The City of Liberty
City Council

Regular Meeting

~ Minutes ~

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

April Gilliland
City Secretary
936-336-3684

Tuesday, August 11, 2020 | **6:00 PM** | **City Hall - Liberty Center**

I. CALL TO ORDER

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	Assistant City Manager	Present	
Chris Jarmon	Assistant City Manager	Present	
Brandon Davis	City Attorney	Present	
April Gilliland	City Secretary	Present	

II. INVOCATION

Invocation was not given.

III. PLEDGE OF ALLEGIANCE

Damon Jones, Public Works Director led the Pledge to American Flag. Fire Chief Brian Hurst led the Pledge to the Texas Flag.

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / CITIZENS FORUM

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 # 4849)

City Manager's Report - City Manager Tom Warner - COVID-19 and Electric Department.

COMMENTS - Current Meeting:

City Manager Tom Warner presented the following updates:

1. COVID-19 (County numbers)
2. City facilities still closed to public
3. 7 City employees tested positive for COVID-19
4. Current electric system improvements and projects.

ATTACHMENTS:

- City Manager's Report August 11 2020 (DOCX)

B. Information Item (ID # 4850)

Finance Report - Assistant City Manager / CFO - Naomi Herrington

COMMENTS - Current Meeting:

Asst. City Manager / CFO Naomi Herrington reviewed the budget reports through the end of June, Boomerang payments made to date, the fund balance for the Cambridge Fund and Credit Card Collections for Utility Billing.

C. Information Item (ID # 4851)

Department Reports

ATTACHMENTS:

- Building Report (PDF)
- Fire Department (XLS)
- Library July 2020 condensed report (XLSX)
- Library July 2020 narrative Report (DOCX)
- Library July 2020 volunteer report (XLSX)
- Police Department (XLS)
- Public Works (DOCX)

D. Information Item (ID # 4852)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett, reported that the agency's last meeting was held on May 19, 2020 and the next meeting will be held on August 18, 2020.

E. Information Item (ID # 4853)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

Discussion in regards to the proposed hotel to be built at the intersection of Highway 146 North / FM 1011 and its progress on wanting to move locations and that the incentive offered earlier in the year has expired and would have to go before council for renewal.

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:	Diane Driggers, Mayor ProTem
AYES:	Pickett, Driggers, Beasley, Simonson, Arnold, Smith, Thornton

A. Minutes Approval

1. Tuesday, July 14, 2020

2. Wednesday, July 15, 2020

B. Resolution 2020-32

Consider a Resolution granting a permanent easement to ExxonMobil on property north of Liberty Municipal Airport.

ATTACHMENTS:

- EXHIBIT A - ExxonMobil (PDF)
- EXHIBIT B - ExxonMobil (PDF)

C. Resolution 2020-33

Consider a Resolution awarding a contract to Club Car, LLC for the lease of thirty (30) electric carts at the Liberty Municipal Golf Course.

D. Resolution 2020-34

Consider a Resolution approving a License to Encroach on a city street for property located at 439 Highway 90 and Carter Street.

ATTACHMENTS:

- License to Encroach Riverside Seafood (DOCX)

E. Resolution 2020-35

Consider a Resolution approving a request to abandon the Plymouth Street Right-of-Way.

ATTACHMENTS:

- EXHIBIT A - Plymouth Abandonment (PDF)

F. Resolution 2020-36

Consider a Resolution amending the signatories on all City of Liberty's bank accounts.

VII. REGULAR AGENDA

A. Regular Session

1. Ordinance 2020-22

CONSIDER ADOPTION OF AN ORDINANCE AMENDING CHAPTER 3, BUILDING REGULATIONS, OF THE CITY OF LIBERTY CODE OF ORDINANCES, BY AMENDING SECTION 3.07.041 DESIGNATING A FLOODPLAIN ADMINISTRATOR; 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:

The City's Code of Ordinances currently specifies the City Manager is to serve as the floodplain administrator. However, in practice, the Building Official has the responsibility for implementing the provisions of the flood damage prevention ordinance. For this reason, the Code of Ordinances needs to be amended to specify that the Building Official will serve as the city's floodplain administrator.

The council adopted the ordinance amendment appointing the Building Official as the Floodplain Administrator.

ATTACHMENTS:

- EXHIBIT A - Flood Damage Prevention Ordinance (DOCX)

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

2. Information Item (ID # 4860)

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

COMMENTS - Current Meeting:

City Manager Tom Warner reviewed the proposed Fiscal Year 2020-2021 budget information update that was distributed to Council. The items addressed included the lower tax rate from .5851 to .5813, across the board 3% increase in salaries, 18% increase in Health insurance costs, Increase in Capital for Fire Department, Increase in Water/Wastewater rates/revenues, Downtown Sidewalk program and Airport Runway/Taxiway Improvements requiring use of $247,955 from Liberty Community Development Corporation (LCDC) fund balance, and the increase transfer from LCDC to Golf Course for salaries.

3. Resolution 2020-37

Consider a Resolution setting the date, time and location for a Public hearing on the Proposed Budget for Fiscal Year 2020-2021.

COMMENTS - Current Meeting:

A motion was made to approve the resolution to set the public hearing on the proposed Fiscal year 2020-2021 budget for Tuesday, August 25, 2020, 6:00 p.m., in the Liberty Center.

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

4. Resolution 2020-38

Consider a Resolution approving the Proposed Tax Rate for Fiscal Year 2020-2021.

COMMENTS - Current Meeting:

City Manager Tom Warner reported the proposed tax rate would decrease from .5851 to .5813 per $100 valuation to stay within the guidelines of the Voter Approval Rate.

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

5. Resolution 2020-39

Consider a Resolution setting the date, time and location for a Public Hearing on the Tax Rate for Fiscal Year 2020-2021.

COMMENTS - Current Meeting:

A motion was made to set the public hearing on the proposed Fiscal year 2020-2021 Tax Rate for Tuesday, August 25, 2020, 6:00 p.m. in the Liberty Center.

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

6. Ordinance 2020-23

AMENDED ORDER OF ELECTION - CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS AMENDING THE ORDER OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON THE 3rd DAY OF NOVEMBER, 2020 FOR THE PURPOSE OF ELECTING A MAYOR AND THREE COUNCILMEMBERS; AUTHORIZING A JOINT ELECTION AGREEMENT AND ELECTION SERVICES CONTRACT BY AND BETWEEN THE CITY OF LIBERTY, THE LIBERTY INDEPENDENT SCHOOL DISTRICT, ANY OTHER CONTRACTING ENTITIES AND THE LIBERTY COUNTY ELECTIONS ADMINISTRATOR; PROVIDING FOR EARLY VOTING; PROVIDING FOR TWO TWELVE-HOUR DAYS OF EARLY VOTING; PROVIDING FOR PUBLICATION AND NOTICE OF ELECTION; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; AND PROVIDING A SEVERABILITY CLAUSE; 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:

This is the Amended Ordinance Moving the General Election to Tuesday, November 3, 2020 after the COVID-19 postponed the original General Election on Saturday, May 2, 2020. It also lists all the polling places available during early voting and election day due to the County being approved to use Election Super Centers.

A motion was made to adopt the Ordinance as presented.

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

7. Ordinance 2020-24

AMENDED ORDER OF SPECIAL ELECTION - CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS AMENDING THE ORDER OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON THE 3rd DAY OF NOVEMBER, 2020 FOR THE PURPOSE OF VOTER CONSIDERATION OF PROPOSITIONS AMENDING THE HOME RULE CHARTER; AUTHORIZING A JOINT ELECTION AGREEMENT AND ELECTION SERVICES CONTRACT BY AND BETWEEN THE CITY OF LIBERTY, THE LIBERTY INDEPENDENT SCHOOL DISTRICT, ANY OTHER CONTRACTING ENTITIES AND THE LIBERTY COUNTY ELECTIONS ADMINISTRATOR; PROVIDING FOR EARLY VOTING; PROVIDING FOR TWO TWELVE-HOUR DAYS OF EARLY VOTING; PROVIDING FOR PUBLICATION AND NOTICE OF ELECTION; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; AND PROVIDING A SEVERABILITY CLAUSE; 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:

This is the Amended Ordinance Moving the Special Election to Tuesday, November 3, 2020 after the COVID-19 postponed the original Special Election on Saturday, May 2, 2020. It also lists all the polling places available during early voting and election day due to the County being approved to use Election Super Centers.

A motion was made to adopt the Ordinance as presented.

ATTACHMENTS:

- Exhibit A - Charter Ballot Language (DOCX)

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

8. Resolution 2020-40

Consider a Resolution authorizing the Mayor to execute all agreement related documents for the DR 4332-012 Hurricane Harvey Hazard Mitigation Grant Program (HMGP).

COMMENTS - Current Meeting:

The Wastewater Treatment Plant (WWTP) was out of service for approximately two weeks as a result of flooding from Hurricane Harvey. The flood waters around the WWTP were approximately ten (10) feet above natural ground level. As a result of the flood damage from

Hurricane Harvey and previous floods in 2015, 2016 and 2017, the City submitted and received a grant through the States HMGP to construct a Floodwall and Levee around the plant. The first phase of the project has been completed and the Texas Department of Emergency Management (TDEM) has authorized the City to begin Phase II, which is the construction of the improvements. The estimated construction cost of the project is $5,944,000 with the federal share of $4,458,300 (75%) and the local share of $1,563,000 (25%). In order to proceed with Phase II, the Mayor will be required to execute agreement related documents.

A motion was made to approve the Resolution as presented.

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

9. Resolution 2020-41

Consider a Resolution authorizing the expenditure of $722,960 in Cambridge Funds.

COMMENTS - Current Meeting:

During the July 2020 Budget Work Sessions, staff discussed the need to use Cambridge Funds for the purchase of computers, a phone system, installation of a fiber network, and the purchase of body cameras, bullet proof vests and a voice recorder for the Police Department.

The recent evaluation of the City’s information technology (IT) systems revealed an immediate need to replace aging computer equipment. This equipment includes laptops for the Assistant City Manager/CFO, Fire Chief, Assistant Fire Chief and Fire Department Administrative Assistant. These laptops will also be used in the EOC during disasters. There are also fifteen (15) computers that need replacement in the Police Department Dispatch, CID and Patrol Divisions. In addition, another thirteen (13) computers in the Library, Municipal Court, Streets, Inspections and Parks Departments need to be replaced. Included in the list of computer equipment are thirteen (13) I-Pads to be used by City Council and staff during City Council Meetings. The I-pads will replace the laptop used by the City Manager and the four monitors currently used by City Council.

The City’s currently receives ethernet service through Comcast at a cost of approximately $5,000/month. The service provided, at this cost, meets the needs of the City at this time. However, it is anticipated that additional bandwidth and speed will be required. The additional bandwidth and speed will increase the City’s payment to Comcast. The preliminary estimate to install a fiber network between City facilities (City Hall, Library, Public Works and Police) is estimated to cost $500,000. A fiber connection has already been installed between the Police and Fire Departments. The payback for the installation of this fiber network is 8.3 years assuming a $60,000 a year payment to Comcast. As the price to Comcast goes up, the payback period will decrease.

The City’s phone system has reached it useful life and needs to be replaced. When the current phone system was purchased the system was a model at the end of its life cycle and was offered to the City at a reduced price. Although technical issues with the system have been minor, programing of the phone system is cumbersome and requires a third-party certified programmer. The estimated cost to replace the phone system is $90,000.

The Police Department Patrol Officers can currently only record the audio during interactions with citizens. The Department has requested funding to purchase fifteen (15) body cameras for us by the Patrol Division and the estimated cost of the body cameras is $38,700. Additionally, the Police Department is instituting a program in which their bullet proof vests are replaced on a rotating schedule. The initial purchase of fourteen (14) vests will allow for the implementation of the schedule. The estimated costs of the vests are $13,160. The replacement of body cameras and vests will occur in the Department's future budgets. The Voice recorder system is used to record incoming calls to the Department. The voice recorder is at the end of its useful life and will be replaced once a decision is made on the manufacturer of the phone system. This will ensure compatibility between the systems. The cost of the voice recorder is estimated to be $12,200.

A motion was made to approve the Resolution as presented.

ATTACHMENTS:

- Proposed Cambridge Expenditures Revised August 7 2020 (1) (XLSX)

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

10. Resolution 2020-42

Consider a Resolution approving the selection of professional services provider to assist the City in submitting CDBG-MIT applications and authorizing the City Manager to begin contract negotiations.

COMMENTS - Current Meeting:

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 funding is in the form of a grant and requires no local match. However, since these are competitive grants, a 1% local match will add additional points to the application. During the June 9, 2020 City Council Meeting, City Council authorized the City Manager to file grant applications for the following projects:

Main A & Main B Channel and Pump Station Improvements
Sanitary Sewer System Improvements
Water System Improvements
Electric System Improvements

To assist the City in submitting these applications, request for proposals were solicited from professional services providers. One (1) service provider, Public Management, responded to the request for proposals.

A motion was made to approve the Resolution as presented.

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

11. Resolution 2020-43

Consider a Resolution approving the selection of engineering firms to assist the City in preparing CDBG-MIT applications and authorizing the City Manager to begin contract negotiations.

COMMENTS - Current Meeting:

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 funding is in the form of a grant and requires no local match. However, since these are competitive grants, a 1% local match will add additional points to the application. During the June 9, 2020 City Council Meeting, City Council authorized the City Manager to file grant applications for the following projects:

Main A & Main B Channel and Pump Station Improvements
Sanitary Sewer System Improvements
Water System Improvements

Electric System Improvements

To assist the City in preparing the technical requirements associated with the filing of these applications, request for proposals were solicited from engineering firms. Six (6) engineering firms responded to the request for proposals. Due to the short timeframe in which applications must be submitted, three firms have been selected to prepare the applications for the following improvements:

Freese & Nichols	- Main A & Main B Channel and Pump Station Improvements
HR Green	- Sanitary Sewer System Improvements
Strand Associates	- Water System Improvements

None of the firms that submitted proposals indicated if they had experience with electric systems.

The estimated cost to complete all the applications is $50,000 and will be funded with Cambridge Funds.

A motion was made to approve the Resolutions as presented.

ATTACHMENTS:

- CDBG-MIT Enegineer Evaluation Tabulation August 4 2020 (XLSX)

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

12. Resolution 2020-44

Consider a Resolution approving the Request for Proposal award for employee health, dental, vision and life insurance.

COMMENTS - Current Meeting:

Item was moved to be the first discussed item for the regular session. Jim Hall and Julie Hebert presented the options for the different insurance plans.

After several minutes of discussion a motion was made to approve an amended resolution for Dental, Vision and Life Insurance as presented and to bring Health Insurance back at the next meeting.

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

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:07p.m.

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Carl Pickett, Mayor

ATTEST:

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April Gilliland, City Secretary