



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, July 14, 2020

6:00 PM

City Hall - Liberty Center

I. CALL TO ORDER

Those individuals listed in the Call to Order were physically present in the Liberty Center. The public was not yet allowed entrance into the meeting due to COVID-19. Public access was allowed through the Zoom Meeting Platform.

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	
Naomi Herrington	Finance Director	Present	
Brandon Davis	City Attorney	Present	

II. INVOCATION

An Invocation was not given.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags were led by Police Chief Gary Martin.

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Public Comment is reserved for members of the public who would like to address the City Council regarding agenda and non-agenda items. Please be aware that, under Texas Law, the Council may not deliberate or take any action during Citizen's comments for items not on the agenda. In some situations, City Staff may be able to respond to the public comment with a factual statement or clarification. The City Council may have the item placed on a future agenda for action or refer the item to Management and Staff for study or conclusion.

Mayor Pickett welcomed those participating in the meeting through telephone conference, and introduced other Staff members present.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 4823)

City Manager's Report - T. Warner - Projects & Activities - COVID-19 - Sales Tax - Electric System Improvements

COMMENTS - Current Meeting:

City Manager Tom Warner addressed several issues including an update on the City as it relates to COVID-19, current sales tax revenue, the budget process and a table reflecting electric system improvements and associated funds in the current and proposed budget.

ATTACHMENTS:

- City Manager's Report(DOCX)

B. Information Item (ID # 4824)

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

COMMENTS - Current Meeting:

Asst. City Manager/CFO Naomi Herrington reviewed the various funds and the status of each, including that the General Fund balance sheet shows \$2 million and sales tax revenues are up from this time last year. Ms. Herrington further reviewed the Boomerang Reserve Account and payment related to Boomerang Contract for taxes.

C. Information Item (ID # 4825)

Department Reports

COMMENTS - Current Meeting:

City Manager Tom Warner stated that monthly department reports are included in the Council Packet, and was prepared to answer any related questions.

ATTACHMENTS:

- Fire Dept Report (XLS)
- Inspections and Permits Report(PDF)
- Library Condensed Report (XLSX)
- Library Narrative Report (DOCX)
- Library Volunteer Report (XLSX)
- Police Dept. Report (XLS)
- Public Works Dept. Report (DOCX)

D. Information Item (ID # 4826)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency, reported that with the Agency's recent lawsuit being dismissed, there were no activities to report other than the continuation of business as usual, and that the Cambridge Project continues to be successful.

E. Information Item (ID # 4827)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

City Manager Tom Warner reported that the City had received three (3) of The Vindicator's Reader's Choice Awards and congratulated each of the following:

- 1) Best Fire Department
- 2) Best Police Department
- 3) Best City Services - Public Works Department

Mr. Warner also stated that the Trinity Valley Exposition and Rodeo have been cancelled. Only the Livestock Auction will be held.

Council Member Thornton reported on the recent Covenant with Christ Food Drives in Liberty to assist families through the COVID-19 crisis.

At this time, Mayor Pickett made a presentation to City Secretary Dianne Tidwell, who will be retiring July 31, 2020. Mayor Pickett thanked her for her dedication and 34.5 years of service to the City and its citizens. Ms. Tidwell expressed her appreciation and enjoyment in serving the community.

VI. CONSENT AGENDA

All consent items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, and if such a request is made, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

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

A. Minutes Approval

1. Tuesday, June 09, 2020
2. Tuesday, June 23, 2020

VII. REGULAR AGENDA

A. Regular Session**1. Resolution 2020-29**

Consider a Resolution approving a bid for Tax Resale Property described as approximately .76 acres, Tract 31, B C Franklin Survey, Abstract 196 (434 Wallisville Road).

COMMENTS - Current Meeting:

City Attorney Brandon Davis reported on tax resale property located at 434 Wallisville Road. An offer of \$42,000.00 has been made. Following discussion of various costs, taxes owed, and the amount to be distributed to the City, if approved, the property will then be placed back onto the tax roll.

A motion was made to accept the bid of \$42,000.00, for the tax resale property described as Tract 31, B C Franklin Survey, Abstract 196 - approximately 0.76 acres (434 Wallisville Rd.).

ATTACHMENTS:

- Tax Resale Property Info (PDF)
- Tax Resale Property-CAD Map (PDF)
- Tax Resale Property-Photos (PDF)

RESULT:	APPROVED [6 TO 0]
MOVER:	Diane Driggers, Mayor ProTem
SECONDER:	Neal Thornton, Council Member
AYES:	Pickett, Driggers, Beasley, Simonson, Smith, Thornton
ABSTAIN:	David Arnold

2. Resolution 2020-30

Consider a Resolution approving a Parking Variance for Hankins Development, LLC.

COMMENTS - Current Meeting:

City Manager Tom Warner reported on a request from Hankins Development for a variance from the City's parking ordinance in order to provide one parking space for every 300 square feet of floor space for a proposed 10,000 square foot Dollar Tree Store. Current regulations require one parking space for every 200 feet of floor space. Hankins stated that a reduction in the parking spaces (50 to 34) would allow them to provide additional landscaping to beautify the site.

A motion was made to approve the parking variance for Hankins Development, LLC.

ATTACHMENTS:

- Variance Request-Hankins Development Parking (PDF)
- Hankins Development Site and Landscaping Plan (PDF)

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

3. Resolution 2020-31

Consider a Resolution rejecting all bids received for the Main Street Sidewalk Rehabilitation Project.

COMMENTS - Current Meeting:

City Manager Tom Warner reported on three bids received for the Main Street Sidewalk Rehabilitation Project. Mr. Warner stated that the engineer's estimate for construction costs was \$122,512.02, the low bidder withdrew their bid, and the second low bid was in the amount of \$215,267.00. With the cost differential of \$92,700 between the bid and the engineer's estimate, it is recommended that the project be reevaluated the current submitted bids be rejected.

Following brief discussion, a motion was made to reject the bids.

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

4. Ordinance 2020-21

CONSIDER ADOPTION OF AN ORDINANCE AMENDING CHAPTER 3, BUILDING REGULATIONS, OF THE CITY OF LIBERTY CODE OF ORDINANCES, BY AMENDING 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.

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the Ordinance into the record as follows:

"AN ORDINANCE AMENDING CHAPTER 3, BUILDING REGULATIONS, OF THE CITY OF LIBERTY CODE OF ORDINANCES, BY AMENDING 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."

An Ordinance creating Article 3.13 Certificates of Occupancy and Compliance was

adopted at the June 23rd Council Meeting. A concern was expressed regarding tenants placing deposits for a residential rental unit and the property does not meet the requirements of the Article. This Ordinance amends Section 3.13.002 requiring the owner of a residential rental unit (excluding apt. complexes) to obtain a Certificate of Occupancy prior to accepting a deposit from new prospective tenants.

A motion was made to adopt the Ordinance as presented.

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

5. Resolution 2020-28

Take action to consider and approve contingent fee contracts with Perdue Brandon Fielder Collins and Mott, LLP for the collection of delinquent government receivables owed to the City of Liberty and notice of said contracts are posted with the agenda in accordance with Section 2254 of the Government Code, and consider a Resolution approving the same.

COMMENTS - Current Meeting:

City Council recently approved Resolutions to hire the firm of Perdue Brandon Fielder Collins and Mott, LLP for the collection of delinquent fines and fees for the City. The contracts were approved as required, however, the last Texas Legislative Session necessitates additional notice postings at the normal physical location and web page that the City uses for posting of other notices. This posting requirement has now been completed.

A motion was made to approve the Resolution for contingent fee contracts with Perdue Brandon Fielder Collins and Mott, LLP.

ATTACHMENTS:

- Public Notice-Contingent Fee Contracts (PDF)
- Contract- Delinquent Utility and Library Collections (DOC)
- Contract- Court Fines & Fees Collections (DOC)

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

6. Public Hearing (ID # 4832)

Public Hearing on the 2019 Drinking Water Quality Report.

COMMENTS - Current Meeting:

At 6:58 p.m., Mayor Pickett opened the Public Hearing on 2019 Drinking Water Quality Report. City Manager Tom Warner reported that this report is required to be provided to the City's water system customers on an annual basis (included in utility bills) as a part of the Safe Drinking Water Act. The report summarizes various information regarding legal limits of contaminants in the water, compliance issues, and other information. This report reflects

that the City has met or exceeded all Federal drinking water requirements.

Mayor Pickett closed the Public Hearing at 7:02 p.m.

ATTACHMENTS:

- CCR Report (DOCX)

7. Work Session (ID # 4836)

Presentation, and discussion, of the Proposed Fiscal Year 2020-2021 Budget.

COMMENTS - Current Meeting:

City Manager Tom Warner presented a power point presentation representing the Proposed Fiscal Year Budget 2020-2021. Mr. Warner reviewed the proposed budget with discussion held on the following topics:

- General Fund revenues to include no increase in property tax, delinquent tax collection increased, sales tax revenue to remain at \$2,150,000, and other General Fund related issues
- City Organizational Chart
- Personnel Requests
- Non Capital items requested from various departments
- Fleet Fund and Fleet requests
- Other General Fund issues

A work session will be held the following day, July 15 to review the various other funds and other budget issues.

ATTACHMENTS:

- Proposed Budget 2020-2021 (PDF)

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 7:50 p.m.

The July 14, 2020 Meeting was attended, and minutes completed, by previous City Secretary Dianne Tidwell. New City Secretary April Gilliland was in attendance at the August 11, 2020 meeting in which these minutes were approved.

ATTEST:

Carl Pickett, Mayor

April Gilliland, City Secretary