



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, November 10, 2020

6:00 PM

City Council Chambers

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	
Brandon Davis	City Attorney	Present	
April Gilliland	City Secretary	Present	

II. INVOCATION

There was no invocation at this meeting.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American Flag was led by Fire Chief Brian Hurst and the Pledge to the Texas Flag was 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 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 # 4959)

City Manager Report - T. Warner, City Manager - Topics include Coffee with the Mayor, Bond Rating Conference Call, CDBG-MIT Application, Technology Update, Flood Protection Plan and Ames & Hardin Lawsuit.

COMMENTS - Current Meeting:

City Manager Tom Warner offered the following updates:

- First Coffee with the Mayor meeting held on October 29, 2020 since pandemic
- Bond Rating Conference was held with S&P global, Bond rating to remain as an AA-
- CDBG-MIT Application submitted to Texas General Land Office.
- Chambers County has made application (which the City of Liberty supported by letter) to the Texas Water Development Board (TWDB) for Flood Infrastructure Funds (FIF) to develop a flood protection planning study for Chambers and Liberty Counties.
- Ames and Hardin lawsuit moving forward, No scheduled court date.

ATTACHMENTS:

- City Manager's Report November 10 2020 (DOCX)

B. Information Item (ID # 4965)

Finance Report - Assistant City Manager / CFO - Naomi Herrington

COMMENTS - Current Meeting:

Asst. City Mgr./CFO Naomi Herrington reported on the City's financials, as of the end of September, 2020. Ms. Herrington addressed the revenues and expenditures of various funds, property and sales tax, and closing out the fiscal year. Ms. Herrington also stated the City's annual audit will begin in December.

C. Information Item (ID # 4961)

Department Reports

COMMENTS - Current Meeting:

City Manager Tom Warner stated that the monthly reports, submitted by the various City Departments, were presented for Council's review.

ATTACHMENTS:

- Building - October 2020 - Monthly Report (PDF)
- Certificate of Occupancy Detail Report (XLSX)
- Occupancy Inspection (PDF)
- Occupancy Inspection (PDF)
- Code Enforcement Monthly Report (October 2020) (DOCX)
- Fire Department October Report (XLS)
- Golf Course Monthly Report (October 2020) (PDF)
- Library October report (PDF)
- Police Department 10-2020 (XLS)

- Monthly Report-Public WorksOct20 (DOCX)

D. Information Item (ID # 4962)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency, stated that the next meeting would be held on Tuesday, November 17, 2020 in Livingston. He also reported on a lawsuit involving Vinton Public Power Authority.

E. Information Item (ID # 4963)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

Mayor Pickett informed Council that the next Council meeting would be the next regular called meeting on December 8, 2020.

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, October 13, 2020
2. Wednesday, October 21, 2020
3. Tuesday, October 27, 2020

VII. REGULAR AGENDA**A. Regular Session****1. Ordinance 2020-34**

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 3, 2020; FOR THE PURPOSE OF ELECTING A MAYOR AND THREE COUNCIL MEMBERS TO THE LIBERTY CITY COUNCIL;

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:

City Council reviewed the returns of the November 3, 2020 General Election, canvassing the election and declaring the results as follows:

**CITY OF LIBERTY
GENERAL ELECTION
November 3, 2020**

MAYORAL CANDIDATES	EARLY VOTING	EARLY VOTING TOTAL	ELECTION DAY	ELECTION DAY TOTAL	GRAND TOTAL
Carl Pickett	Unopposed Candidate - Declared Elected				
COUNCILMEMBER CANDIDATES	EARLY VOTING	EARLY VOTING TOTAL	ELECTION DAY	ELECTION DAY TOTAL	GRAND TOTAL
David W. Arnold	1281	1281	137	137	1418
Neal Thornton	672	672	80	80	752
Ed Seymour	607	607	53	53	660
J.L. "Chipper" Smith	1008	1008	132	132	1140

A motion was made to adopt the Ordinance canvassing the election and declaring the following as elected candidates:

Mayor Carl Pickett

Council Members David W. Arnold
Neal Thornton
J.L. "Chipper" Smith

ATTACHMENTS:

- 2020 General Election Canvass Results (PDF)
- Liberty County Cumulative Result Report - General Election (PDF)

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

2. Information Item (ID # 4966)

Oath of Office to be administered to newly elected Council Members - Judge Little

COMMENTS - Current Meeting:

Municipal Court Judge Mike Little administered the Oath of Office to the newly elected Mayor Carl Pickett and Council Members David W. Arnold, Neal Thornton and J.L. "Chipper" Smith.

3. Ordinance 2020-35

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD ON NOVEMBER 3, 2020; FOR THE PURPOSE OF VOTER CONSIDERATION OF PROPOSITIONS AMENDING THE HOME RULE CHARTER; 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 and reported on the Ordinance canvassing the returns of the City's Special Election, held on Tuesday, November 3, 2020, for voter approval or disapproval of proposed amendments to the City's Home Rule Charter. The proposed amendments on the ballot and the returns are as follows, with 41 of 42 amendments passing:

**CITY OF LIBERTY
SPECIAL CHARTER AMENDMENT ELECTION**

November 3, 2020

PROP. A - Shall Section 1.03 of the City Charter related to changes of boundaries and residents' rights be amended to be consistent with Texas state law?

FOR 1020 AGAINST 161

PROP. B - Shall Section 3.02 of the City Charter related to qualifications of city council members be amended adding the requirement that members of the city council shall not have due and owing any delinquent property taxes to the City of Liberty?

FOR 1080 AGAINST 147

PROP. C - Shall Section 3.05 of the City Charter related to resignations and vacancies be amended so as to remove the existing procedures for dealing with resignations and vacancies and replacing same with new procedures for handling resignations and vacancies stating that the city council may fill a vacancy of the mayor or council members by either calling for a special election to fill the vacancy or by appointing a new member to serve until the next regularly scheduled city council election?

FOR 999 AGAINST 195

PROP. D - Shall Section 3.06, subsection (a) of the City Charter related to powers of the city council be amended to clarify that the city council only has the authority to remove officers or employees who were appointed to the positions directly by the city council?

FOR 961 AGAINST 241

PROP. E - Shall Section 3.06, subsection (b) of the City Charter related to powers of the

city council be amended to clarify that the city council has the authority to establish, consolidate or abolish any department and removing the city council's authority to distribute the work of divisions?

FOR 746 **AGAINST 428**

PROP. F - Shall Section 3.06, subsection (g) of the City Charter related to powers of the city council be amended to reflect that the city has multiple building codes?

FOR 900 **AGAINST 276**

PROP. G - Shall Section 3.06, subsection (l) of the City Charter related to powers of the city council be amended to add city staff to those who can propose plans to the city council for approval?

FOR 899 **AGAINST 287**

PROP. H - Shall Section 3.06, subsection (m) of the City Charter related to powers of the city council be amended to allow the city council to approve salary ranges for city officers and employees instead of specific salaries?

FOR 784 **AGAINST 419**

PROP. I - Shall Section 3.06, subsection (n) of the City Charter related to powers of the city council be amended clarifying that property owners are only required to connect a sanitary sewer or water system with their premises when said water system or sanitary sewer system are readily available?

FOR 923 **AGAINST 239**

PROP. J - Shall Section 3.06, subsection (r) of the City Charter related to powers of the city council be amended making specific notice requirements for nuisance abatement consistent with Texas state law and changing the person responsible for filing a statement of expense for said notice with the County Clerk from the city's health officer to the city's code enforcement officer?

FOR 941 **AGAINST 215**

PROP. K - Shall Section 3.06, subsection (s) of the City Charter related to powers of the city council be amended to remove the city council's authority to prohibit nuisances outside the city's limits?

FOR 854 **AGAINST 323**

PROP. L - Shall Section 3.08 of the City Charter related to meetings and agenda items of the city council be amended so as to remove the requirement that meetings of the city council be located in the council chambers at the city hall and to give the city manager the ability to call special meetings of the city council at any time?

FOR 749 AGAINST 449

PROP. M - Shall Section 3.09 of the City Charter related to rules of procedure be amended so as to change the quorum requirement for city council meetings from two-thirds to a simple majority of council members and removing the requirement that ordinances be kept in a physical book since they are now kept electronically?

FOR 746 AGAINST 458

PROP. N - Shall Section 3.10 of the City Charter relating to the procedure for passage of ordinances be amended to remove the requirement that ordinances be read on two separate days prior to passage?

FOR 626 AGAINST 554

PROP. O - Shall Section 4.02 of the City Charter related to the department of police be amended to clarify that the city manager has the authority to remove the Chief of Police without the city council's prior approval and removing a reference to a section of the Texas Local Government Code that does not discuss the issues involved in this section of the Charter.

FOR 387 AGAINST 815

PROP. P - Shall Section 4.03 of the City Charter related to the city secretary be amended so as to clarify that the city manager has the authority to hire and assign duties to the city secretary and assistant city secretaries without the city council's prior approval?

FOR 631 AGAINST 567

PROP. Q - Shall Section 4.04 of the City Charter related to the municipal court be amended so as to remove the subsection providing that the city secretary or assistant secretary shall be an ex officio clerk of the municipal court and authorizing the city council to appoint an interim judge or the municipal court to serve in the absence or disability of the municipal court judge instead of having the Mayor or Mayor Pro Tem act as said interim judge?

FOR 854 AGAINST 323

PROP. R - Shall Section 4.07 of the City Charter relating to other offices and departments be removed from the City's Charter in its entirety because the information included in this section of the Charter is already discussed in other sections of the Charter.

FOR 866 AGAINST 298

PROP. S - Shall Section 5.01 of the City Charter relating to elections be amended to clarify that the City's elections must be held and ordered consistent with Texas state law and changing the term from "regular election" to "general election."

FOR 1100 AGAINST 88

PROP. T - Shall Section 5.04 of the City Charter relating to the official ballot be amended to change the procedures for drawing for a place on the election ballot to require said procedures to follow Texas state law?

FOR 1031 **AGAINST 145**

PROP. U - Shall Section 5.05 of the City Charter relating to elections by plurality be amended so as to change the term "regular" election to "general" election and to change the procedures related to tie votes in an election to be consistent with Texas state law?

FOR 1049 **AGAINST 122**

PROP. V - Shall Section 5.08 of the City Charter relating to the oath of office be amended so as to make the oath of office taken by city officers consistent with Texas state law.

FOR 1087 **AGAINST 88**

PROP. W - Shall Section 6.03 of the City Charter relating to the form of a recall petition be amended so as to change the year on the verified oath for petitions for recall from 19__ to 20__?

FOR 1012 **AGAINST 148**

PROP. X - Shall Section 6.05 of the City Charter relating to the presentation of a recall petition to the city council be amended so as to change the number of days for the presentation of a recall petition to city council by the city secretary from 5 days to 10 days?

FOR 959 **AGAINST 217**

PROP. Y - Shall Section 6.07 of the City Charter relating to the calling of a recall election be amended to change the date requirements for recall elections to ensure that they comply with Texas state law?

FOR 1101 **AGAINST 79**

PROP. Z - Shall Section 7.02 of the City Charter relating to initiatives be amended to change the term "regular municipal election" to "general municipal election" and change the number of days for presentation of an initiative petition to city council by the city secretary from five (5) days to ten (10) days?

FOR 984 **AGAINST 185**

PROP. AA - Shall Section 7.02 of the City Charter relating to initiatives be amended to change the term "regular municipal election" to "general municipal election" and change the number of days for presentation of an initiative petition to city council by the city secretary from five (5) days to ten (10) days?

FOR 960 **AGAINST 207**

PROP. BB - Shall Section 8.02 of the City Charter relating to the department of city planning and zoning be amended so as to provide that the department of city planning and zoning shall be under the control and direction of the city manager or his designee instead of the director of city planning due to the fact that the city does not have a director of city planning, and clarify that Texas state law applies to the appointment of members to the city planning and zoning commission?

FOR 1006 **AGAINST 187**

PROP. CC - Shall Section 9.02, subsection (I) of the City Charter relating to the preparation and submission of the budget be amended so as to change the itemization of positions requirement to show the "range" of pay for positions instead of the rate of pay.

FOR 831 **AGAINST 353**

PROP. DD - Shall Section 9.07 of the City Charter relating to the vote required for adoption of the budget be amended so as to be consistent with Texas state law?

FOR 1077 **AGAINST 95**

PROP. EE - Shall Section 9.08 of the City Charter relating to the timeline for adoption of the city's budget be amended to ensure that it is consistent with Texas state law?

FOR 1096 **AGAINST 83**

PROP. FF - Shall Section 9.15 of the City Charter relating to the department of taxation be removed from the City's Charter in its entirety because the city does not have a department of taxation and instead uses the Liberty County Tax Assessor/Collector for tax collection purposes?

FOR 1026 **AGAINST 142**

PROP. GG - Shall Section 9.18 of the City Charter relating to taxes and when such taxes are due and payable be amended to strike the word "city" before "assessor-collector" because the City uses the Liberty County Tax Assessor/Collector and clarify that Texas state law applies to delinquent taxes?

FOR 1029 **AGAINST 148**

PROP. HH - Shall Section 9.19 of the City Charter relating to the seizure and sale of personal property be amended so as to follow Texas state law?

FOR 1043 **AGAINST 133**

PROP. II - Shall Section 10.05 of the City Charter relating to exclusive franchises be removed from the Charter in its entirety thus removing the exclusion of exclusive franchises for the construction, maintenance and operation of public utilities?

FOR 882 **AGAINST 262**

PROP. JJ - Shall Section 11.04, subsection (a) of the City Charter relating to sales of water and sewer services be amended so as to change the term “profit” to “revenue” because the City is not a private business and does not have profits?

FOR 1006 AGAINST 178

PROP. KK - Shall Section 12.02 of the City Charter relating to revenue bonds be amended to fix grammatical errors clarifying that the City shall have the powers listed in this section?

FOR 1026 AGAINST 157

PROP. LL - Shall Section 13.02 of the City Charter relating to a city officer’s personal interests in city contracts be amended to make the conflict of interest laws for City officers consistent with Texas state law?

FOR 1111 AGAINST 81

PROP. MM - Shall Section 13.03 of the City Charter relating to drilling operations be amended so as to remove the city council’s explicit authority to prohibit or regulate oil, gas and sulphur wells?

FOR 876 AGAINST 297

PROP. NN - Shall Section 13.13, subsection (a) of the City Charter relating to the charter review commission be amended to change the requirement that a charter review commission be appointed every two years to every tenth year without prohibiting City Council from choosing to convene a special charter review commission at any time?

FOR 768 AGAINST 388

PROP. OO - Shall the Charter be amended to change the term “city clerk” to “city secretary throughout the Charter?

FOR 936 AGAINST 241

PROP. PP - Shall the Charter be amended to correct all grammatical errors including spelling, punctuation, and capitalization throughout the Charter without making any substantive changes?

FOR 1092 AGAINST 103

After review by the council, a motion was made to adopt the Ordinance approving the canvass and returns of the Special Election.

ATTACHMENTS:

- 2020 Special Election Canvass results (PDF)
- Liberty County Cumulative Result Report - Special Election (PDF)

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

4. Information Item (ID # 4952)

Laurie Lomas, Trinity River Wildlife Refuge - National Recreation Trail Designation

COMMENTS - Current Meeting:

Mr. Dean Bossert from U.S. Fish & Wildlife Services introduced himself as the new Manager of the Trinity River National Wildlife Refuge. Mr. Bossert then introduced Laurie Gonzales to present her message regarding the National Recreation Trail Designation. Ms. Gonzales gave an explanation and background of the Crosswalks to Boardwalks initiative that was formed in 2010. The Crosswalks to Boardwalks Initiative is a partnership with many organizations and volunteers through just some of the following organizations: Liberty Independent School District, Premier High School of Dayton, American Hiking Society, Green Ambassadors, Boy Scouts of America, AmeriCorps NCCC, Student Conservation Association, American Conservation Experience, religious organizations, professionals with AFL-CIO, Houston-Galveston Area Council, Houston Wilderness, Texas Parks and Wildlife Department, City of Liberty, Liberty Community Development Corporation, Friends of Trinity River Refuge, and Trinity River National Wildlife Refuge (US Fish and Wildlife Service).

This partnership has created a network of 16 miles of hiking trails which can be accessed through 3 trailheads. It was designed to be built by the people for the people. Over 800 local and urban volunteers, particularly students, through outdoor service/learning experiences joined to create this recreational experience to the public. For some volunteers, it was their first time in the woods despite being surrounded by it all their lives. We expect the volunteers and hikers of this generation will introduce the next generation, their children, to the trails when the time arrives.

The Knobby Knees Trail, a 1.0-mile loop, was built in October 2012. Since then, 8 other miles of trails have been connected directly to the Knobby Knees Trail. The Knobby Knees Trailhead was placed in Liberty Municipal Park as a way of providing equal access for those seeking a space for recreation and exercise in a natural setting. Through the gateway of the Knobby Knees Trail, visitors encounter well-marked primitive hiking trails which traverse the conditions of the forest of yesterday when Native American stalked game in the forest (1600s), early explorers forged the Atascocito Road (1757), and settlers ran for their lives through a swollen river bottom during the Runaway Scrape (1836). The Knobby Knees Trails has been given an official designation of a National Recreation Trail in 2020.

5. Information Item (ID # 4953)

Discussion regarding concerns with the Certificate of Occupancy Ordinance - Dan VanDeventer, Mary Helen Jobes, Molly Richards.

COMMENTS - Current Meeting:

Mayor Pickett opened the item regarding the certificate of occupancy and citizens concern for comments. The first Citizen to speak to Council was Dan VanDeventer. Mr. VanDeventer mentioned that he was made aware of the new ordinance regarding Certificate of Occupancy by buying a house. He mentioned the steps to open a utility account with the City of Liberty. When trying to open a utility account for the house he just

bought he was informed of the Certificate of Occupancy process. He mentioned he was first told that it could take up to one to ten days before utilities would be turned on. He was concerned for people buying homes and talked about the steps a person goes through to buy a house. The certificate of occupancy does not allow someone buying a home to get power turned on the day of closing. Utilities are a basic need of living. Federal Pacific Breaker panels are not safe and need to be replaced, if one is found at the home you are told you cannot have power until it is replaced. This process leads to more permits. Permit fees have gone up and are through the roof. Permits are now issued on a square foot basis vs. project valuation and this has made permits more expensive. If a plumber needs to change a water heater out it cost more if the house is 2,000 square ft. vs. 1,000 square ft. The process to get utilities turned on is not right and needs to be changed.

After Mr. VanDeventer finished speaking the floor was given to Ms. Mary Helen Jobes. Ms. Jobes mentioned that she agrees with everything Mr. Van Deventer said. She owns six rent houses on the same block she lives on. She bought them to control and keep everything pretty. She has spent a lot of money on making repairs and taking care of her properties. She believes the city is discriminating against the single resident and dual resident owners, not including the apartment housing in the certificate of occupancy. She is upset that rental property owners were not notified. She had questions on the Certificate of Occupancy check list and all the codes listed and how they affect the property owner. She urges us to rethink this ordinance and how it is affecting the property owners. Ms. Molly Richards agrees with previous speakers, but also was concerned on how repairs are to be made when you cannot get utilities turned on to do the needed repairs. Ms. Deloris Moore states that the City needs to come to a middle ground on getting the ordinance to work. Ms. Brandy Wells Corral talks about living in her deceased grandmother's home since 2012 as an owner finance. She is finally able to have utilities switched over into her name, as the owner of the home, but she is having problems since the certificate of occupancy and compliance ordinance has been approved.

Council Member Libby Simonson mentioned that the ordinance did not hit paper like they thought it would. Not what Council intended, we need to start from scratch with a committee to help make our city desirable, beautify, and safe. Council Member Thornton spoke in the same regards that the intent was safety and to prevent slum lords from running extension cords to power homes unsafely. It was not the Council's intent to prevent occupancy of residential houses by no means.

City Manager Tom Warner stated that Residential Certificate of Occupancies will be stopped until further notice, but the electrical services will still be inspected to verify that the service is safe prior to connecting power to the residence.

ATTACHMENTS:

- Citizen Request (PDF)

6. Ordinance 2020-36

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS AMENDING THE FISCAL YEAR 2020-2021 BUDGET TO INCREASE THE NUMBER OF FULL TIME POSITIONS.

COMMENTS - Current Meeting:

During the October 23, 2020 City Council Work Session, staff presented a proposed plan to resume the maintenance of the ball fields on a year-round basis. Currently, during league play on the leased fields, the Liberty Youth Baseball Association (LYBA) tills and drags the fields, paints the first and third base lines, maintains the pitching mounds and chalks the batter boxes. The City mows and weed eats the fields. Under the new maintenance procedures, the City will perform all the above tasks, except chalk the batter boxes, on all fields whether leased for league or tournament play. The additional maintenance responsibilities will require an additional light equipment operator in the Parks Department. The Parks Department Budget in the General Fund will be increased this Fiscal Year by \$38,350 which represents one employee for ten (10) months.

A motion was made to adopt the ordinance amending the Fiscal Year 2020-2021 Budget by increasing the number of full-time positions from 110 to 111.

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

7. Ordinance 2020-37

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS AMENDING THE MASTER FEE SCHEDULE REGARDING THE RENTAL FEES FOR THE BALL FIELDS AND CONCESSION STANDS AT LIBERTY MUNICIPAL PARK.

COMMENTS - Current Meeting:

The changes in the operation and maintenance of the ball fields at the Municipal Park, as discussed with City Council during the October 23rd Work Session, will result in modification to the rental periods and fees. The new fee structure is dependent on whether the fields are used for practice, tournament or league play. The new fee structure is summarized below:

		Practice	Practice	Tournament	League
			w/Electricity	w/Electricity	w/Electricity
		(4hr. Max)	(4hr Max.)	(per Day)	(per Month)
Complex 1	Fields A - D	\$40.00	\$40.00	\$100.00	\$140.00
	Concession	NA	NA	\$100.00	\$140.00
Complex 2	Baseball Fields	\$40.00	\$40.00	\$100.00	\$140.00
	Concession	NA	NA	\$100.00	\$140.00
Complex 3	T-Ball Lights	\$40.00	\$40.00	\$100.00	\$40.00
	T-Ball	\$25.00	NA	NA	\$25.00
	Concession	NA	NA	\$100.00	\$140.00

The fees highlighted in red are new fees with the exception of the T-Ball Concession for League play. This fee was previously \$25.00 per month which did not cover the cost of utilities.

A motion was made to adopt the ordinance amending the Master Fee Schedule as presented.

ATTACHMENTS:

- Master Fee Schedule Amended Ball Fields November 10 2020 (XLSX)

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

8. Resolution 2020-66

Consider a Resolution approving an Interlocal Agreement between the City of Ames and the Liberty Fire Department for Fire Protection Services.

COMMENTS - Current Meeting:

The City of Liberty currently provides Fire Protection Services with the City of Ames and is reimbursed, in part for providing this service, through the Mutual Aid Agreement with Liberty County. The City of Ames is requesting the two City's enter into a formal agreement in order to reduce their ISO rating and thus the cost of fire insurance to their residents. During the last year the Fire Department responded to twenty-six (26) calls in the City of Ames. In addition to the mutual aid reimbursement from the County, the City of Ames has agreed to supplement the payment to the City of Liberty by another \$5,000 per year. Chief Hurst is of the opinion the funds received from both agreements would cover the Liberty's cost of providing fire protection services to Ames.

A motion was made to approve the Interlocal Agreement with the City of Ames for Fire Protection Services.

ATTACHMENTS:

- Ames Interlocal Agreement for Fire Protection Services (DOCX)

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

9. Resolution 2020-67

Consider a resolution approving the engagement of the firm Jeffrey D. Blume, Limited, in an amount not to exceed \$200,000, for design and construction observation services at the Liberty Municipal Golf Course.

COMMENTS - Current Meeting:

On October 13th, City Council held a work session to review and discuss the proposed improvements listed under Concept II of the Golf Course Master Plan. The proposed improvements generally include a new irrigation system, drainage, clearing, earthmoving, tees greens and fairway improvements and bunkers. At the conclusion of the work session, there was consensus to move forward with designing the course improvements.

The proposed contract with Jeff Blume is divided into three phases, each of which require written authorization from the city to move forward. The three phases include:

Phase 1 - Final Conceptual Planning and Approval (\$30,000)

Phase 2 - Construction Documents and Bidding (\$90,000)

Phase 3 - Construction Observation and Course Opening (\$80,000)

Total - \$200,000

Payment is not to be made on phase 2 or 3 until the City gives Jeff Blume written authorization to move forward. In the event the City Council chooses not to move forward with Phase 3, the City will not incur the \$80,000 cost. If approved, Mr. Blume estimates that the project will be ready for bidding in January 2021. The funding for the design and construction of the project would be from Cambridge Funds.

A motion was made to approve the resolution engaging the firm of Jeffery D Blume, Limited, to design the Golf Course improvements as outlined in Concept II and provide construction inspection services not to exceed the Phase 1 expenditure of \$30,000 with further approval to proceed to the next phase(s).

ATTACHMENTS:

- EXHIBIT A - Jeff Blume Contract (PDF)

RESULT:	APPROVED [6 TO 1]
MOVER:	David Arnold, Council Member
SECONDER:	Diane Driggers, Mayor ProTem
AYES:	Pickett, Driggers, Beasley, Simonson, Arnold, Smith
NAYS:	Neal Thornton

B. Work Session**1. Work Session (ID # 4958)**

Work Session to discuss Recreational Vehicle Ordinance.

COMMENTS - Current Meeting:

Tom Warner, City Manager, mentioned to Council that the work session was to go over the current RV ordinance that needs to be rewritten and to get input from Council how to proceed with correcting issues in the current ordinance and enforcement. Mr. Warner presented Council

with the background for the RV ordinance as follows:

- Original regulations established in 2009 (RV Defined IN 1998 WITH Manufactured home ordinance revision)
- Primary goal of RV ordinance
 - Promote the safety and health of residents of such communities and nearby communities
 - Encourage economical and orderly development of such communities
 - Establish locations for parks
 - Establish minimum requirements for parks
 - Size, Layout, Utilities, Amenities
- Minor revisions made since that time
- Existing ordinance primarily focuses on new RV parks

Then the following issues with the current ordinance were discussed as follows:

1. Location at residence (rear or side yard)

Issue: Some RV owners are not able or do not have space to place their RV on the side or rear of the home.

Question: Should RV's be allowed to be placed in the driveway or front yard?

Council Input: Parking is allowed in front as long as it is not blocking street, street right of way or restricting traffic or sight line. No Occupancy.

2. Allowed at commercial businesses

Issue: Ordinance does not specifically address RVs at commercial businesses (storage or occupancy)

Question: Should RV's be allowed at commercial businesses?

Council Input: Parking/Storage is allowed at commercial businesses same as residential, no occupancy.

3. Variance request

Issue: P&Z has already heard four (4) RV related appeals which will eventually be heard by City Council?

Question: Should every notice of violation be appealable?

Council Input: Variance appeal to be cleaned up. Planning/Zoning issues for RV parks to be taken for appeals such as RV spacing, property lines, etc.

4. RV Allowed in No RV Zone while residence being constructed

Issue: The ordinance is silent on whether living in an RV is allowed during construction of a residential structure.

Question: Should residents be allowed to live in an RV if they are constructing a residential structure pursuant to the issuance of a building permit?

Council Input: not allowed unless it is a natural disaster.

5. Connection to permanent utilities

Issue: The ordinance does not specifically prohibit connecting RVs to permanent utilities.

Question: Outside of RV parks, should RVs be allowed to connect to permanent utilities?

Council Input: No separate connection to permanent utilities.

6. Living in RV's outside of RV Park

Issue: How to enforce?

Question: Should occupancy of RVs (outside of RV Parks) be prohibited?

Council Input: Occupancy of an RV is not allowable on a permanent basis, Temporary basis allowed.

7. Ordinance does not CLEARLY address existing (Grandfathered) RV "Parks"

Issue: Uncertainty about which "RV Parks" are considered "Grandfathered" or a "non-conforming" use and which regulations, if any, apply

Question:

1. Is "change of controlling interest" the only criteria that would trigger compliance for grandfathered RV Parks?

2. What is grandfathered?

A. Location in non-RV Zone

B. Are licenses, size requirements (park and pad sites) utilities, fire standards, guest registration and the addition of amenities required to continue operation of a grandfathered or non-conforming use RV Park?

Council Input: Legal non-conforming use is the appropriate term. Can set terms to phase out the ones in the no zone. Every RV park owner to get a license annually.

Stays with the property, not with the owner. Make grandfathered come to code in 5 years.

8. Should Certificates of Occupancy be issued for RV (RV's are not constructed to any minimum codes)

Issue: Is an RV within an RV Park need to be inspected by the Building Official pursuant to the Occupancy Inspection Ordinance (RV's are not constructed to any

uniform code)?

Question: Is an RV considered a “residential structure”?

Council Input: This item was skipped, no discussion was held

9. RV may not stay in RV Park greater than six (6) consecutive months

Issue: How to enforce?

Question: Should the City continue to enforce the 6-month provision or repeal it?

Council Input: impossible to enforce. Remove from ordinance.

ATTACHMENTS:

- Recreational Vehicle (RV) Ordinance - Revised November 10 2010 (PPTX)

C. Executive Session

EXECUTIVE SESSION:

Tx. Gov. Code §551.074 - Personnel Matters.

- To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

At 9:22 p.m., Mayor Pickett closed the open meeting and opened the Executive Session, as authorized above.

D. Reconvene into Regular Session

At 9:30 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2020-36

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

COMMENTS - Current Meeting:

No action was taken.

RESULT:	NO ACTION TAKEN
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VIII. ADJOURNMENT

A. Motion To: Adjourn

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary