	1,431	532	786
Total Juvenile Circulation All Formats	869	1,163	1,311	809	89	146
Total Circulation All Formats	2,718	3,202	3,395	2,240	621	932
Reference Services						
In-house Reference	244	417	400	169	0	38
Telephone Reference	168	175	178	247	117	207
Public Computer Assistance	185	178	142	101	0	0
Collection Statistics						
Total Volumes in Collection	52,075	52,412	52,678	52,738	52,170	52,187
Total Titles in Collection	62,049	62,452	62,724	63,083	63,528	63,652
Cataloging						
Books Cataloged	155	302	188	161	95	78
DVD/ Blu-Rays Cataloged	33	1	18	6	29	15
Audiobooks & Music CDs Cataloged	0	0	4	0	0	0
Periodical Cataloged	66	59	59	55	71	49
Building Use/ Programs/Public Relations						
Meeting Room/Pavilion Use	7	11	18	8	0	0
Story Time Attendance	68	122	100	71	2	0
Misc. Children's Programs/Tours Attendance	115	33	120	0	0	0
Adult Programs Attendance	24	42	67	31	0	0
Total Programs	7	9	17	7	2	0
Total Attendance All Programs	207	197	283	102	0	0
Patron Count/ Volunteers						
Total Active Accounts In-City Patrons	3,408	3,377	3,373	3,377	3,349	3,318
Total Active Accounts Out-of-City Patrons	5,209	5,189	5,141	5,144	5,099	5,067
Total Volunteers	6	1	7	2	0	0
Total Volunteer Hours	21.5	10	37	11	0	0
Patron Visits Count	2,074	2,653	2,636	1,306	0	0
Public Use Technology						
Wireless Users Estimate	17	20	26	10	17	8
Public Computers Users This Month	315	423	431	228	0	0
Hours of Patron Computer Use	241	341	311	168	0	0
Website Visits: Ploud, Online Catalog	2,246	1,740	1,492	1,453	1,419	1,397
Social Media: Facebook, Instagram	186	193	955	183	155	159

Attachment: Library Condensed Report (4790 : Department Reports)

Liberty Municipal Library May 2020 Report

Libraries across the world are being challenged by COVID-19, but as librarians usually do, we're making lemonade from the Corona virus lemons we've been given.

Our front door pickup service kicked off on Monday, May 4. We had several regulars who were eagerly awaiting that service and were here bright and early on Monday morning. Patrons called us with their book or movie orders, we located the materials and had them ready when patrons arrived. This has worked out well and our patrons are very appreciative. When materials were returned, we kept everything in quarantine for several days, and then disinfected each cover when the items were brought into the library. We will continue this procedure when we open to the public on June 1. During May we checked out 394 books and DVDs, and patrons downloaded 538 electronic materials for a total of 932 items. We are very pleased with those numbers.

On June 1 we will open to the public from 10 to 6 on Mondays and Tuesdays. The first hour will be reserved for people 60 and older, and those who are most vulnerable. The rest of the week we will provide front door checkout service. We have worked with Assistant City Manager Chris Jarmon to determine how to safely provide services to the public.

We had a very difficult time locating disinfecting supplies to purchase but finally found a supplier in Livingston. Our supplies were delivered by our salesman the same day we ordered. We now have four hand sanitizing stations located throughout the building, and Custodian/Maintenance man Mike Kaiser has a cache of various disinfecting supplies.

Trinity Glass was here on May 18 to take measurements for glass shields that will be installed on the circulation and information desks. These will provide some protection from COVID-19 to our front-line staff. The shields were to be installed after June 1.

After much deliberation we decided it is in the best interest of our patrons and staff to cancel our summer reading programs this year. This is the first time in over 40 years that the library has had to cancel. We're planning to offer something that will be much smaller, such as handing out grab bags that contain all the supplies for kids to make paper crafts at home. This is still in the earliest planning stages.

We've had weekly staff meetings to discuss how we will open and keep everyone—patrons and staff—safe and healthy. We've tried to imagine every scenario that could arise and how to deal with what the pandemic brings our way. We've depended on the CDC, the Texas State Library and the Institute of Museum and Library Services to provide us with factual information.

Children's Librarian Katie Edgell and Bilingual Library Technician Maggie Varela have continued producing their weekly virtual Story Time programs which are available on the library's Facebook page. Their programs are becoming more technologically sophisticated as they learn how to edit and add components, such as sound. Katie and Maggie are doing a great job and plan to continue this service. Katie directed, recorded and edited a virtual tour of the library that featured our employees explaining what they do at the library. This will be posted on Facebook.

Administrative Assistant Amber Ursprung has been the official COVID sign maker and has designed some professional looking signs that include social distancing markers on the floor at the circulation

desk and at Information Technician Kristin Gilley's desk. Many signs reminding people to social distance have been posted throughout the library. Maggie translated the signs for our Spanish speakers. (See photos below.)

Amber also repurposed two very old public computers to replace staff computers that had died. One computer is used to check in recently returned materials, and the other was supposed to be used to check out books at the circulation desk, but it will not print to its receipt printer because both are very old and drivers are no longer available. We squeeze every bit of life we can get out of our computers.

Katie put together several carts of electronic books that were purchased for the Piney Woods Digital Library Consortium to share among member libraries. Our patrons made good use of the digital library while we were closed to the public and we expect to see continued demand.

The library had several news stories with photos published in the local media in May. Amber Ursprung was shown with her large dragon friend, Ceelo Blue, in a color photo on the front page of the Liberty Gazette. The story also appeared in the Liberty Vindicator and Bluebonnet News. Amber made the dragon from large boxes covered with papier mache. Ceelo Blue now looks out of the east windows of the library.

Katie and Maggie were featured in a story about their virtual Story Time Programs. A photo of them hard at work recording a program was included. This story also appeared in the Gazette, Vindicator and Bluebonnet news.

Gail Williamson, Kristin Gilley and Peggy Carr have been busy answering the telephone, inventorying, shelf reading, updating patron accounts, weeding, repairing and processing new books, and generally making sure everything runs smoothly behind the scenes. It's a team effort and everyone has an important role to fill.

Library Director Dana Abshier was on KSHN.com on May 14. Dana stayed busy during May by writing publicity, leading staff meetings to discuss and plan opening the library, searching for information on COVID-19 that is important to libraries, choosing memorial books, and reading book reviews. She and Mike Kaiser met with or spoke to several HVAC vendors and requested quotes for HVAC maintenance, and Mike diligently worked with two companies to procure our disinfecting supplies.



Plenty of signs remind patrons to social distance and use hand sanitizer.

						Liberty Municipal Library Volunteer Report for the Month of May 2020																																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total								
Name of volunteer																																								
Arceneaux, Val																																0								
Cash, Terry																																0								
Davis, Beverly																																0								
Harbour, Cathy																																0								
Pickett, Sandy																																0								
Rogers, Ann																																0								
Sundgren, Gary																																0								
Sundgren, Josh																																0								
Sundgren, Stacy																																0								
																																0								
Total for month																																0								

Attachment: Library Volunteer Report (4790 : Department Reports)

MAY// 2020 //

PUBLIC WORKS MONTHLY REPORT

STREETS DEPARTMENT -THE ROAD TO SUCCESS IS ALWAYS UNDER CONSTRUCTION

This Month's Notes

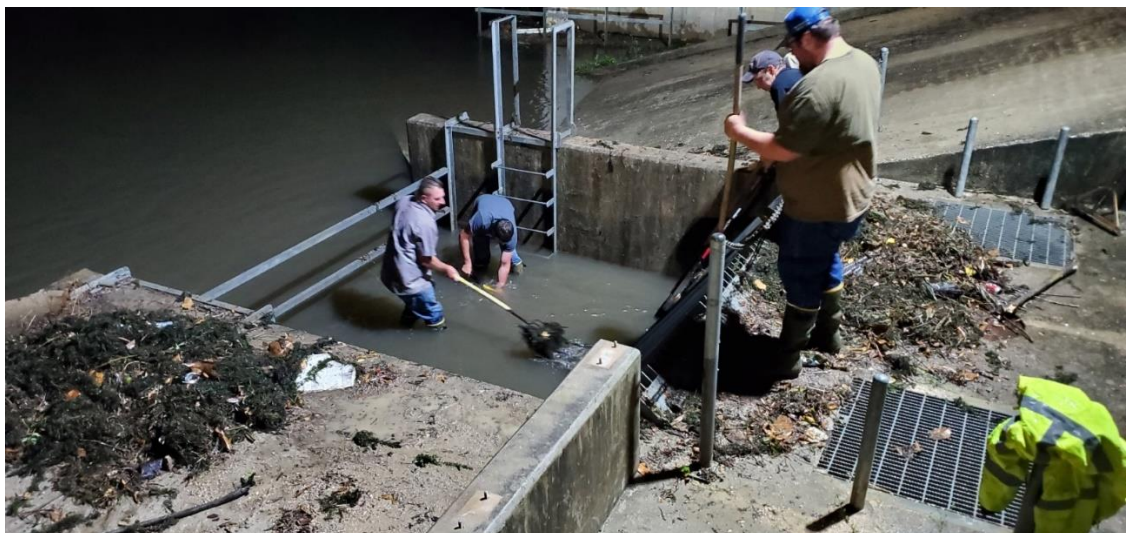
**JAMES
REDDING –
STREETS
DIRECTOR**

- Notes:
- Sprayed mosquitoes
- Swept streets
- Picked up trash at Main A
- Built drain box on Adams
- Bladed street in front of Liberty Forge
- Mowed on route
- Patched around town
- Replace a Yield and Curve sign
- Repaired drain box on Briar Grove
- Installed 20 ft. culvert on Lee Tim Rd.
- Repaired Man hole on Sand Dune Rd.
- Formed up and poured part of driveway on Edgewood
- Formed up and poured concrete on Adams (gutter and curb)
- Cleaned bar screens at Main A (several times this month)
- Replaced manhole ring on Lakeland
- Formed up and poured concrete on Lamar (gutter and curb)
- Built form for transformer pads behind FLNB Corner and Church of Christ
- Cleaned inlets
- Cleaned storm drains on Holly and Edgewood
- Repaired street cuts
- Poured transformer pads behind FLNB Corner and Church of Christ
- Dug out and formed up entrance to CAD building
- Repaired storm drain on Star Ridge
- Loaded blower for Water Dept.
- Removed fence from side of Main B
- Cleaned and trimmed around street signs

Attachment: Public Works Dept Report (4790 : Department Reports)



*STREETS REPAIRING CURB AND GUTTER AFTER REPAIRING A SINK HOLE –
PATRICK MITCHUM, JAMIE RODABAUGH*



*STREETS AND PARKS CLEANING PUMP STATION SCREENS AT MAIN A -JAMIE
RODABAUGH, ROBERT BIRD, PATRICK MITCHUM, JAMES REDDING*

FIXING THESE STREETS

Streets:						
	Graded:					Miles
	Swept:				36	Hours
	Street cut repairs:				6	Each
	Curb & Gutter Repair:				33	Feet
Drainage:						
	Ditch Cleaning:					Feet
	Culvert Installation:				20	Feet
	Catch Basin/inlets cleaned:				739	Each
	Levee Inspection:				Yes	
	Flap gate Debris Removal:					
Spraying:						
	Herbicide:					Gallons
	Mosquito:				608	Miles
Signs:						
	Installed					Each
	Repaired/ Replaced				2	Each

PARKS DEPARTMENT

THE QUICKER PICKER UPPERS!!!

Work completed

TOM TULLOCK – PARKS

Work Completed:

Fields:

Work Performed: Picked up trash and maintained as needed. Mowed five (5) times and weedeated twice.

Restrooms:

Work Performed: Washed all restrooms twice a week and cleaned and swept as needed. Replaced toilet paper and other things as needed also. Installed new paper towel holders and toilet paper holders in restrooms. Disinfected restrooms every other day due to Corona Virus.

Concession Stands:

Work Performed: Picked up trash and debris around concession stands as needed every day.

Splash Pad:

Work Performed: Mowed and weedeated as needed. Maintained chemicals every day. Splash pad is shut down.

Jogging Trail:

Work Performed: Picked up limbs and trash as needed also, weedeated around trees and rocks as needed. Mowed four (4) times.

Playground Equipment:

Work Performed: Checked and made sure all playground equipment was in good working order. Pressure washed the white fence around playground. Re-opened all playground equipment, benches, etc.

-

Pocket Parks:

Work Performed: Picked up trash and other debris every day. Changed trash barrels as needed in all pocket parks. Opened up all pocket parks.

Trees:

Work Performed: Cut down trees that had been twisted off or rotted throughout park.
Picked up limbs as needed, trimmed all trees along road way in park.

Flags:

Work Performed: Checked flags every day for damage.

Notes:

1. Filled holes throughout park.
2. Sprayed walking trail and all rocks throughout park.
3. Disinfected all playground equipment at the municipal park and all pocket parks.
4. Weedeated and sprayed generator room at city hall.
5. Disinfected all restrooms every other day
6. Robert Nathan and Tom helped street department clean outlets and clean bar screens at main A levy pump.
7. Sprayed weed killer around all fence lines and complexes throughout park.



PARKS CLEANING RESTROOMS - ROBERT BIRD & NATHAN DAVID

LIKE A GOOD NEIGHBOR, WATER DEPARTMENT IS THERE!!!!

**MARK REED – WATER / WASTE
WATER DIRECTOR**



EDGEWOOD ST. - WATER CREW HELPING STREETS CLEAR A STORM SEWER AHEAD OF A THUNDERSTORM – DAVID ALLISON, CHAD CALLAWAY, PATRICK MITCHUM AND RAYMOND KOCIAN

Attachment: Public Works Dept Report (4790 : Department Reports)

REPAIRS COMPLETED

15	WATER REPAIRS
16	SEWER REPAIRS

LINE MAINTENANCE (VACCON)

54 / 289	HOURS OF OPERATION / TOTAL
1000	FEET OF SEWER LINE CLEARED / CLEANED
2	MANHOLES CLEANED

WORK COMPLETED

1	MANHOLE REPAIRS
16	SEWER STOPAGES
9	METER REPAIRS
8	RADIO REPLACEMENTS
0	WATER TAPS
0	SEWER TAPS
11	CUSTOMER PROBLEMS
76	LOCATE LINES
76	TEXAS 811 LINE LOCATES
1	METER BOXES REPLACED
1	METER LIDS REPLACED
1	CLEANOUTS REPLACED / INSTALLED
0	PULLED METERS
6	CUSTOMER REQUESTED TURN ON
10	CUSTOMER REQUESTED TURN OFF
0	CUT OFF SERVICE
61	RECHECKS

MISC:

HARDIN & AMES READINGS CHECKED DAILY

CHANGED 4 REGISTERS

MONTHLY OPERATIONS

2 DAILY	FREQUENCY THAT WATER WELLS ARE CHECKED
40	DISINFECTANT WATER SAMPLES THAT ARE TAKEN
10	SAMPLES FOR MONTHLY MONITORING-CHLORINE REPORT
X2/WKLY	FREQUENCY THAT LIFT-STATIONS ARE CHECKED
MONTHLY	END LINE FLUSHING

ELECTRICAL DEPARTMENT

LIGHT IS ESSENTIAL

CHARLES YPMA – ELECTRICAL SUPERVISOR

The Electrical Department received 70 request this month and closed out 68 of them with 2 carrying overs to June 2020. The requests range from power restoration, blown fuses, sagging power lines, loose guy wires to security and street lights out. The Electrical department performed all these tasks with the aid of Texas Elite Electrical Services, LLC and Davey Tree.



**BEAUMONT ELECTRICAL
SUBSTATION**

COMPLETED WORK REQUESTS

MISC. MAINTENANCE	14
NO POWER	27
POWER LINE ISSUE	9
POLE ISSUE	9
SECURITY LIGHT	3
STREET LIGHT	5
TREES AND VINES	1
TOTAL INCIDENTS RESOLVED	68

Attachment: Public Works Dept Report (4790 : Department Reports)

MAY // 2020 //

MONTHLY REPORT

CITY OF LIBERTY CONSTRUCTION PROJECTS REPORT



TEXAS ST. PAVEMENT REPAIRS

US 90 Sanitary Sewer Improvements-Phase I is at 97% completion

ALLCO INC.

The City of Liberty, Texas Sanitary Sewer System Improvement, Phase I project involves improvements to the sanitary sewer trunk line along US 90 from Bowie to just east of FM 2684. This section included the install of the sanitary sewer trunk line by pipe bursting (18" pipe), micro-tunneling method (24" and 30" pipe) and abandoning existing sewer

lines along US 90. It also includes the replacement of sanitary sewer manholes. This part of the project is complete.



BYPASS LIFT STATION

The lift station at McGuire Street is about 99% complete. The Beaumont Street lift station is complete. The Lift stations at Johnson and Lakeland Streets are complete. There are only a few punchlist items remaining.

MAY // 2020 // ISSUE NUMBER

MONTHLY REPORT



MCQUIRE LIFT STATION

Attachment: Public Works Construction Report (4790 : Department Reports)

Texas Street Improvements

Improvements activities along Texas Street have just started to increase. The contractor is removing 6" and 8" sanitary sewer lines and replacing with a 15" sewer line. The storm sewer improvements include removing existing 15" and 24" pipe and replacing them with 18", 24" and 30" pipe from Beaumont Street to just north of Newman St. The contractor has installed all of the pavement and this phase of the project is complete. The contractor has replaced old 15" sanitary sewer pipe with new 15" sanitary sewer pipe by pipe bursting method. Manholes have been removed and replaced. The project is being performed by ALLCO, Inc. out of Beaumont, Texas. The projected completion date is June 2020. The substantial completion for this project was issued on April 27th, 2020, the contractor is working on punchlist items.

*IN THIS ISSUE***MAIN B LEVEE REPAIR PROJECT**

LEVEE SLOPE AND PIPE REPAIR
BOWIE STREET

CONSTRUCTION IS 98% COMPLETE

BY TLC & CONTRACTING

TCL Trucking and Contracting was awarded the contract and the start date was September 6th, 2019. The project is to perform repairs to the Main B levee which include earth levee repairs and culvert repairs. The project shall be substantially completed in 120 calendar days and all work shall be completed in 165 calendar days. The project is substantially complete as of February 18th, 2020. TLC Trucking and Contracting is out Houston, Texas. The contractor installed select fill, rockfill toe stabilization, removed the coffer dam and dewatering pumps, completed the riprap this month. The contractor is working on their punchlist.



MAIN B LEVEE REPAIR – VEGETATION ON SLOPE

MONTHLY REPORT

HOLLY STREET

WATER AND STORM DRAINAGE IMPROVEMENT PROJECT IS COMPLETE

WADECON, LLC

The Construction of the Holly Street involves upgrading the existing water line and storm drain from North Travis heading west to the end of the Holly Street right of way. The contractor installed the drainage culverts, inlets and waterline on the project. The contractor is currently working on the pavement restoration. The contractor started work on July 22nd, 2019. The work being performed by Wadecon, LLC out of Kingwood, Texas. The is substantially complete as of February 28th, 2020. The contractor is complete with their punchlist items and the City is in process of closing out the project.

MAY // 2020 // ISSUE NUMBER

MONTHLY REPORT



RIPRAP AT END OF HOLLY ST.

Attachment: Public Works Construction Report (4790 : Department Reports)



HOLLY STREET FINISHED ASPHALT OVERLAY

Attachment: Public Works Construction Report (4790 : Department Reports)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.D

Meeting: 06/09/20 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 4791)

DOC ID: 4791

Subject: SRMPA Report

Background: The Sam Rayburn Municipal Power Agency supplies the wholesale electrical energy needs of the member cities of Liberty, Jasper and Livingston. Mayor Pickett is the President of the Sam Rayburn Municipal Power Agency and desires to provide the Council and the public with updates on the Agency's projects and activities.

9:30 a.m.

Livingston, Texas

February 18, 2020

The regular meeting of the Board of Directors of the Sam Rayburn Municipal Power Agency was held on the above date at the City of Livingston Administration Building with the following members present:

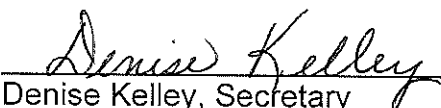
Carl Pickett	President
Clarke Evans	Vice President
Denise Kelley	Secretary
Judy Cochran	Director
Gary Gatlin	Director
Tom Warner	Director

Bill Wiggins of the City of Livingston, Jarod Taylor and Rick Nowlin, of Delta Consulting, Elvia Garza and Gary Ford of Axley & Rode, and Bruce Mintz, Executive Director, were also present.

1. Board President Carl Pickett presided over the meeting and called the meeting to order with a quorum present at 9:32 a.m.
2. Carl Pickett invited public comment and there was none.
3. The Board next went into executive session pursuant to Texas Government Code §551.071(1) and (2) at 9:33 a.m. Ken Wynne joined the meeting by telephone. The Board returned to open session at 10:13 a.m. No formal action was taken in the executive session.
4. A motion was made by Tom Warner, seconded by Gary Gatlin, to authorize the Executive Director to direct the Agency's attorney as proposed in executive session. The motion passed unanimously.
5. Gary Ford of Axley & Rode presented the Agency's FY2019 audit report. Following discussion, a motion was made by Clarke Evans, seconded by Judy Cochran, to adopt the audit report. The motion passed unanimously.
6. The Board considered the minutes of the regular meeting of December 17, 2019. A motion was made by Clarke Evans, seconded by Gary Gatlin, to approve the minutes as presented. The motion passed unanimously.
7. The Board next considered ratification of payment of the December 2019 payables. A motion was made by Denise Kelley, seconded by Tom Warner, to ratify the payment of the December 2019 payables. The motion passed unanimously.
8. The Board next considered the approval of the January 2020 payables. A motion was made by Gary Gatlin, seconded by Judy Cochran, to approve the January 2020 payables as presented. The motion passed unanimously.
9. Bruce Mintz presented the Resolution Concerning Refund Amount and Certifications to Trustee. Mintz stated that, upon approval of the resolution, refunds of excess FY2019 debt service coverage would be paid out to the cities as follows: Livingston - \$954,947.14, Jasper - \$1,109,307.59, and Liberty - \$1,098,869.28. Following discussion, a motion was made by Clarke Evans, seconded by Judy Cochran, to adopt the resolution. The motion passed unanimously.
10. Jarod Taylor of Delta Consulting presented the engineer's report.
11. Bruce Mintz presented the Executive Director's update.
12. There being no further business before the Board, the meeting was adjourned at 11:47 a.m.


Carl Pickett, President

ATTEST:


Denise Kelley, Secretary

9:30 a.m.

Livingston, Texas

April 21, 2020

The regular meeting of the Board of Directors of the Sam Rayburn Municipal Power Agency was held on the above date at the City of Livingston Administration Building with the following members present:

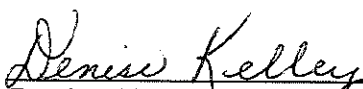
Carl Pickett	President
Clarke Evans	Vice President
Denise Kelley	Secretary
Judy Cochran	Director
Gary Gatlin	Director
Tom Warner	Director

Bruce Mintz, Executive Director, was also present.

1. Board President Carl Pickett presided over the meeting and called the meeting to order with a quorum present at 9:30 a.m.
2. Carl Pickett invited public comment and there was none.
3. The Board next went into executive session pursuant to Texas Government Code §551.071(1) and (2) at 9:32 a.m. Ken Wynne joined the meeting by telephone. No formal action was taken by the Board during this portion of the executive session.
4. At 10:18 a.m., the Board continued in executive session pursuant to Texas Government Code §551.086 to deliberate on the Power Sales Agreement with the City of Liberty for Boomerang load. No formal action was taken by the Board during this portion of the executive session. The Board returned into open session at 10:42 a.m.
5. A motion was made by Gary Gatlin, seconded by Clarke Evans, to reduce the 1 mil/MWh administrative adder charged to the City of Liberty for Boomerang load by 50% for a twelve-month period, conditioned upon Boomerang, prior to commencement to the reduction, either 1) paying its outstanding property tax liabilities in full or (2) entering into a payment agreement with the taxing authorities and honoring that agreement in a timely manner. Ms. Cochran, Ms. Kelley, Mr. Gatlin, and Mr. Evans voted "AYE" and Mr. Pickett and Mr. Warner abstained from voting. The motion passed 4-0-2.
6. There being no further business before the Board, the meeting was adjourned at 11:47 a.m.


 Carl Pickett, President

ATTEST:


 Denise Kelley, Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.E

Meeting: 06/09/20 06:00 PM

Department: Administration
Category: Comments

INFORMATION ITEM (ID # 4792)

DOC ID: 4792

Subject: Mayor, Council and Staff Comments

Background: This agenda item relates to expressions of thanks, congratulations or condolence; information regarding holiday schedules; honorary recognitions of City officials, employees or other citizens; reminders about upcoming events organized or sponsored by the City or other entity, that is scheduled to be attended by City officials or employees, inquiry of staff regarding specific factual information or existing policies.



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

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

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.

The meeting was called to order on May 12, 2020 at the City Hall - Liberty Center, 1829 Sam Houston Liberty, TX at 6:02 PM by Mayor Carl Pickett.

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

Minutes Acceptance: Minutes of May 12, 2020 6:00 PM (Minutes Approval)

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

Minutes Acceptance: Minutes of May 12, 2020 6:00 PM (Minutes Approval)

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

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 LCDC 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:

Minutes Acceptance: Minutes of May 12, 2020 6:00 PM (Minutes Approval)

Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of May 12, 2020 6:00 PM (Minutes Approval)



The City of Liberty City Council

Special Called Meeting

~ Minutes ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, May 26, 2020

6:00 PM

City Hall - Liberty Center

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

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 entrance into the meeting, due to COVID-19.

The meeting was called to order on May 26, 2020 at the City Hall - Liberty Center, 1829 Sam Houston Liberty, TX at 6:00 PM by Mayor Carl Pickett.

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. 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 those participating in the meeting through telephone or video conference, and introduced other Staff members present.

Minutes Acceptance: Minutes of May 26, 2020 6:00 PM (Minutes Approval)

III. REGULAR AGENDA

A. Executive Session

Tx. Gov. Code §551.072 - Deliberation Regarding Real Property.

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

At 6:04 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

B. Reconvene into Regular Session

At 6:35 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

C. Regular Session

1. Work Session (ID # 4787)

City Council will convene a Work Session for discussion of the Liberty Municipal Golf Course.

COMMENTS - Current Meeting:

A work session was held regarding the Municipal Golf Course, beginning with a PowerPoint presentation by City Manager Tom Warner. The discussion revolved around the future course of action for the course, being whether to honor the original commitment of retaining the course for five (5) years or to sell. The recently proposed Golf Course Master Plan calls for \$4.5 million in improvements, or variations thereof.

Council deemed that as a result of the state of the economy, due to the Coronavirus pandemic, it is not prudent at this time to consider an expenditure of that size.

Following lengthy dialogue, consensus of the Council was to honor the original commitment, complete additional clean-up of the course and facilities, with minimal expenditures.

ATTACHMENTS:

- PP-LIBERTY MUNICIPAL GOLF COURSE-May 2020 (PPTX)
- GC-Att #1-National Golf Foundation (PDF)
- GC-Att #2 - 9-Hole & Short Courses (PDF)
- GC-Att #3 - Golf Property Analysts (PDF)
- GC-Att #4 - Aren't Enough Golfers (PDF)
- GC-Att #5 - Memorial Park Golf Course Reopens (PDF)

2. Resolution 2020-15

Consider a Resolution authorizing the purchase of equipment for the Liberty Municipal Golf Course.

COMMENTS - Current Meeting:

City Manager Tom Warner explained that the Golf Course is in need of various equipment for maintenance of the course. This equipment, if approved, would be purchased through the Houston-Galveston Area Council Cooperative Purchasing Program (BuyBoard), except for the

greens aerator. Proposed purchases are for a greens aerator, top dresser, large utility vehicle, 175 gallon sprayer, and a finish mower.

After brief discussion, a motion was made to approve the purchase of the equipment from Cambridge Funds, for a total cost of \$121,608.89.

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

3. Resolution (ID # 4783)

First Reading of a Resolution ratifying a Liberty Community Development Corporation FY20 Budget Amendment for \$24,850.

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

RESULT:	NO ACTION TAKEN
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4. Resolution (ID # 4784)

Consider and take action of Second and Final Reading, of a Resolution ratifying a Liberty Community Development Corporation FY20 Budget Amendment for \$24,850.

COMMENTS - Current Meeting:

Discussion was held regarding the proposed LCDC FY20 Budget Amendment to increase the transfer to the Golf Course, in the amount of \$24,850. Following discussion, Council consensus was instead to pay for the transfer from the Cambridge Fund. This item will be brought before Council at the next meeting, with a new Resolution reflecting the correct fund from which to pay the transfer.

RESULT:	NO ACTION TAKEN
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5. Ordinance 2020-18

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 on the proposed budget amendment, due to the need to increase the number of full-time positions at the Golf Course from four (4) to five (5). The part-time Greens Keeper position will become a full-time position. This will provide the Golf Course with five (5) full-time employees and three (3) part-time employees, for a \$12,000 impact to the current budget. Following brief discussion, a motion was made to adopt the Ordinance approving the budget amendment for FY20.

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

6. Resolution (ID # 4781)

Consider a Resolution cancelling the City's Annual July 3rd Fireworks Display, due to COVID-19.

COMMENTS - Current Meeting:

A lengthy discussion was held regarding the City's annual fireworks display, additional activities normally held, and current COVID-19 restrictions. A motion was made, not to cancel the fireworks display, but to hold the display as planned, without the extra activities, following social distancing requirements, provided the Governor makes allowances for these type displays.

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

7. Resolution 2020-16

Consider a Resolution authorizing the City Manager to execute documents related to the Cares Act Coronavirus Relief Fund.

COMMENTS - Current Meeting:

City Manager Tom Warner reported on Coronavirus Relief Funds (CRF) distributed through the U.S. Health and Human Services Department (HHS) and Texas Department of Emergency Management (TDEM), as part of the CARES Act. Mr. Warner explained that local entities are to execute the grant and certify their eligibility in order to receive funds. The City has currently received \$25,000 from HHS and eligible to receive up to \$536,250 from TDEM.

A motion was made to authorize the city Manager to execute all CARES Act related documents.

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

IV. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:06 p.m.

.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of May 26, 2020 6:00 PM (Minutes Approval)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.1

Meeting: 06/09/20 06:00 PM

Department: Administration
Category: Golf Course

RESOLUTION (ID # 4793)

DOC ID: 4793 A

Department: Golf Course

Subject: Golf Course Pro Shop Renovations

Background: The May 26, 2020, City Council Meeting included an agenda item requesting City Council ratify an LCDC Fiscal Year 2019-2020 Budget Amendment for improvements to the Golf Course Pro Shop. During the meeting, City Council requested that the project be funded from Cambridge Funds instead of the LCDC Budget. The funding from this project will be used to renovate the interior and exterior of the Pro Shop. The renovations will consist of the following:

- Interior
 - Paint
 - Remove & Replace Flooring
 - Refurbish Counter & Replace Countertop
 - Install New Window A/C with Heath
 - Replace Lighting with LED Lights
- Exterior
 - Install New Glass Doors with Aluminum Frames
 - Wrap Metal Posts with Hardie Board
 - Install Gutters with Gutter Guards on Rear of Building
 - Paint
 - Install Sidewalk from Front Door to Parking Lot

Staff has solicited bids from local vendors to perform this work. The bids are listed below:

Myron McDowell Construction - \$24,850

Arnold Construction - \$24,864

Lopez Roofing & Construction - No Bid

Funding Source: Cambridge Funds

Staff Recommendation: Staff recommends approval of the resolution awarding the bid to Myron McDowell Construction, in the amount of \$24,850.

**A RESOLUTION BY THE CITY COUNCIL OF LIBERTY, TEXAS; SAID
RESOLUTION AUTHORIZING THE USE OF CAMBRIDGE FUNDS IN THE
AMOUNT OF \$24,850.00 TO BE USED ON REPAIRS TO THE PRO SHOP AT THE
LIBERTY MUNICIPAL GOLF COURSE**

WHEREAS, the Liberty City Council believes it to be in the city's best interest if \$24,850.00 in Cambridge funds is used to make necessary repairs to the interior and exterior of the Pro Shop at the Liberty Municipal Golf Course; and

WHEREAS, the Liberty Municipal Golf Course is a facility that can help bring in future businesses and people to the City of Liberty provided that said course is adequately maintained.

NOW, THEREFORE, Be It Resolved by the City Council of Liberty, Texas that:

- (1) The Liberty City Council hereby authorizes the use of Cambridge Funds in the amount of \$24,850.00 to be spent on upgrades and repairs to the Pro Shop at the Liberty Municipal Golf Course.

PASSED AND APPROVED, this the 9th day of June, 2020.

CITY OF LIBERTY, TEXAS

Carl Pickett, Mayor

ATTEST:

City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.2

Meeting: 06/09/20 06:00 PM

Department: Administration
Category: Miscellaneous Issues

RESOLUTION (ID # 4795)

DOC ID: 4795

Department: Community Development

Subject: Chapter 380 Economic Agreement with NSC

Background: NSC currently operates a nutritional supplement manufacturing business within the city. The City was recently notified by NSC of plans to increase their manufacturing capabilities. This increase has resulted in the addition of one employee and will also include the installation of new chiller equipment costing \$102,000. Additionally, the operation of the proposed improvements will increase the company water and electrical demand. Currently, the electrical infrastructure is not in place to handle the additional electric requirements of the new equipment. NSC has requested the City's participation in the upgrade to the electrical service to their business. The estimated cost to improve the electrical service is \$32,000. NSC and the City have agreed to fund \$12,500 and \$19,500, respectively, of the proposed electrical improvements. The City will benefit from the expansion of NSC's manufacturing capabilities in the form of increased utility fees and taxes.

Funding Source: Electrical Fund

Staff Recommendation: Staff recommends City council approve the resolution authorizing the Chapter 380 Economic Development Agreement with Nutrition Supply Corporation.

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH NUTRITION SUPPLY CORPORATION

WHEREAS, the Nutrition Supply Corporation (NSC) currently operates a successful business in the City of Liberty; and

WHEREAS, NSC is planning to expand and enlarge its business in Liberty; and

WHEREAS, NSC is going to install one (1) new chiller in its existing building at a cost of ONE HUNDRED TWO THOUSAND DOLLARS (\$102,000); and

WHEREAS, the electrical service must be upgraded in order to install the new chiller; and

WHEREAS, the estimated cost of the electrical upgrades is THIRTY-TWO THOUSAND DOLLARS (\$32,000); and

WHEREAS, NSC is willing to pay for the installation of underground electrical service; and

WHEREAS, under this agreement the City will pay for the installation of the pad-mounted transformer and the over-head electrical service at a price not to exceed NINETEEN THOUSAND FIVE HUNDRED DOLLARS (\$19,500); and

WHEREAS, the City Council of the City of Liberty recognizes the benefits it will receive in the form of increased utility fees and taxes as a result of NSC's expansion; and

WHEREAS, Chapter 380 of the Texas Local Government Code authorizes municipalities to make grants, loans, or other arrangements in order to aid in economic development within the City; and

WHEREAS, the City and NSC wish to set out the terms and conditions of the program under which NSC will receive assistance under this Agreement, as more fully set out herein; now, therefore,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Liberty, Texas hereby authorizes the Mayor to execute the Chapter 380 Economic Development Agreement with Nutrition Supply Corporation attached hereto as Exhibit 1.

PASSED AND APPROVED this 9th day of June, 2020.

CITY OF LIBERTY, TEXAS

Carl Pickett, Mayor

ATTEST:

City Secretary

CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT

This Chapter 380 Economic Development Agreement is made by and between the City of Liberty, Texas (sometimes hereinafter referred to as “City”), acting by and through its duly constituted City Council, and Nutrition Supply Corporation (sometimes hereinafter referred to as “NSC”).

RECITALS

WHEREAS, NSC currently operates a successful business in the City of Liberty; and

WHEREAS, NSC is planning to expand and enlarge its business in Liberty; and

WHEREAS, NSC is going to install one (1) new chiller in its existing building at a cost of ONE HUNDRED TWO THOUSAND DOLLARS (\$102,000); and

WHEREAS, the electrical service must be upgraded in order to install the new chiller; and

WHEREAS, the estimated cost of the electrical upgrades is THIRTY-TWO THOUSAND DOLLARS (\$32,000); and

WHEREAS, NSC is willing to pay for the installation of underground electrical service; and

WHEREAS, under this agreement the City will pay for the installation of the pad-mounted transformer and the over-head electrical service at a price not to exceed NINETEEN THOUSAND FIVE HUNDRED DOLLARS (\$19,500); and

WHEREAS, the City Council of the City of Liberty recognizes the benefits it will receive in the form of increased utility fees and taxes as a result of NSC’s expansion; and

WHEREAS, Chapter 380 of the Texas Local Government Code authorizes municipalities to make grants, loans, or other arrangements in order to aid in economic development within the City; and

WHEREAS, the City and NSC wish to set out the terms and conditions of the program under which NSC will receive assistance under this Agreement, as more fully set out herein; now, therefore,

For and in consideration of the mutual covenants set forth herein, the City and NSC agree as follows:

ARTICLE I

GENERAL TERMS

- 1.1 Definitions. The terms defined in the preamble hereto shall have the meaning provided for them herein. The following capitalized terms shall have the meanings provided below, unless otherwise defined or the context clearly requires otherwise. For purposes of this Agreement the words "shall" and "will" are mandatory, and the word "may" is permissive.

"Base Value" means the value of the Tract as it currently sits.

"City Grant Payments" means the payments described in Article 4 from the City in consideration of the Project.

"NSC" means Nutrition Supply Corporation, its successors and assigns.

"Project" means the installation of a new chiller valued at approximately \$102,000 at NSC's current facility located at 317 Industrial Circle in Liberty, Texas.

"Tract" means the property in the City of Liberty where the Project will be developed and built, with said property being more particularly described in Exhibit "A".

- 1.2 Singular and plural; gender. Words used herein in the singular, where the context so permits, also include the plural and vice versa. The definitions of words in the singular herein also apply to such words when used in the plural where the context so permits and vice versa. Likewise, any masculine references shall include the feminine, and vice versa.

ARTICLE 2

REPRESENTATIONS

- 2.1 Representations of NSC. NSC hereby represents that:

- (A) It is duly authorized, created and existing in good standing under the laws of the State of Texas and is duly qualified and authorized to carry out its obligations described in this Agreement.
- (B) It has the power, authority and legal right to enter into and perform this Agreement and the execution, delivery and performance hereof (i) have been duly authorized, (ii) will not, to the best of its knowledge, violate any applicable judgment, order, law or regulation, and (iii) does not constitute a default under, or result in the creation of, any lien,

charge, encumbrance or security interest upon any assets of NSC under any agreement or instrument to which NSC is a party or by which NSC or its assets may be bound or affected.

- (C) This Agreement has been duly authorized, executed and delivered by NSC and, constitutes a legal, valid, and binding obligation of NSC, enforceable in accordance with its terms.
- (D) The execution, delivery, and performance of this Agreement by NSC does not require the consent or approval of any person which has not been obtained.

2.2 Representation of the City. The City hereby represents that:

- (A) The City is duly authorized, created and existing under the laws of the State of Texas and is duly qualified and authorized to carry on the governmental functions and operations as contemplated by this Agreement.
- (B) The City has the power, authority and legal right to enter into and perform this Agreement and the execution, delivery and performance hereof (i) have been duly authorized, (ii) will not, to the best of its knowledge, violate any applicable judgment, order, law or regulation, and (iii) does not constitute a default under, or result in the creation of, any lien, charge, encumbrance or security interest upon any assets of the City under any agreement or instrument to which the City is a part or by which the City or its assets may be bound or affected.
- (C) This Agreement has been duly authorized, executed and delivered by the City and, constitutes a legal, valid, and binding obligation of the City, enforceable in accordance with its terms.
- (D) The execution, delivery, and performance of this Agreement by the City does not require the consent or approval of any person which has not been obtained.

2.3 No partnership or agency created. Each party agrees and represents that the City and NSC are not agents, partners, or ventures of the other with respect to the Project, and that nothing in this Agreement shall be construed to create any such relationship.

ARTICLE 3

THE PROJECT

3.1 Description of Project. The Project includes the installation of a new chiller, valued at approximately \$102,000, and related electrical upgrades at NSC's facilities located at 317 Industrial Circle in Liberty, Texas. The Project will allow NSC to grow and expand its

business and services.

3.2 Completion and Construction of the Project. In consideration of the benefits of this Agreement, NSC agrees to develop the Project by installing the new chiller on NSC's property located on the Tract and by employing one (1) new employee. If NSC does not satisfy the City's standards for construction, the City may terminate this Agreement in accordance with Section 5.1 (a)(ii) of Article 5 of this Agreement.

3.3 Monitoring Progress. The City may, but is not required to, monitor the progress of the Project to determine NSC's compliance with this Agreement. City personnel shall have reasonable access to the Project, and such other information as they may reasonably determine is relevant to the Project and NSC's compliance with this Agreement.

ARTICLE 4

CITY'S ECONOMIC DEVELOPMENT GRANT

4.1 Grant Payment. In consideration of the construction of the Project, the City agrees to pay for the labor and materials needed to install the new overhead electrical service and the pad-mounted transformer at a cost not to exceed NINETEEN THOUSAND FIVE HUNDRED DOLLARS \$19,500. NSC shall complete construction of the Project within twelve (12) months of the execution of this Agreement, or this Agreement shall terminate by its terms. NSC shall be responsible for purchasing and installing the new chiller and for the labor and materials needed to install the underground electrical service.

ARTICLE 5

DEFAULT

5.1 Default.

(A) Any of the following shall constitute an event of default by NSC

- (1) if NSC fails to commence construction of the Project within eight (8) months of the Effective Date of this Agreement.
- (2) if NSC does not complete the construction of the Improvements in accordance with the City's standards for construction.
- (3) if NSC fails to install a chiller that is comparable in value and price to the chiller outlined in this agreement.
- (4) if NSC does not employ the minimum number of employees agreed to in this Agreement.
- (5) If NSC does not stay open for at least five (5) years.

- (6) If NSC breaches this Agreement or fails to perform any other of its obligations hereunder in substantial compliance with this Agreement.
- (B) In the event of default by NSC:
- (1) NSC shall be obligated to immediately repay all funds previously paid by the City of Liberty, Texas, together with interest at the rate of ten percent (10%) per annum from the date of receipt, along with any other costs for collection, and
 - (2) The City may cease payments hereunder and seek actual damages incurred by the City for any such default,
 - (3) The City shall have the right to terminate this agreement.
- (C) If the City fails to timely make payments in accordance with this Agreement, NSC may seek damages for such failure to pay equal to the amount unpaid, plus accrued interest. NSC shall have no recourse against the ad valorem tax base of the City or any other funds of the parties other than as specified herein or damages relating to nonpayment thereof. NSC shall be further entitled to a writ of mandamus to compel compliance of officials relating to this Agreement, except that NSC may not compel the City to issue bonds or other ad valorem tax supported debt in order to make the payments required under this Agreement.
- (D) The party alleging default shall provide written notice to the other party of such default, and the defaulting party shall have thirty (30) days to remedy the default prior to the declaration of any default hereunder. In the event of a material default hereunder, the non-defaulting party may terminate this Agreement by providing written notice thereof to the other parties.
- (E) It shall not be considered an event of default if either party fails to perform their duties under this agreement if such failure is caused by a catastrophe, pandemic, riot, war, fire, flood, landslide, hurricane, lightning, act of God, or similar contingency beyond the reasonable control of the parties to this Agreement.

ARTICLE 6

GENERAL

6.1 Inspections, Audits. The parties agree to keep such records with respect to the activities contemplated by this Agreement as may be reasonably required.

6.2 NSC Operations and Employees. All personnel supplied or used by NSC in the performance of this Agreement or with respect to the Project shall be deemed contractors or subcontractors of NSC and will not be considered employees, agents, contractors or subcontractors of the City for any purpose whatsoever. NSC shall be solely responsible for the compensation of all such contractors and subcontractors.

6.3 Personal Liability of Public Officials, Legal Relations. To the extent permitted by State law, no officer, employee or agent of the City shall be personally responsible for any liability arising under or growing out of the Agreement.

6.4 Indemnity. NSC SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS THE CITY, ITS AGENTS, OFFICERS, AND EMPLOYEES FROM ALL SUITS, ACTIONS, OR CLAIMS OF ANY CHARACTER, TYPE, OR DESCRIPTION BROUGHT OR MADE FOR OR ON ACCOUNT OF ANY VIOLATIONS OF LAWS, INJURIES OR DAMAGES RECEIVED OR SUSTAINED BY ANY PERSON OR PERSONS OR PROPERTY, ARISING OUT OF, OR OCCASIONED BY, THE ACTS OF NSC OR ITS AGENTS OR EMPLOYEES. NSC SHALL PROVIDE A DEFENSE OF SUCH CLAIMS AT ITS OWN EXPENSE WITH LEGAL COUNSEL APPROVED BY THE CITY.

6.5 Notices. Any notice sent under this Agreement (except as otherwise expressly required) shall be written and mailed, or sent by electronic or facsimile transmission confirmed by mailing written confirmation at substantially the same time as such electronic or facsimile transmission, or personally delivered to an officer of the receiving party at the following addresses:

NSC

Nutrition Supply Corporation
Attention: Frank Jordan
317 Industrial Circle
Liberty, Texas 77575

The City

City of Liberty
Attention: City Manager
1829 Sam Houston St.
Liberty, Texas 77575

Each party may change its address by written notice in accordance with this section. Any communication addressed and mailed in accordance with this section shall be deemed to be given when so mailed, any notice so sent by electronic or facsimile transmission shall be deemed to be given when receipt of such transmission is acknowledged, and any communication so delivered in person shall be deemed to be given when receipt for by, or actually received by the other party.

6.6 Amendments and Waivers. No provision of this Agreement may be amended or waived unless such amendment or waiver is in writing and is signed by all the parties. No course of dealing on the part of the Parties, nor any failure or delay by one or more of the Parties, with respect to exercising any right, power or privilege under this Agreement shall operate as a waiver thereof, except as otherwise provided in this section.

6.7 Invalidity. If any of the provisions contained in this Agreement shall be held unenforceable in any respect, such unenforceability shall not affect any other provision of this Agreement, except to the extent of a complete failure consideration.

6.8 Exhibits; Titles of Articles, Sections and Subsections. The exhibits attached to this Agreement are incorporated herein and shall be considered a part of this Agreement for the purposes stated herein, except that in the event of any conflict between any of the provisions of such exhibits and the provisions of this Agreement, the provisions of this Agreement shall prevail. All titles or headings are only for the convenience of the parties and shall not be construed to have any effect or meaning as to the agreement between the parties hereto. Any reference herein to a Section or subsection shall be considered a reference to such section or subsection of this Agreement unless otherwise stated. Any reference herein to an exhibit shall be considered a reference to the applicable exhibit attached hereto unless otherwise stated.

6.9 Construction. This Agreement is a contract made under and shall be construed in accordance with and governed by the laws of the United States of America and the State of Texas, as such laws are now in effect. Venue for and all suits and causes of action shall be exclusively in Liberty County, Texas.

6.10 Entire Agreement. THIS WRITTEN AGREEMENT AND THE ATTACHED EXHIBITS REPRESENT THE FINAL AGREEMENT BETWEEN THE PARTIES AND MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS, OR SUBSEQUENT ORAL AGREEMENTS OF THE PARTIES. THERE ARE NO UNWRITTEN ORAL AGREEMENTS BETWEEN THE PARTIES.

6.11 Effective Date and Term. This Agreement shall be in force and effect from the date of execution hereof for a term expiring after the expiration of five (5) years.

6.12 Time of the Essence. Time is of the essence with respect to the obligations of the Parties to this Agreement.

6.13 Further Assurances. Each Party hereby agrees that it will take all actions and execute all documents necessary to fully carry out the purposes and intent of this Agreement.

6.14 Assignability. NSC does not have the right to assign this Agreement to any other party without the express prior written consent of the City of Liberty's City Council.

IN WITNESS WHEREOF, the Parties hereto have caused this instrument to be duly executed as of the date first written above.

Nutrition Supply Corporation

Frank Jordan

CITY OF LIBERTY, TEXAS

Mayor, Carl Pickett

ATTEST:

City Secretary, Dianne Tidwell

Attachment: NSC -380 agreement (4795 : Chapter 380 Agreement-NSC)

EXHIBIT

A

LEGAL DESCRIPTION

Two Tracts of land out of Tract 4 of the North Liberty Industrial Park Subdivision, an addition in the George Orr League, A-91, Liberty County, Texas; with said lands being further described in the Liberty County Real Property Records Instrument Number 2005007391.

Attachment: NSC -380 agreement (4795 : Chapter 380 Agreement-NSC)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.3

Meeting: 06/09/20 06:00 PM

Department: Administration
Category: Airport

RESOLUTION (ID # 4796)

DOC ID: 4796

Department: Airport

Subject: AWOS Bid Award

Background: On March 10, 2020, City Council authorized the City Manager to apply for a grant from the Texas Department of Transportation (TxDOT) Aviation Division to install an Automated Weather Observing System at Liberty Municipal Airport. The City received notification from TxDOT that the City's application had been approved and the City could begin the bid process. On June 4, 2020, one bid was received from, DBT Transportation Services in the amount of \$179,820. TxDOT has previously indicated, based on previous AWOS bids, only one to two companies would submit a bid. The cost share for this grant is 75% TxDOT and 25% City.

Funding Source: Cambridge Fund will fund the project with reimbursement to follow at the end of the project from TxDOT. A private sector partner has agreed to fund the City's share of the project.

Staff Recommendation: Staff recommends City Council award the bid to DBT Transportation Services in the amount of \$179,820 for installation of the AWOS.

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, AWARDED THE BID TO DBT TRANSPORTATION SERVICES IN THE AMOUNT OF \$179,820 FOR INSTALLATION OF THE AUTOMATED WEATHER OBSERVING SYSTEM (AWOS) AT THE LIBERTY MUNICIPAL AIRPORT

WHEREAS, on March 10, 2020 the city council authorized the City Manager to apply for a grant from the Texas Department of Transportation (TxDOT) Aviation division to install an Automated Weather Observing System (AWOS) at the Liberty Municipal Airport; and

WHEREAS, the City received notification from TxDOT that the City's application had been approved and the City could begin the bid process; and

WHEREAS, on June 4, 2020, one bid was received from DBT Transportation Services in the amount of \$179,820.00; and

WHEREAS, the cost share for this grant is 75% TxDOT and 25% City; and

WHEREAS, Cambridge Funds shall be used to fund the AWOS project with reimbursement from TxDOT to follow at the end of the project; and

WHEREAS, a private sector partner has agreed to fund the City's share of the project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Liberty, Texas hereby awards the bid to DBT Transportation Services for the installation of an Automated Weather Observing System (AWOS) at the Liberty Municipal Airport. Furthermore, Cambridge funds shall be used to fund the project with reimbursement to follow at the end of the project from TxDOT and the private sector partner.

PASSED AND APPROVED this 9th day of June, 2020.

CITY OF LIBERTY, TEXAS

Carl Pickett, Mayor

ATTEST:

City Secretary

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 06/09/20 06:00 PM

Department: Administration
Category: Community Development Block Grant Programs

RESOLUTION (ID # 4797)

DOC ID: 4797

Department: Administration

Subject: Texas GLO CDBG-MIT Applications

Background: The United States Department of Housing and Urban Development (HUD) allocated approximately \$4.3 billion in CDBG-MIT fund to the State of Texas. The GLO has been designated by the Governor to administer these funds on behalf of the State. The CDBG-MIT funds may be used for activities that include, but are not limited to, natural and green infrastructure, public facilities, housing buyouts or acquisitions, activities designed to relocate families outside of floodplains, infrastructure projects and public service activities. The projects must range from \$3 million to \$100 million in total cost. The funding is in the form of a grant and requires no local match. However, since these are competitive grants, a 1% local match will provide additional points to the application. Grant applications for the following projects are proposed to be submitted to the GLO:

Main A & Main B Channel and Pump Station Improvements	\$30 Million
Sanitary Sewer System Improvements	\$15 Million
Water System Improvements	\$19 Million
<u>Electric System Improvements</u>	<u>\$10 Million</u>
Total	\$74 Million

If all the applications are approved and the City proceeds with each project, the 1% match will total \$740,000.

Funding Source: Cambridge

Staff Recommendation: Staff recommends City Council authorize the City Manager to submit grant applications for CDBG-MIT funds.

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR CDBG-MIT FUNDS TO BE USED FOR DRAINAGE PROJECTS, SANITARY SEWER PROJECTS, WATER PROJECTS, AND ELECTRIC PROJECTS

WHEREAS, the United States Department of Housing and Urban Development (HUD) allocated \$4,297,189,000 in Community Development Block Grant (CDBG) - Mitigation (MIT) funds to the state of Texas; and

WHEREAS, Governor, Greg Abbott, designated the Texas General Land Office as being responsible for the administering said CDBG-MIT funds on behalf of the State of Texas; and

WHEREAS, said CDBG-MIT programs represents an opportunity to fund strategic and high-impact activities to mitigate disaster risks identified by a community and reduce future losses in those areas; and

WHEREAS, the City of Liberty has experienced severe damages as a result of various flood and storm events in recent years; and

WHEREAS, the use of CDBG-MIT funds could greatly benefit the citizens of Liberty by helping protect life and property of our citizens.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Liberty, Texas authorizes the City Manager to execute any documents necessary to move forward with the application process for CDBG-MIT grant funds to possibly be used for drainage projects, sanitary sewer projects, water projects, and electric projects.

PASSED AND APPROVED this 9th day of June, 2020.

CITY OF LIBERTY, TEXAS

Carl Pickett, Mayor

ATTEST:

City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.5

Meeting: 06/09/20 06:00 PM

Department: Administration
Category: Miscellaneous Issues

WORK SESSION (ID # 4798)

DOC ID: 4798

Department: Inspections

Subject: Certificates of Occupancy

Background: A Certificate of Occupancy is a document given by a local government entity that certifies that a commercial building complies with submitted plans that are approved by the City, according to applicable building codes and laws.

This work session will allow the Council the opportunity to discuss all issues related to these Certificates and required compliance.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.6

Meeting: 06/09/20 06:00 PM

Department: Administration
Category: Utilities

WORK SESSION (ID # 4799)

DOC ID: 4799

Department: Utilities

Subject: Reinstatement of Late Fees and Payment Plans

Background: At the Council Meeting of March 23, 2020, Council approved a Resolution waiving late fees and disconnection of City utility services for the duration of the local State of Disaster, due to COVID-19.

This work session allows the Council an opportunity to discuss reinstatement of the fees and possible payment plans.

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 06/09/20 06:00 PM

Department: Administration
Category: Miscellaneous Issues

ORDINANCE (ID # 4800)

DOC ID: 4800

Department: Inspections

Subject: Certificates of Occupancy or Certificates of Compliance

Background: Currently, when there is a change in ownership or occupancy of a residential or commercial structure, there are no inspections of the structure prior to the connection of utilities. This has resulted, in some cases, of utilities being connected to a structure that may be unsafe and/or a substandard structure. The inspections will include Life, Health and Safety Inspections and Fire Safety Inspections. The issuance of Certificates of Occupancy for new structures or Certificates of Compliance for existing structures will help ensure the structure is safe for occupancy prior to the connection of utilities.

Funding Source: NA

Staff Recommendation: Staff recommends City Council approving the ordinance amending Chapter 3, Building Regulations, of the Code of Ordinances.

AN ORDINANCE AMENDING CHAPTER 3, BUILDING REGULATIONS, OF THE CITY OF LIBERTY CODE OF ORDINANCES, BY CREATING ARTICLE 3.13 REQUIRING CERTIFICATES OF OCCUPANCY OR CERTIFICATES OF COMPLIANCE FOR CERTAIN RESIDENTIAL AND COMMERCIAL STRUCTURES IN THE CITY; REQUIRING LIFE, HEALTH AND SAFETY INSPECTIONS AND FIRE SAFETY INSPECTIONS FOR CERTAIN RESIDENTIAL AND COMMERCIAL STRUCTURES IN THE CITY; ESTABLISHING AN EFFECTIVE DATE; AND DISPENSING WITH SECTION 3.10 OF THE HOME RULE CHARTER THAT ORDINANCES BE READ ON TWO SEPARATE OCCASSIONS

WHEREAS, the City of Liberty is a Texas municipal corporation existing under the laws of the State of Texas; and

WHEREAS, the City of Liberty recognizes the need for implementation of a policy that requires the issuance of a Certificate of Occupancy or Certificate of Compliance and performance of a Life, Health and Safety Inspection and Fire Safety Inspection before utility services can be connected or reconnected to certain residential and commercial structures in the city in an effort to monitor ownership, occupancy and standards of these structures, thereby reducing the number of substandard structures within the city and reducing the number of demolitions of dilapidated and/or abandoned structures within the city; and

WHEREAS, the City of Liberty further recognizes that implementation of the Certificate of Occupancy, Certificate of Compliance and Life, Health and Safety Inspection and Fire Safety

Inspection policy is the most efficient system to monitor ownership, occupancy and standards of certain residential and commercial structures in the city and thereby ensure that orderly inspection schedules can be maintained by city officials; and

WHEREAS, the City of Liberty finds it necessary and desirable to amend its Code of Ordinances to require Certificates of Occupancy, Certificates of Compliance and Life, Health and Safety Inspections and Fire Safety Inspections for certain residential and commercial structures within the city.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Liberty, Liberty County, Texas:

SECTION 1. That Chapter 3 of the Code of Ordinances of the City of Liberty, Texas shall be amended by adding Article 3.13 to read as follows:

CHAPTER 3

BUILDING REGULATIONS

ARTICLE 3.13 CERTIFICATES OF OCCUPANCY AND COMPLIANCE

DIVISION I. RESIDENTIAL OCCUPANCY REQUIREMENTS

Sec. 3.13.001 Definitions.

As used in this division, the following terms shall have the respective meanings ascribed to them:

Apartment Complex. A building or buildings comprised of three or more consecutive rental units each.

Bedroom. A room used or intended to be used for sleeping purposes and not as a kitchen, bathroom, living room, closet, hallway, utility space, entryway, garage, patio, or breezeway.

Building Official. A properly identified building official for the City of Liberty, Texas, or his/her designee.

Certificate of Compliance. A certificate, other than an initial Certificate of Occupancy, issued by the city upon submission, review and approval of an executed Residential Occupancy Application, which lists any and all occupants of the property, as well as the owner(s) of the property.

Certificate of Occupancy. An initial certificate issued by the city upon submission, review and approval of an executed Residential Occupancy Application, which lists any and all occupants of the property, as well as the owner(s) of the property.

City. The City of Liberty, Texas.

Life, Health and Safety Inspection. An inspection completed by the building Official on all

residential structures and residential rental units which must be completed and submitted to the city prior to connection of utility services to each respective residential structure and must be completed at change of occupancy or at change of ownership on all residential rental units.

Owner. The person claiming, or in whom is invested, the ownership, dominion, or title of real property, including but not limited to: holder of fee-simple title; holder of life-estate; holder of leasehold estate for an interim term of five (5) years or more; a buyer under contract for deed; a mortgagee, receiver, executor or trustee in control of real property; but not including the holder of a leasehold estate or a tenancy for initial term of less than five (5) years.

Person. An individual, corporation, business trust, estate, trust, partnership or association, two or more persons having a joint interest, or any other legal or community entity.

Premises. A lot, plot or parcel of land, including any structure thereon, and furthermore, including a dwelling unit, appurtenances thereto, grounds and facilities held out for the use of tenants generally and any other area or facility of which use is promised to the tenant.

Property Manager. A person whom, for compensation, has control of the day-to-day operations of the residential rental unit or units or the person in a partnership or corporation, or any other legal entity, who has managing control of the residential rental unit(s).

Residential Occupancy Application. An application to be completed by an owner of a residential structure that lists all occupants and owners for each residential rental unit or residential structure, with said application to be submitted to the city prior to utility services being connected by the city.

Residential Rental Unit. Any building, manufactured home, mobile home, industrial home or portion thereof which is rented, leased or let to be occupied for compensation as a residence, excluding apartments.

Residential Structure. A structure, including but not limited to site built homes, manufactured homes, mobile homes and industrial homes, in which a person or persons live; a residence; abode; habitation.

Resident Manager. A property manager or agent of a property manager who resides in the residential rental unit.

Tenant. Any person who rents, leases, or occupies a residential rental unit for living or dwelling purposes with the consent of the owner, landlord, or property manager.

Sec. 3.13.002 Application and Issuance of Certificates of Occupancy and Compliance.

- (a) Each owner of a residential structure, other than an apartment complex, within the city shall make application for occupancy for said residential structure and each residential rental unit therein, if applicable, with the Building Official by submitting to the City a Residential Occupancy Application prior to receiving utility services from the City of Liberty at such time that there is a change in occupancy of said structure or any respective unit.

- (b) Each new owner of a residential structure, excluding apartment complexes, shall make application for occupancy with the Building Official by submitting to the City a Residential Occupancy Application, within ten (10) business days after the date of acquiring ownership. A new person may not occupy the residential structure prior to receiving a Certificate of Occupancy or Certificate of Compliance from the City.
- (c) Application for occupancy shall be made upon a form provided by the City for such purpose, and shall include at least the following information:
- 1) Property owner's name, address, work and home telephone numbers;
 - 2) If the owner does not live within fifty (50) miles of the City of Liberty, then in addition to the information required by (1) above, the same information shall be provided for a local contact that has the authority to represent the owner in all matters relating to the maintenance of the residential structure and all respective units therein, if applicable;
 - 3) If the owner is a partnership, the name of all partners, the principal business address of the person in charge of the property, and telephone number of each partner;
 - 4) If the owner is a corporation, the person registering must state whether it is organized under the laws of this state or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the primary individual in charge of the property of such corporation, if any, and the names of all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of incorporation and the agent for service;
 - 5) Name, address, and telephone number of the property manager, if applicable;
 - 6) Street address of the residential structure;
 - 7) Street and mailing address of the residential rental unit, if applicable;
 - 8) Total square feet of living area and number of bedrooms;
 - 9) Number of persons occupying the structure or unit;
 - 10) Whether there has been a change of occupancy or an additional adult person to take up residence in the structure or unit since the date of last application; and
 - 11) Signature of the owner or owner's agent.
- (d) A separate Residential Occupancy Application is to be completed and submitted for each residential rental unit within a residential structure.

- (e) A fee, set by the City Council, shall be charged for each respective application.
- (f) The Building Official shall either (1) issue a Certificate of Occupancy or Certificate of Compliance or (2) notify the owner that the premises do not comply with the requirements of this ordinance.
- (g) It is an offense for an owner to fail to register or fail to renew an application of any structure or unit within the City, and each and every day that the owner continues to fail to register or renew the application of each respective structure or unit shall constitute a separate offense.
- (h) It shall be unlawful for any person to file a false Residential Occupancy Application with the City.

Sec. 3.13.003 Life, Health and Safety Inspections.

- (a) The Building Official, or his/her designee, shall inspect each residential structure and residential unit therein within ten (10) business days of receiving the application to determine compliance with minimum housing standards, city ordinances, national and international codes adopted by the City, City Code, all applicable state and local laws, and other conditions as determined by the city. Inspections shall also be conducted if a change of occupancy or a change of ownership has occurred for residential structures and/or residential rental units, or at any other time deemed necessary by the Building Official to maintain compliance with minimum housing standards.
- (b) If, upon completion of the inspection, the premises are found to be in compliance with all standards and codes mentioned in Section 3.13.003(a), the City shall issue a Certificate of Occupancy or Certificate of Compliance to the owner.
- (c) Failure to give the City Building Official or his/her designee access to the residential structure or any residential rental unit(s) therein shall constitute a violation and grounds for denying a passing inspection for each said structure or unit, and the fees associated for said inspection and all additional inspections shall be assessed as if the initial inspection was completed and judged as a failure to pass inspection.

Sec. 3.13.004 Offenses and Penalties.

Any person who commits an offense, performs an act prohibited by this ordinance or fails to perform an act required by this ordinance shall be in violation of this ordinance and is subject to a fine of not more than \$500.00 for each offense, and each and every day such offense or violation shall continue could be deemed a separate offense and fined accordingly.

Sec. 3.13.005 - 3.13-030 Reserved.

DIVISION II. COMMERCIAL OCCUPANCY REQUIREMENTS

Sec. 3.13.031 Definitions.

As used in this division, the following terms shall have the respective meanings ascribed to them:

Building Official. A properly identified building official for the City of Liberty, Texas, or his/her designee.

Certificate of Compliance. A certificate, other than an initial Certificate of Occupancy, issued by the city upon submission, review and approval of an executed Commercial Occupancy Application, which lists any and all occupants of the property, as well as the owner(s) of the property.

Certificate of Occupancy. An initial certificate issued by the city upon submission, review and approval of an executed Commercial Occupancy Application, which lists any and all occupants of the property, as well as the owner(s) of the property.

City. The City of Liberty, Texas.

Commercial Leased Unit. Any building or portion thereof which is rented, leased or let to be occupied for compensation in order to conduct commercial activities.

Commercial Occupancy Application. An application to be completed by an owner of a commercial structure that lists all occupants and owners for each commercial leased unit or commercial structure, with said application to be submitted to the city prior to utility services being connected by the city.

Commercial Premises. A lot, plot or parcel of land, including any structure thereon, used for commercial purposes.

Commercial Structure. A structure which is primarily used to conduct commercial activities and is not a residential building as defined by this division.

Fire Marshal. A properly identified Fire Marshal for the City of Liberty, Texas, or his/her designee.

Fire Safety Inspection. An inspection completed by the Fire Marshal on commercial structures and commercial leased units which must be completed and submitted to the City upon change in use or ownership of such commercial structures or commercial leased units therein prior to connection of utility services to each respective commercial structure and commercial leased unit.

Life, Health and Safety Inspection. An inspection completed by the building Official on commercial structures and commercial leased units which must be completed and submitted to the city prior to connection of utility services to each respective commercial structure and commercial leased unit.

Non-residential Building. A structure which is not a residential building as defined by this division.

Owner. The person claiming, or in whom is invested, the ownership, dominion, or title of real property, including but not limited to: holder of fee-simple title; holder of life-estate; holder of leasehold estate for an interim term of five (5) years or more; a buyer under contract for deed; a mortgagee, receiver, executor or trustee in control of real property; but not including the holder of a leasehold estate or a tenancy for initial term of less than five (5) years.

Person. An individual, corporation, business trust, estate, trust, partnership or association, two or more persons having a joint interest, or any other legal or community entity.

Property Manager. A person whom, for compensation, has control of the day-to-day operations of the commercial structure or commercial leased unit or units or the person in a partnership or corporation, or any other legal entity, who has managing control of the commercial structure or commercial leased units.

Residential Building. A structure in which a person or persons live; a residence; abode; habitation.

Tenant. Any person who rents, leases, or occupies a commercial structure or commercial leased unit for commercial purposes with the consent of the owner, landlord, or property manager.

Sec. 3.13.032 Commercial Certificates of Occupancy and Compliance.

- (a) A Certificate of Occupancy or Certificate of Compliance shall be required for any of the following:
 - 1) Occupancy and use of a new commercial premises;
 - 2) Change in use of an existing commercial premises;
 - 3) Occupancy and/or use of a commercial structure hereafter erected or structurally altered;
 - 4) Change in ownership and/or name of an existing business.
- (b) No such use or change of use shall take place until a Certificate of Occupancy or Certificate of Compliance thereof shall have been issued by the Building Official. All required construction inspections must be completed before anything is allowed to be moved into the building.

Sec. 3.13.033 Application and Issuance of Certificates of Occupancy and Compliance.

- (a) Each owner of a commercial structure within the city shall make application for occupancy for said commercial structure and each commercial leased unit therein, if applicable, with the Building Official by submitting to the City a Commercial Occupancy Application prior to receiving utility services from the City of Liberty at such time that there is a change in use of said structure or any respective unit.

- (b) Each new owner of a commercial structure or commercial leased unit shall make application for occupancy with the Building Official by submitting to the City a Commercial Occupancy Application, within ten (10) business days after the date of acquiring ownership.
- (c) Application for occupancy shall be made upon a form provided by the City for such purpose, and shall include at least the following information:
- 1) Whether the application is for a new use, a new occupant, or a new owner/business name;
 - 2) Address of the property to be inspected;
 - 3) Business/property use;
 - 4) Total square feet of the commercial structure or commercial leased unit to be inspected;
 - 5) Property owner's name, address, work and home telephone number, email address, and name of contact person;
 - 6) Tenant's name, address, work and home telephone number, email address, and name of contact person;
 - 7) Description of the business/property use;
 - 8) Whether the occupancy or business involves the storage, sale, or use of certain hazards or products;
 - 9) Chemical data sheet to the Building/Fire Department listing the maximum quantity of all hazardous materials under (8) above;
 - 10) List of all materials discharged into the drainage system, ground, water, or atmosphere;
 - 11) Owner's printed name and signature certifying that he/she has read the application, that the information is known to be true and correct, and that applicant agrees to comply with all city ordinances, state and local laws.
- (d) A separate Commercial Occupancy Application is to be completed and submitted for each commercial leased unit within a commercial structure.
- (e) A fee, set by the City Council, shall be charged for each respective application.
- (f) The Building Official shall either (1) issue a Certificate of Occupancy or Certificate of Compliance or (2) notify the owner that the premises do not comply with the requirements of this ordinance.

- (g) A Certificate of Occupancy or Certificate of Compliance for commercial structures or commercial leased units shall be valid until there is a change in ownership or occupancy of said structure or leased units.
- (h) It shall be unlawful for any person to file a false Commercial Occupancy Application with the City.

Sec. 3.13.034 Life, Health and Safety Inspections and Fire Safety Inspections.

- (a) The Building Official, or his/her designee, shall conduct a Life, Health and Safety Inspection for each commercial structure or commercial leased unit therein within ten (10) business days after receiving the application to determine compliance with minimum building standards, city ordinances, national and international codes adopted by the City, City Code, all applicable state and local laws, and other conditions as determined by the city.
- (b) Upon the change in use or ownership of a commercial structure or any commercial leased unit therein, the Fire Marshal, or his/her designee, shall conduct a Fire Safety Inspection for each commercial structure or commercial leased unit therein within ten (10) business days after receiving the application to determine compliance with minimum fire safety standards, City ordinances, national and international codes adopted by the City, City Code, all applicable state and local laws, and other conditions as determined by the City.
- (c) If, upon completion of the inspection, the premises are found to be in compliance with all standards and codes mentioned in Section 3.13.034(a), the City shall issue a Certificate of Occupancy or a Certificate of Compliance to the property owner.
- (d) Failure to give the Building Official or his/her designee or the Fire Marshal or his/her designee access to the commercial structure or any commercial leased unit therein shall constitute a violation and grounds for denying a passing inspection and all additional inspections shall be assessed as if the initial inspection was completed and judged as a failure to pass inspection.

Sec. 3.13.035 Offenses and Penalties.

Any person who commits an offense, performs an act prohibited by this ordinance or fails to perform an act required by this ordinance shall be in violation of this ordinance and is subject to a fine of not more than \$500.00 for each offense, and each and every day such offense or violation shall continue could be deemed a separate offense and fined accordingly.

Sec. 3.13.036 Procedure for Occupancy of New Commercial Buildings.

A Certificate of Occupancy for a new commercial structure shall be issued when such building has been completed in conformity with the provisions of this Ordinance and all required construction inspections have been passed. A certificate shall be issued within ten (10) business days after final inspection is complete and all fees owed to City have been paid.

Sec. 3.13.037 Procedure for Change in Use of an Existing Non-residential Building.

Written application for a Certificate of Occupancy or Certificate of Compliance for a change in the use of an existing building shall be made to the Building Official. All required inspections for a Certificate of Occupancy or Certificate of Compliance are separate from any construction inspections and are required to be successfully completed before a certificate will be issued. Parking requirements must be met, as herein provided. If the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy or Certificate of Compliance shall be issued within ten (10) business days after the application for same has been made provided that all requirements are met.

Sec. 3.13.038 Procedure for Occupancy and/or Use of a Non-residential Building Hereafter Erected or Structurally Altered.

Written application for a Certificate of Occupancy or Certificate of Compliance and/or use of a non-residential building hereafter erected or structurally altered shall be made to the Building Official. All required inspections for a Certificate of Occupancy or Certificate of Compliance are separate from any construction inspections and are required to pass before certificate will be issued. Parking requirements must be met, as herein provided. If the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy or Certificate of Compliance shall be issued within ten (10) business days after the application for same has been made provided that all requirements are met.

Sec. 3.13.039 Procedure for Change in Ownership and/or Name of an Existing Building.

Written application for a Certificate of Occupancy or Certificate of Compliance for any change in ownership and/or name of an existing building shall be made to the Building Official. All required inspections for a Certificate of Occupancy or Certificate of Compliance are separate from any construction inspections, and a passing score is required before a certificate will be issued. Parking requirements must be met, as herein provided. If the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy or Certificate of Compliance shall be issued within ten (10) business days after the application for same has been made.

Sec. 3.13.040 Contents.

- (a) Every Certificate of Occupancy or Certificate of Compliance shall state that the building, or the proposed use of a building, complies with all provisions of the building and fire codes and Ordinances.
- (b) A record of all Certificates of Occupancy or Certificate of Compliance shall be kept in file in the office of the Building Official, or his/her designee, and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building affected.

Sec. 3.13.041 Temporary Certificate.

Pending the issuance of a regular Certificate of Occupancy or Certificate of Compliance, the Building Official may issue a Temporary Certificate of Occupancy or Temporary Certificate of

Compliance for a period of time not exceeding 120 days, during the completion or alterations or during partial occupancy of a building pending its completion. A temporary certificate will be issued only for incomplete concrete parking as otherwise provided by the building code. It is required that the cost of the total project completion be submitted to the City in the form of a written contract or quote good for 120 days, from the contractor prepared to complete work. This total amount will be escrowed to the City for completion of the project. All required inspections for a Certificate of Occupancy or Certificate of Compliance are separate from any construction inspections and are required to pass before a temporary certificate will be issued. Such temporary certificates shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the City relating to the use or occupancy of the premises or any other matter covered by this Ordinance.

Sec. 3.13.042 - 3.13.060 Reserved.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of this ordinance.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given as required by law.

SECTION 5. That this ordinance shall take effect from and after the date of its publication in the newspaper in accordance with Texas law.

SECTION 6. That the requirement that this ordinance be read on two separate occasions is waived in accordance with Section 3.10 of the home-rule charter.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Liberty,

this 9th day of June, 2020.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.8

Meeting: 06/09/20 06:00 PM

Department: Administration
Category: Miscellaneous Issues

ORDINANCE (ID # 4801)

DOC ID: 4801 A

Department: Inspections

Subject: Master Fee Schedule -Certificates of Occupancy or Certificates of Compliance

Background: The proposed Master Fee Schedule amendment will include the following fees for Certificates of Occupancy and Certificates of Compliance:

Certificates of Occupancy/Certificates of Occupancy	
Residential Structures & Residential Rental Units	\$25.00
Second Residential Follow-up Inspection	\$50.00
Commercial Structures & Commercial Leased Units	\$100.00
Second Commercial Follow-up Inspection	\$250.00

Funding Source: NA

Staff Recommendation: Staff recommends City Council approval of the ordinance amending the Master Fee Schedule.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS AMENDING THE MASTER FEE SCHEDULE CREATING FEES FOR CERTIFICATES OF OCCUPANCY AND CERTIFICATES OF COMPLIANCE; 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.

WHEREAS, the City previously adopted a Master Fee Schedule which sets forth all rates and fees charged by the City of Liberty; and

WHEREAS, the City Council finds it more efficient to have the City's fees set in one Ordinance, which can be amended as necessary by Ordinance; and

WHEREAS, the City Council previously adopted an ordinance requiring certificates of occupancy and certificates of compliance; and

WHEREAS, the City Council hereby adopts the fees herein regarding applications for said certificates of occupancy and/or certificates of compliance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

Section 1.

That all rates or schedules of rates which are in conflict herewith are to the extent of such conflict only, expressly amended, changed and repealed.

Section 2.

That the fee schedule attached hereto as “Exhibit A” amends the previous Master Fee Schedule to include the new rates shown in “Exhibit A” establishing fees for certificates of occupancy and certificates of compliance, and is hereby adopted as fully set forth herein.

Section 3.

That the Ordinance containing all current rates and fees charged by the City of Liberty shall take effect immediately from and after its passage as indicated below.

Section 4.

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two separate days is hereby dispensed with.

PASSED AND ADOPTED this the 9th day of June, 2020.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

EXHIBIT A

Application Fees for Certificates of Occupancy / Certificates of Compliance

- 1) Residential Structures and Residential Rental Units (Non-Apartment Complex). Inspection on all residential structures and residential rental units therein shall have a fee of \$25.00, respectively, with said fee covering an initial inspection and one follow-up inspection, if needed. This fee will be assessed per residential unit at each change-of-occupancy inspection. If additional inspections are conducted on any one residential structure or residential unit due to failure to pass inspection on the initial and follow-up inspections, the fee will be \$50.00 for each additional inspection.
- 2) Commercial Structures. Inspection on all commercial structures and commercial leased units therein shall have a fee of \$100.00, respectively, with said fee covering an initial inspection and one follow-up inspection, if needed. This fee will be assessed per commercial leased unit at each inspection. If additional inspections are conducted on any commercial structure or commercial leased unit due to failure to pass inspection on the initial and follow-up inspections, the fee will be \$250.00 for each additional inspection.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.9

Meeting: 06/09/20 06:00 PM

Department: Administration
Category: Utility Issue

RESOLUTION (ID # 4802)

DOC ID: 4802

Department: Finance

Subject: Utility Disconnects, Late Fees & Agreements

Background: In response to the COVID-19 pandemic, the City suspended penalties and disconnections for all utility customers on March 26, 2020. With current plans in place to reopen Texas, this will allow for individuals to return to work and begin the process of reinstating disconnects and late fees for utility payments. For some customers, that could not pay their utility bill in full between March 26th and June 26th, they may have difficulties becoming current on their utility bill. All customers that are in arrears, as of the new deadline adopted by City Council, will be given an opportunity to either pay their bill in full or enter a payment plan. Failure to do either will result in a disconnect. The following terms are only for those who owe money during the no disconnect time period:

1. Pay 20% down
2. 6-month payoff
3. If a person is late on a payment the agreement is voided and their utilities are disconnected
4. Customers must continue to pay their new bills in full when due. Failure to pay a new bill when due will result in termination of the agreement and disconnection
5. If a customer has a payment plan for COVID-19 bills, they cannot get a new payment plan for new bills

The reinstatement of disconnects and late fees is proposed for June 26, 2020 or whenever Texas law allows.

Funding Source: NA

Staff Recommendation: Staff recommends City Council approve the resolution resuming disconnects, late fee and payment plan agreements on June 26, 2020 or whenever Texas law allows.

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, AUTHORIZING CITY STAFF TO RESUME UTILITY DISCONNECTS AND CHARGE LATE FEES FOR FAILURE TO PAY UTILITIES BEGINNING ON JUNE 26, 2020

WHEREAS, as a result of the Covid-19 pandemic the City Council previously voted to suspend utility disconnects and late fees for failure to timely pay utility bills; and

WHEREAS, Texas Governor, Greg Abbott, has enacted a plan to reopen Texas which would allow individuals to work again; and

WHEREAS, the City of Liberty's budget has been adversely impacted as a direct result of the Covid-19 pandemic; and

WHEREAS, since most businesses have reopened the City Council finds it necessary to require the timely payment of utility bills by our citizens; and

WHEREAS, the City Council authorizes staff to reinstate utility disconnects and late fees beginning on the later of June 26, 2020 or whenever Texas law allows for said disconnects; and

WHEREAS, staff shall be authorized to prepare and offer payment contracts on a case by case basis for those customers that are currently behind on their utility payments as a result of the Covid-19 pandemic.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Liberty, Texas authorizes city staff to reinstate utility disconnects and late fees for failure to pay utility fees in a timely manner beginning on the later of June 26, 2020 or whenever Texas law allows for said disconnects. Furthermore, staff is authorized to prepare and offer payment contracts, on a case by case basis, to customers that fell behind on their utility payments as a result of the Covid-19 pandemic.

PASSED AND APPROVED this 9th day of June, 2020.

CITY OF LIBERTY, TEXAS

Carl Pickett, Mayor

ATTEST:

City Secretary