



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, September 8, 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 / CFO	Present	
Chris Jarmon	Assistant City Manager	Present	
Damon Jones	Public Works Director	Present	
Brian Hurst	Fire Chief	Present	
Gary Martin	Police Chief	Present	
April Gilliland	City Secretary	Present	
Brandon Davis	City Attorney	Present	

II. INVOCATION

There was no Invocation at this meeting.

III. PLEDGE OF ALLEGAANCE

The Pledge to the American Flag was led by Assistant City Manager Chris Jarmon and the Pledge to the Texas Flag was led by Police Chief Gary Martin.

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 guest and visitors, opening the floor for public comment to those individuals wishing to address the Council. There were no comments.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 4903)

City Manager's Report - City Manager Tom Warner - Hurricane Laura, COVID-19, ISO, Sales Tax, Airport, Library, Golf Course & Certificates of Occupancy

COMMENTS - Current Meeting:

City Manager Tom Warner presented the following updates:

1. Hurricane Laura
2. COVID-19
3. ISO Report
4. Airport Projects
5. Sleep Inn Hotel Project
6. Library repairs
7. Golf Course Renovations
8. Certificates of Occupancy

ATTACHMENTS:

- City Manager's Report September 8 2020 (DOCX)
- CERTIFICATE OF OCCUPANCY - RESIDENTIAL CHECKLIST (DOCX)

B. Information Item (ID # 4904)

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 July 31st. Revenues vs. Expenditures, Sales tax received, Cambridge Fund and Golf Course Expenditures.

C. Information Item (ID # 4905)

Department Reports

COMMENTS - Current Meeting:

Assistant City Manager Chris Jarmon reported that the Code Enforcement Officer Darren Hicks reported to work on September 8, 2020.

ATTACHMENTS:

- Building Report - August 2020 (PDF)
- Library - August 2020 (PDF)
- Public Works - Aug 2020 (DOCX)
- Fire - August 1 to August 31, 2020 (XLS)
- Police - August 2020 (XLS)

D. Information Item (ID # 4906)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported that the agency distributed \$15 million, \$5 million to each member City, from Cambridge. He also stated that Hurricane Laura may impact the revenue source of the agency due to the damage in Louisiana. Next meeting will be held on Tuesday, September 15, 2020

E. Information Item (ID # 4907)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

Mayor Pickett congratulated City Secretary April Gilliland on completing all requirements for the certification in the Texas Municipal Clerks Certification Program and she will receive formal recognition of accomplishments at the next Annual Texas Municipal Clerks Election Law Seminar to be held in Frisco in January 2021.

VI. CONSENT AGENDA

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

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

A. Minutes Approval

1. Tuesday, August 04, 2020
2. Tuesday, August 11, 2020
3. Thursday, August 20, 2020
4. Tuesday, August 25, 2020

B. Resolution 2020-52

Consider acceptance of the 2021 TxDOT Routine Airport Maintenance Program (RAMP) Grant Agreement.

ATTACHMENTS:

- RAMP_2021 grant (PDF)

VII. REGULAR AGENDA

A. Executive Session

EXECUTIVE SESSION:

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

- To seek advice regarding contemplated / pending litigation.

At 6:32 p.m., Mayor Pickett closed the open meeting and opened the Executive Session, as authorized above.

B. Reconvene into Regular Session

At 7:17 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2020-31

Consider and Take Action on matters discussed with Attorney in Executive Session.

COMMENTS - Current Meeting:

No Action was taken

RESULT: NO ACTION TAKEN

2. Information Item (ID # 4902)

Mr. James Chandler will address the Council regarding the Status of the Liberty Municipal Park, Use and Maintenance of the fields and bathroom facilities at the Liberty Municipal Park.

COMMENTS - Current Meeting:

Mr. James Chandler addressed the Council regarding the Baseball and Softball fields in the Liberty Municipal Park. He started his select team Dirt Divas, have been practicing/playing in Liberty for 9 years. They use the fields 10 months a year and are usually off the months of August and December. The select teams have shared the fields with other teams and Liberty Youth Baseball Association. They have had some conflicts with scheduling, but work it out. He would like one dedicated field to practice/play on. All work that has been done to the fields has been for the kids that play ball. After lengthy discussion of this topic, Mayor Pickett thanked Mr. Chandler for coming to speak before Council.

ATTACHMENTS:

- Chandler request for placement on agenda (PDF)

3. Resolution 2020-53

Consider appointments to the Liberty Municipal Library Board.

COMMENTS - Current Meeting:

The Liberty Municipal Library Board is a nine-member advisory board comprised of residents of the City of Liberty, appointed for two-year terms. These members may serve three consecutive two-year terms.

Board members whose terms expire in September, 2020 are Yvonne Lawrence, Joanne Knepper, Mitzi Kline, June Damek, Stacy Sundgren. Ms. Lawrence and Ms. Knepper have reached their term limits and are ineligible to serve again, at this time. Ms. Kline, Ms. Damek, & Ms. Sundgren have agreed to serve again, if reappointed by Council.

The Library Director recommends the appointment of Ms. Gloria Stratton and Ms. Sandra Pickett.

A motion was made to approve the Resolution approving the reappointments of Ms. Kline, Ms. Damek and Ms. Sundgren and the appointments of Ms. Stratton and Ms. Pickett to the Library Board.

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

4. Resolution 2020-54

Consider a nomination to the Liberty County Central Appraisal District Agricultural Advisory Board.

COMMENTS - Current Meeting:

A motion was made to nominate Mr. Rob Chachere to the Liberty County Central Appraisal District, Agricultural Advisory Board.

ATTACHMENTS:

- LCAD Agricultural Advisory Board Appointments (PDF)

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

5. Resolution 2020-55

Consider a nomination(s) to the Liberty County Central Appraisal District Appraisal Review Board.

COMMENTS - Current Meeting:

A motion was made to nominate Mr. Howard Brister to the Liberty County Central Appraisal District, Appraisal Review Board.

ATTACHMENTS:

- LCAD Appraisal Review Board (PDF)

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

6. Resolution 2020-56

Consider a Resolution authorizing a Chapter 380 Economic Development Agreement between the City and Liberty Bypass LLC.

COMMENTS - Current Meeting:

Liberty Bypass, LLC is proposing to build a 10,700 square foot retail center at the corner of Main Street and Highway 146 (adjacent to the AT&T Store). Liberty Bypass, LLC is requesting a Chapter 380 Agreement from the City in order to facilitate the construction of the retail center. The proposed agreement is a three-year sales tax rebate agreement, whereby the city rebates back to the developer 50% of the actual sales tax collected by the retail center in an amount not to exceed \$22,000 per year or \$66,000 over the life of the agreement. Although the General Fund will receive less sales and use tax revenue for three years, property tax revenue will increase with the construction of the retail center.

A motion was made to approve the resolution authorizing the City Manager to execute a Chapter 380 Economic Development Agreement with Liberty Bypass, LLC.

ATTACHMENTS:

- REVISED FINAL Shops at Liberty Ch 380 Economic Development Agreement (PDF)

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

7. Ordinance 2020-28

CONSIDER AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, AMENDING THE MASTER FEE SCHEDULE BY INCREASING WATER AND WASTEWATER RATES; 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:

In the rate study that was presented to City Council last year by Freese & Nichols, it was recommended that the rates for water & wastewater be raised by 8% annually, for the next (7) seven years. This will be the 2nd year for the increase. This rate increase is to fund the bonds that will be needed to complete the projects for our water and wastewater system. The City of Liberty will be issuing bonds in future years to fund improvements to the water & wastewater system. The increases will be used to repay those bonds.

A motion was made to approve the ordinance as presented with the 8% increase in the

water and wastewater rates.

ATTACHMENTS:

- Master Fee Schedule changes (PDF)

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

8. Ordinance 2020-29

CONSIDER AN ORDINANCE AMENDING CHAPTER 3, BUILDING REGULATIONS, OF THE CITY OF LIBERTY CODE OF ORDINANCES, BY AMENDING ARTICLE 3.02, ARTICLE 3.03 AND ARTICLE 3.04 RELATING TO BUILDING CODES ADOPTION; 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:

Currently, the City of Liberty automatically adopts each updated version of the International Code Council's (ICC) International Building Codes (I-Codes) and the National Electric Code (NEC). However, ICC discourages this practice and prefers that municipalities adopt a specific version of the I-Codes and NEC Codes. Additionally, Section 1301.551 of the Texas Occupations Code requires the plumbing codes to be adopted by ordinance. The City is currently operating under the 2018 edition of the I-Codes. The 2018 I-Codes which are currently automatically adopted include the following: Building, Residential Code for One- and Two-Family Dwellings, Mechanical, Fuel Gas, Private Sewage Disposal, Energy Conservation, Existing Building, International Property Maintenance, International Swimming Pool and Spa, Plumbing and the 2017 NEC National Electrical Code. Each of these Codes must be adopted by ordinance.

A motion was made to approve the ordinance adopting the 2018 International Codes identified above and the 2017 National Electric Code.

ATTACHMENTS:

- EXHIBIT A - Building Code Adoption (DOCX)

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

9. Ordinance (ID # 4896)

CONSIDER AN ORDINANCE GRANTING TO CENTERPOINT ENERGY RESOURCES CORP., DBA CENTERPOINT ENERGY TEXAS GAS OPERATIONS, THE RIGHT, PRIVILEGE AND FRANCHISE TO CONSTRUCT, INSTALL, EXTEND, REMOVE, REPLACE, ABANDON, OPERATE AND MAINTAIN ITS FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF LIBERTY, TEXAS FOR THE TRANSPORTATION, DELIVERY, SALE AND DISTRIBUTION OF NATURAL GAS; CONTAINING OTHER PROVISIONS RELATING TO THE

FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

COMMENTS - Current Meeting:

No Action Taken - First Reading of Franchise Agreement Ordinance.

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 7:58 p.m.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary