



The City of Liberty
City Council
Regular Meeting
~ Agenda ~

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

April Gilliland
City Secretary
936-336-3684

Tuesday, February 9, 2021

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

The U.S. and Texas Pledges will be led by Cub Scout Pack 55 & Boy Scout Troop 56.

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 # 5008)

City Manager's Report - City Manager Tom Warner - Topics include Municipal Clerk Certification, Court, Utility Payments, Police Department, FEMA, Cybersecurity, Shred-It, LYBA, Planning, Golf Course, and COVID.

- City Manager's Report February 9 2021 (DOCX)

B. Information Item (ID # 5009)

Finance Report - Assistant City Manager / CFO - Naomi Herrington

C. Information Item (ID # 5010)

Department Reports

- CITY OF LIBERTY CONSTRUCTION MONTHLY REPORT _Jan 2021 (DOCX)
- Fire Department January 2021 Monthly Report (XLS)
- Golf Course Monthly Report (January 2021) (PDF)
- January 2021 Monthly Report (Inspections) (PDF)
- Library Monthly Report - January 2021 (PDF)
- Police Department Monthly Report - January 2021 (XLS)
- Monthly Report-Public WorksJan21 (DOCX)

D. Information Item (ID # 5011)

Sam Rayburn Municipal Power Agency - Mayor Pickett

E. Information Item (ID # 5012)

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, January 12, 2021
2. Wednesday, January 20, 2021

VII. REGULAR AGENDA**A. Executive Session****Tx. Gov. Code §551.071 - Private Consultation with Attorney.**

- To seek advice regarding contemplated / pending litigation.

Tx. Gov. Code §551.087 - Deliberation Regarding Economic Development Negotiations.

- To deliberate commercial or financial information received from a business prospect.

B. Reconvene into Regular Session**1. Council Action (ID # 5013)**

Consider action regarding a contract for utility service with PTC Liberty Tubulars.

2. Council Action (ID # 5016)

Consider and take action on paying the Sam Rayburn Municipal Power Agency (SRMPA) Bill out of the Electric Savings Account.

3. Resolution (ID # 5004)

Consider a resolution authorizing the City Manager to negotiate and execute a 380 agreement with Sleep Inn & Suites Liberty Strive Partners, LLC.

4. Resolution (ID # 5015)

Consider a resolution awarding the bid for the Texas General Land Office (GLO) CDBG-DR Sanitary Sewer Improvements.

- bid tabulation(PDF)

5. Resolution (ID # 5014)

Consider a resolution authorizing the Mayor to 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.

- City of Liberty utility and library collections VERSION 2 (DOCX)
- Written Findings City of Liberty utility and library collections VERISION 2 (DOCX)

6. Ordinance (ID # 5006)

Consider an ordinance amending Section 3.08.032 (b) Location and replacement restrictions of the Code of Ordinances by modifying the no manufactured home map.

- Exhibit 1 for manufactured home ordinance update (PDF)
- EXHIBIT A - Application for Zone Change (PDF)

7. Ordinance (ID # 5007)

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF LIBERTY, TEXAS, AUTHORIZING PARTICIPATION WITH OTHER ENTERGY SERVICE AREA CITIES IN MATTERS CONCERNING ENTERGY TEXAS, INC. AT THE PUBLIC UTILITY COMMISSION OF TEXAS IN 2021; AUTHORIZING THE HIRING OF LAWYERS AND RATE EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE

8. Ordinance (ID # 5003)

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ORDERING A GENERAL MUNICIPAL ELECTION TO BE HELD ON THE 1ST DAY OF MAY, 2021 FOR THE PURPOSE OF ELECTING THREE COUNCILMEMBERS; AUTHORIZING A JOINT ELECTION AGREEMENT WITH THE LIBERTY INDEPENDENT SCHOOL DISTRICT AND AN ELECTION SERVICES CONTRACT BY AND BETWEEN THE CITY OF LIBERTY 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; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; CONSIDERE LA ADOPCION DE UNA ORDENANZA DEL CONCEJO MUNICIPAL DE LA CIUDAD DE LIBERTY, TEXAS, QUE ORDENA LA CELEBRACIÓN DE UNAS ELECCIONES MUNICIPALES GENERALES PARA EL DÍA 1 DE MAYO DE 2021 CON EL PROPÓSITO DE ELEGIR TRES CONCEJALES; QUE AUTORIZA UN ACUERDO DE ELECCIÓN CONJUNTA CON EL DISTRITO ESCOLAR INDEPENDIENTE DE LIBERTY Y UN CONTRATO DE SERVICIOS ELECTORALES POR Y ENTRE LA CIUDAD DE LIBERTY Y EL ADMINISTRADOR ELECTORAL DEL CONDADO DE LIBERTY; QUE DISPONE VOTACIÓN ANTICIPADA; QUE DISPONE DOS DÍAS DE DOCE HORAS DE VOTACIÓN ANTICIPADA;

QUE DISPONE LA PUBLICACIÓN Y LA NOTIFICACIÓN DE LAS ELECCIONES; QUE ESTABLECE OTROS PROCEDIMIENTOS PARA LA REALIZACIÓN DE LAS ELECCIONES; QUE DISPONE UNA CLÁUSULA DE SEPARABILIDAD; QUE DISPONE UNA FECHA DE ENTRADA EN VIGOR;

- 2021 ELECTION SERVICES CONTRACT Revised (DOCX)

9. Ordinance (ID # 5005)

Consider an ordinance amending the Code of Ordinances, Section 13.02.004 (b) Return of deposit, requiring the utility security deposit to be held for 5 years for residential customers and until the account is finalized for commercial customers.

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 February, 2021 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.

April Gilliland

April Gilliland, 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: 02/09/21 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 5008)

DOC ID: 5008

Subject: City Manager's Report

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

Memo

To: Mayor & City Council
From: Tom Warner, City Manager
Date: February 9, 2021
Re: City Manager Report

1. On January 28, 2021 April Gilliland received her Certification as a Texas Registered Municipal Clerk through the Texas Municipal Clerks Certification Program (TMCCP). Successful completion of TMCCP requires approximately 200 hours of individual home study and online homework; examinations over each of the four courses; and attendance at eight two-day seminars. The current program provides current insight into such areas as public relations, interpersonal communications, and community organization which will improve on-the-job ability. Please offer April your congratulations on this outstanding achievement.
2. Municipal Court began accepting online payments in December 2020 from persons you are pleading guilty or no contest. Prior to allowing online payments, persons would have to come to City Hall, meet with Municipal Court Staff and then make payment with the cashiers.
3. In January 2021, the city instituted "Quick Pay" for utility customers that wish to pay their bill on-line. Prior to "Quick Pay", customers had to set up an account to make payments. With the new system all the customer needs are the amount of the previous month's bill and their account number.
4. The Police Department's E-Ticket system went live on January 22, 2021. The E-Ticket system allows officers to scan driver licenses and inspection stickers when issuing traffic citations. Additionally, the officer can select from a pre-populated list of offenses. This will reduce any data entry errors by the officer or by the clerks at the Police Department and Municipal Court.
5. FEMA notified the City in January they will be no longer accepting appeals for the old power plant that was damaged during Hurricane Ike. The City had appealed on numerous occasions the amount due from FEMA to the City for the project. As Council may remember, the power plant was damaged beyond repair and an alternate project was approved that resulted in the City acquiring the old car dealership and moving Public Works to the property. FEMA reimbursed the City a total \$819,331.81, of which only \$603,965.55

Attachment: City Manager's Report February 9 2021 (5008 : City Manager's Report)

was eligible for reimbursement. The City will have to return \$217,866.26 to FEMA that was overpaid.

6. State law requires governmental entities to provide Cybersecurity Awareness Training to city employees and city council members. You should have received an email/link from the City's cybersecurity company, KnowBe4, to watch a video and take a short quiz. This is a legitimate email and your cooperation in taking the training would be greatly appreciated.
7. The next Shred-It Day will be on Saturday, March 6, 2021 from 9:00 a.m. to noon at the Liberty City Hall parking lot. There will be both paper and electronic shredding available.
8. The Liberty Youth Baseball Association (LYBA) has contacted the City regarding the upcoming season. The LYBA Board has voted on January 14th to have a 2021 season. The Parks Department will work with LYBA to ensure the fields and the complex are ready for the start of the season.
9. The Planning Session with City Council and staff is scheduled for March 16th from 5:00 p.m. to 8:00 p.m. and March 31st from 3:00 p.m. to 7:00 p.m. in the Liberty Center. The facilitator, Mr. Ron Cox, would like to meet with you individually on March 2 between 10:00 a.m. and 5:00 p.m. to fully understand the expected issues and finalize the process and agenda. As of today, the 10:00 a.m. and 4:00 p.m. time slots are taken.
10. Play at Liberty Municipal Golf Course is up over 41% since October 2020. The number of individuals playing in January 2021 was 823. In addition, golf cart and range fees have also steadily increased. Merchandise and equipment also increased from October to December 2020 but saw slight drop in January 2021.
11. The plans and specifications for the Golf Course Renovations have been completed with advertising for bids to commence on February 11, 2021. Bid will be opened on March 2nd with award of bid to occur during the March 9, 2021, City Council Meeting.
12. The general summary of the weekly Liberty COVID-19 Data for the weeks of January 26, 2021 and February 2, 2021 are provided below:

	<u>1/26/21</u>	<u>2/2/21</u>
Total Cases	4173	4465
Active Cases	600	856
Death Related	100	123
Recovered Cases	3463	3486
New Cases	247	292
North	122	146
South	125	147

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	47%	\$ 63,137	\$ 29,706
b. Featherstone Subdivision	50%	\$126,186	\$ 62,866
c. Whittington Subdivision	68%	\$242,236	\$166,134
d. Live Front Transformer	107%	\$214,004	\$230,980
e. Beaumont #3 Lateral	79%	\$383,748	\$302,847
f. UG Primary	76%	\$190,000	\$144,892
g. OH Transformer Platform	56%	\$ 64,819	\$ 36,596
h. Regency Place	71%	\$270,040	\$192,178
i. Travis Park	97%	\$332,000	\$322,684
j. Street Lighting	69%	\$331,318	\$227,628
k. Beaumont #2 Laterals	83%	\$724,548	\$602,065
l. Beaumont #4 Laterals	79%	\$416,365	\$328,731
m. Beaumont #5 Laterals	76%	\$358,916	\$272,592
n. Liberty #1 Laterals	49%	\$ 59,280	\$ 28,747
o. Liberty #2 Laterals	24%	\$175,000	\$ 41,744
p. Liberty #3 Laterals	4%	\$126,266	\$ 5,612
q. <u>Liberty #4 Laterals</u>	60%	\$230,000	\$137,249
Totals		\$4,307,863	\$3,133,251



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.B

Meeting: 02/09/21 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 5009)

DOC ID: 5009

Subject: Finance Report

Background: This agenda item affords the Assistant City Manager/CFO the 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: 02/09/21 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 5010)

DOC ID: 5010

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.

JANUARY // 2021 //

MONTHLY REPORT

CITY OF LIBERTY CONSTRUCTION PROJECTS REPORT



WWTP OUTFALL

HAZARD MITIGATION GRANT PROGRAM (HMGP) DR-4332-012 WASTEWATER TREATMENT PLANT(WWTP) FLOOD MITIGATION AND IMPROVEMENTS AND WWTP OUTFALL REPLACEMENT

3% COMPLETE

NBG CONSTRUCTORS, INC

The City of Liberty, Texas Wastewater Treatment Plant Flood Mitigation and Outfall Improvements project was bid on September 10, 2020. NBG Constructors was awarded the contract for \$5,586,810.00. The Notice to Proceed was given on November 2nd, 2020.

The project will include replacing the existing outfall pipe with a 42in outfall pipe along the south side of FM 3361. The Wastewater Treatment Plant will be flood protected with a combination of an earthen levee, sheet pile flood walls and concrete T walls. The final completion date for the project is January 4th, 2022.

The contractor has about 3% complete with most of the work being mobilization.

Attachment: CITY OF LIBERTY CONSTRUCTION MONTHLY REPORT _Jan 2021 (5010 : Department Reports)

MONTHLY REPORT



This is looking back from the outfall at the cut, with only prep work and SWPPP installed.

MONTHLY REPORT



This is looking toward the cut where the outfall pipe will begin

All Departments Weekly Activity Report

Month Of: January 1 to January 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 46 Mutual Aid 2

Number Of Runs: (EMS Only) 911 Calls 134 Mutual Aid 2
 Transfers-Out of Town 60 Transfers-In Town 8 Dialysis 22

Other Information: _____

Attachment: Fire Department January 2021 Monthly Report (5010 : Department Reports)

GOLF COURSE MONTHLY REPORT - JANUARY 2021

Maintenance Activities

Picked up remaining trees and stump grindings and filled holes with bank sand (have 27 more stumps to grind and pick up debris)

Smoothed out old hog damage areas with bank sand (still have more to fill and smooth)

Continue to mulch leaves

Cleaning around trees where debris and limbs have accumulated

Weedeating ditch in front of #6 green

Removed fallen tree along ditch (close to #4 tee, need to remove stump)

Filling in washouts along concrete ditch right side of #1

Marketing Activities

Using the Facebook Page and website to advertise the condition and quality of the golf course in order to increase the number of rounds sold on a monthly basis.

Sales Report (January 1 – January 31)

Items	Quantity			
	October 2020	November 2020	December 2020	January 2021
Green Fees	582	655	657	823
Golf Cart Fees	548	625	646	794
Range Fees	123	122	96	156
Merchandise & Equipment	127	216	394	302

CITY OF LIBERTY INSPECTIONS & PERMITS MONTHLY REPORT

Jan-21

PLAN REVIEW

# of Plans Reviewed	5
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BUILDING PERMITS

Commercial Building Permits - New	0
Commercial Building Permits - Renovation/Remodel	0
Commercial Building Permits - Addition/Expansion	0
Residential Building Permits - New (Single Family)	0
Residential Building Permits - New (Multi-Family)	0
All Other Permits Issued	48

CERTIFICATE OF OCCUPANCY

Commercial C of O's Issued	5
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FEE REVENUE

Permit Fee Revenue	\$	5,011.56
Tap Fee Revenue	\$	5,028.00

JANUARY 2021-COMMERCIAL

BURKE'S OUTLET	2323 N MAIN	SIGNS
DOUBLE CUTS & MORE	415 TEXAS	ELECTRICAL
HAIR ON THE SQUARE	1825 TRINITY	PLUMBING
RUSSELL MARINE	313 HWY 90 #1	MOVE BUILDING
RUSSELL MARINE	313 HWY 90 #2	MOVE BUILDING
RUSSELL MARINE	313 HWY 90 #1	UTILITY TAP
DOLLAR TREE	2914 N MAIN	MECHANICAL
DOLLAR TREE	2914 N MAIN	ELECTRICAL
DOLLAR TREE	2914 N MAIN	SIGN
RETAIL SHELL BUILDING	2139 HWY 146 BYPASS	IRRIGATION-LANDSCAPE
RETAIL SHELL BUILDING	2139 HWY 146 BYPASS	SIGN
WELLS FARGO	2329 N MAIN	ELECTRICAL
BROOKSHIRE BROTHERS	2325 N MAIN	SIGN
ELEVATE CHIROPRACTIC LLC	2812 HWY 90 SUITE 210	COMMERCIAL OCCUPANCY
VAPE CITY	927 MAIN	COMMERCIAL OCCUPANCY
SMOKE CITY	904 MAIN	COMMERCIAL OCCUPANCY
SKY NAILS	2015 HWY 146 BYPASS	COMMERCIAL OCCUPANCY
C&D FAMILY ARMS	2622 HWY 90	COMMERCIAL OCCUPANCY

Liberty Municipal Library January 2021 Report

In January we were very pleased to see an increase in circulation and an increase in participation in our online children's programs. Circulation jumped from 2,151 in December to 2,607 in January, a 456 increase. This is the highest our circulation has been since the Covid-19 pandemic began in March 2020.

Children's Librarian Katie Edgell and Maggie Varela have expanded their online children's programs. They present a live weekly Story Time on Facebook every Wednesday at 11. They added a live craft activity series called Craft More with the Liberty Municipal Library, and now they also offer a program series called Experiment More with the Liberty Municipal Library.

In the Experiment series opener, a balloon was inflated by harnessing the chemical reaction of soda melting Pop Rocks candy. As the reaction fizzed, the balloon inflated. In the next episode they used a CD, a dish soap cap and pressurized air escaping from a balloon to create a hovercraft that actually hovered.

They presented six live Story Times, experiments, and craft videos on Facebook in January with 31 people watching the live broadcasts. The videos were left up on our Facebook page and 349 additional people watched the shows during the month.

Katie and Maggie are working on a new online video series for older juveniles. The first program will feature the Brothers Grimm's story *The Wolf and the Seven Young Goats*. It will air in February.

Library Director Dana Abshier turned in the library's ten-year needs and improvements plan to City Hall. Top on the list are all the major repairs needed for the Cultural Center, including the leaky roof, windows, damaged carpeting and walls, and many other areas that need work. Patron computers are also needed.

Dana is also working on the library's annual report for the Texas State Library and Archives Commission. This is a 24-page document that reports financials, circulation, collection size, staff, and much more.

The library received a letter from FLNB stating that it will no longer administer the library's trust funds. FLNB has overseen the trust at no charge to the City since 1980 when it was originally set up. The City is considering another local bank to handle this important source of income for the library.

We were very happy to receive a new laminator and Amber Ursprung has already tried it out. The laminator was purchased by the Friends of the Library and is a great improvement over the very old, non-working machine it replaced.

City Council approved the library's three-year E-Rate contract for internet access. As low bidder, Comcast was awarded the contract for 100mbps service. Currently, patrons have 50mbps service, so this should really speed things up. Amber is our E-Rate specialist and makes sure all the paperwork is submitted on time.

The staff became very concerned following another Covid-19 scare. Two computer patrons were trying to change the results of a Covid test from positive to negative and asked three staff members for help, which they did not provide. We found out one of the patrons did indeed have Covid. After the couple left, the staff thoroughly cleaned the computer they were using and followed our personal Covid cleaning protocol. Thankfully none of the staff members became ill. This was not the first time a patron with Covid

has used our computers. Every time staff members assist patrons with computer problems they are at risk.

Amber used her creative skills to produce eye-catching visuals for the windows in January. A very, very large sign was put at the front entrance stating that all patrons must wear masks over their mouths and noses while in the library. The sign is much too large to miss. Unfortunately, some patrons still refuse to wear a mask even though we provide them at no cost.

Amber got a jump on Black History Month and researched Black inventors. She drew large pictures of important items that were created by Black inventors, including a stop light, rotary lawn mower, a street sweeper, and a jar of peanut butter, among other items. She added the names of the inventors below the pictures. This interesting display can be seen on the east side windows.

Katie is checking our catalog for children's materials that have won various literary awards, such as the Coretta Scott King Award, Pura Belpre Award, the Caldecott and Newbery Awards, and the Bluebonnet award. The catalog is being updated so the books are searchable by the name of the award.

The staff participated in internet safety classes from KnowBe4 and learned a good deal about keeping the City's network safe.

The Library Board did not meet for its usual January meeting because of Covid-19. With so many people in our community falling ill, we decided it was best to take no chances with board members' health. When the pandemic slows down we will begin meeting again.

Mesa Mechanical was here recently to do the quarterly HVAC maintenance. While here they installed two air handler float switches at no charge. The float switches will shut off the air handler when the water level becomes too high in its drain pans. This will prevent overflows like those that damaged the walls and ceiling below the air handler in the past.

The fire alarm power panel was hit by a recent electrical surge and is no longer working. A1 Tel Com has ordered the part.

We lost two more trees in January, one in the front and one on the back lawn. We are always sad to lose trees, but Lori Gonzales from Trinity River National Wildlife Refuge has planted a number of seedlings for us.

The library staff were very excited to receive a huge automated dog from the Sheriff's Department. The crime fighting McGruff includes remote controls so he can be made to speak, wiggle his eyebrows, move his eyes, paws and more. The staff are planning ways McGruff can be used to delight our little readers. Since his battery is exhausted, he's already playing dead. If we can teach him to roll over, we'll be set.

Liberty Municipal Library Monthly Report August 2020 through January 2021

	August	September	October	November	December	January
Circulation						
Spanish Materials Circulation	9	14	46	48	19	21
Total Adult & YA Circulation All Formats	977	1,046	1,523	1,480	1,311	1,600
Total Juvenile Circulation All Formats	260	562	1,011	1,112	840	1,007
Total Circulation All Formats	1,237	1,608	2,534	2,592	2,151	2,607
Reference Services						
In-house Reference	56	86	150	81	126	158
Telephone Reference	345	270	238	90	161	192
Public Computer Assistance/Facebook Ref.	6	20	78	66	74	75
Collection Statistics						
Total Volumes in Collection	52,536	52,229	52,237	52,430	52,530	52,736
Total Titles in Collection	63,195	63,571	63,667	64,024	64,329	64,493
Cataloging						
Books Cataloged	190	156	126	250	161	155
DVD/ Blu-Rays Cataloged	11	20	14	19	2	2
Audiobooks & Music CDs Cataloged	5	16	0	0	1	0
Periodical Cataloged	51	66	54	54	45	55
Building Use/ Programs/Public Relations						
Meeting Room/Pavilion Use	0	0	0	0	0	0
Online Story Time/Craft Programs	0	0	5	5	6	6
Online Story Time/Craft Attendance	0	0	564	215	420	349
Misc. Children's Programs/Tours	0	0	0	0	0	0
Misc. Children's Programs/Tours Attendance	0	0	0	0	0	0
Adult/YA Programs Attendance	0	0	0	0	0	0
Live Story Time/Craft Programs	0	0	5	5	6	6
Live Story Time/Craft Attendance	0	0	42	22	45	31
Patron Count/ Volunteers						
Total Active Accounts In-City Patrons	3,137	3,137	3,126	3,108	3,093	3,067
Total Active Accounts Out-of-City Patrons	4,841	4,841	4,819	4,811	4,802	4,782
Total Volunteers	0	1	0	0	0	0
Total Volunteer Hours	0	1.5	0	0	0	0
Patron Visits Count	0	0	1,405	1,355	1,200	1,316
Public Use Technology						
Wireless Users Estimate	15	15	6	6	18	21
Public Computers Users This Month	0	0	151	199	143	164
Hours of Patron Computer Use	0	0	104	103	69	91
Website Users: Ploud, Online Catalog	1,576	1,743	400	638	288	378
Social Media Users: Facebook, Instagram	551	1,195	4,557	6,204	1,309	1,238

Attachment: Library Monthly Report - January 2021 (5010 : Department Reports)

Liberty Municipal Library Volunteer Report for the Month of January 2021																																
	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																															

YEARLY ACTIVITY REPORT FOR 2019													
ACTIVITY	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL PER ACTIVITY
CALLS FOR SERVICE	1593	1421	1566	1825	1984	1958	1985	1714	1695	1772	1530	1682	20721
OFFENSES REPORTED	75	66	76	91	95	75	77	73	63	85	83	93	952
OFFENSES CLEARED	17	12	13	15	7	12	14	14	11	18	12	14	159
OFFENSES EXCEPTIONALLY CLEARED	2	2	2	1	1	1	0	4	2	4	1	2	22
TRAFFIC CITATIONS	61	57	71	77	91	47	48	42	26	32	23	64	639
TRAFFIC ACCIDENTS	30	27	36	41	30	29	30	26	28	40	37	28	382
WARNING TICKETS	146	125	120	110	329	127	178	119	120	149	71	148	1742
ARRESTS	43	22	32	41	69	50	28	33	29	42	41	37	467
ANIMALS HANDLED	52	39	21	29	73	77	93	57	81	51	33	56	662
ALARM CALLS	54	69	16	91	97	86	68	69	89	64	53	60	816
GARAGE/YARD SALES	0	0	0	0	0	0	0	0	0	0	0	0	0
YEARLY ACTIVITY REPORT FOR 2020													
ACTIVITY	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL PER ACTIVITY
CALLS FOR SERVICE	1577	1344	1444	1351	1444	1384	1314	1371	1298	1491	1493	1282	16791
OFFENSES REPORTED	76	60	63	52	70	44	57	52	45	54	46	67	686
OFFENSES CLEARED	13	11	19	5	12	4	3	10	14	8	3	2	104
OFFENSES EXCEPTIONALLY CLEARED	0	0	5	2	4	1	2	0	1	2	0	0	17
TRAFFIC CITATIONS	28	36	48	12	23	18	25	44	17	24	7	6	288
TRAFFIC ACCIDENTS	23	27	17	24	27	22	27	23	24	26	31	22	293
WARNING TICKETS	86	80	62	22	94	68	53	62	68	64	19	10	688
ARRESTS	31	37	32	19	28	19	25	34	20	29	21	32	327
ANIMALS HANDLED	76	64	41	20	38	67	30	43	52	43	39	44	557
ALARM CALLS	51	56	42	56	42	67	62	60	56	49	40	47	628
GARAGE/YARD SALES	0	0	0	0	0	0	0	0	0	0	0	0	0
YEARLY ACTIVITY REPORT FOR 2021													
ACTIVITY	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL PER ACTIVITY
CALLS FOR SERVICE	1319												
OFFENSES REPORTED	52												
OFFENSES CLEARED	4												
OFFENSES EXCEPTIONALLY CLEARED	4												
TRAFFIC CITATIONS	10												
TRAFFIC ACCIDENTS	22												
WARNING TICKETS	8												
ARRESTS	29												
ANIMALS HANDLED	13												
ALARM CALLS	49												
GARAGE/YARD SALES	0												

JANUARY // 2021 //

PUBLIC WORKS MONTHLY REPORT

STREETS DEPARTMENT -THE ROAD TO SUCCESS IS ALWAYS UNDER CONSTRUCTION

This Month's Notes

**JAMES
REDDING –
STREETS
DIRECTOR**

- Notes:
- Swept streets
- Removed trees from golf course
- Formed and poured sidewalk on Cos
- Removed couch from Main A
- Cleaned inlets
- Replaced faded stop signs
- Formed and poured concrete driveway on Columbia
- Cut, formed and poured concrete cut on Lynwood
- Patched around town
- Cleaned grates at Main A
- Formed up and poured concrete driveway on Linden
- Cleaned ditch on Cook
- Repaired asphalt street cuts
- Repaired storm drain on M L King by My Little Kitchen
- Repaired curb on Lynwood
- Repaired pipe separation on Ave D
- Closed flood gates at Main B
- Installed No Parking signs on Travis
- Formed up and poured curb on Webster
- Picked up New Dump Trucks in Houston
- Checked flood pumps every Monday
- Took 1 dump truck back to Houston for repairs
- Opened flood gates at Main B

Attachment: Monthly Report-Public WorksJan21 (5010 : Department Reports)



DEMONSTRATION OF SEWER PIPE INVESTIGATIVE EQUIPMENT

FIXING THESE STREETS

Streets:						
	Graded:					Miles
	Swept:				36	Hours
	Street cut repairs:				3	Each
	Curb & Gutter Repair:				131	Feet
Drainage:						
	Ditch Cleaning:				1075	Feet
	Culvert Installation:					Feet
	Catch Basin/inlets cleaned:				753	Each
	Levee Inspection:				Yes	
	Flap gate Debris Removal:					
Spraying:						
	Herbicide:					Gallons
	Mosquito:					Miles
Signs:						
	Installed				2	Each
	Repaired/ Replaced				47	Each

PARKS DEPARTMENT

MEASURE TWICE, CUT ONCE!!!

Work completed

TOM TULLOCK – PARKS

Work Completed:

Fields:

Work Performed: Picked up trash and maintained as needed.

Restrooms:

Work Performed: Washed all restrooms twice a week and cleaned and swept as needed. Replaced toilet paper and other things as needed also. 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. Texas Elite has power off to splash pad. Splash pad is closed for winter.

Jogging Trail:

Work Performed: Picked up limbs and trash as needed also, weedeated around trees and rocks as needed.

Attachment: Monthly Report-Public WorksJan21 (5010 : Department Reports)

Playground Equipment:

Work Performed: Checked and made sure all playground equipment was in good working order. Picked up trash and other debris around them. Sprayed big playground with weed killer, the weeds were starting to grow through the chips.

-

Pocket Parks:

Work Performed: Picked up trash and other debris every day. Changed trash barrels as needed in all pocket parks. Fixed fence at dog park from damage done by mowing contractors hitting fence with mower decks.

Trees:

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

Flags:

Work Performed: Checked flags every day for damage. Had 30'x60' flag repaired and rehung. Replaced ropes on city hall flags and highway monument flags.

Notes:

1. Filled holes throughout park.
2. Disinfected all playground equipment at the municipal park and all pocket parks.
3. Picked up limbs throughout park.
4. Raked and filled hog ruts almost every day in the municipal park.
5. Removed dirt from dugouts at the softball complex.
6. Pressure washed all bleachers and dugout benches at softball complex and pressure washed the concession stand.
7. Re-hung the foul nets over the bleachers at the boy's baseball complex and swept off and blew the dugouts at the boy's complex.
8. Swept out and blew off the dugouts at the T-Ball complex.



PARKS BALL FIELDS GETTING READY FOR THE SEASON

AMERICA RUNS ON GOOD CLEAN WATER!

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



**WATER DEPARTMENT REPAIRING A SANITARY SEWERLINE AT COLUMBIA ST. – CHAD
CALLAWAY**

Attachment: Monthly Report-Public WorksJan21 (5010 : Department Reports)

MONTHLY WATER REPORT

MONTH – JANUARY - 2021

REPAIRS COMPLETED

16	WATER REPAIRS
21	SEWER REPAIRS

LINE MAINTENANCE (CAMEL)

35 / 625	HOURS OF OPERATION / TOTAL
2000	FEET OF SEWER LINE CLEARED / CLEANED
4	MANHOLES CLEANED

WORK COMPLETED

0	MANHOLE REPAIRS
21	SEWER STOPAGES
9	METER REPAIRS
3	RADIO REPLACEMENTS
0	WATER TAPS
0	SEWER TAPS
7	CUSTOMER PROBLEMS / ISSUES
83	LOCATE LINES
83	TEXAS 811 LINE LOCATES
2	METER BOXES REPLACED
0	METER LIDS REPLACED
2	CLEANOUTS REPLACED / INSTALLED
0	PULLED METERS
37	CUSTOMER REQUESTED TURN ON
14	CUSTOMER REQUESTED TURN OFF
17	CUT OFF SERVICE
55	RECHECKS
7	METERS CHANGED OUT
16	METERS REPROGRAMMED

MISC:

HARDIN & AMES READINGS CHECKED DAILY

* AMES METER STOPPED WORKING 1/11/21

*CLOSED 39 WORK ORDERS

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



**BEAUMONT ELECTRICAL
SUBSTATION**

ELECTRICAL DEPARTMENT

WE POWER LINES THAT POWER LIVES!

CHARLES YPMA – ELECTRICAL SUPERVISOR

The Electrical Department received 66 request this month and closed out 64 of them with 2 carrying overs to February 2021. The requests range from power restoration, blown fuses, saging 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.

COMPLETED WORK REQUESTS

	46
MISC. MAINTENANCE	
NO POWER	8
POWER LINE ISSUE	4
POLE ISSUE	2
SECURITY LIGHT	2
STREET LIGHT	2
TREES AND VINES	0
TOTAL INCIDENTS RESOLVED	64

Attachment: Monthly Report-Public WorksJan21 (5010 : Department Reports)

POWER OUTAGES

January 2021

Date	Location	Time Called Out	Time Power Restored	Response Time (min)	Outage Time (min)	Cause of Outage
1	High School Agg Barn	7:19 p.m.	12:00 a.m.	31	250	Blown line fuse due to vegetation
3	910 Confederate St	3:41 p.m.	6:41 p.m.	34	146	Bad connection at transformer
3	506 Layl Dr	4:31 p.m.	7:11 p.m.	50	30	Blown cuse on cutout
13	City-Wide Outage	11:19 a.m.	11:45 a.m.	6	20	ENTERGY main hotline from Dayton lost po
24	603 Travis on the Cos side	2:03 p.m.	5:00 p.m.	12	165	Bad connection at line fuse.
24	2521 Beaumont Ave	2:21 p.m.	5:45 p.m.	174	30	Blown line fuse due to animal
24	2521 Beaumont Ave	6:30 p.m.	8:20 p.m.	15	95	Blown transformer fuse, bad primary jumper
Average				46	105	
				46 Minutes	105 Minutes	

Attachment: Monthly Report-Public WorksJan21 (5010 : Department Reports)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.D

Meeting: 02/09/21 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 5011)

DOC ID: 5011

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.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.E

Meeting: 02/09/21 06:00 PM

Department: Administration
Category: Announcements

INFORMATION ITEM (ID # 5012)

DOC ID: 5012

Subject: Mayor, Council & Staff Comments

Background: This agenda item affords the Mayor, Council and Members of Staff to comment on recognition of community members, city employees, upcoming events, etc.



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, January 12, 2021

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

The meeting was called to order on January 12, 2021 at the City Hall - Liberty Center, 1829 Sam Houston Liberty, TX at 6:07 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	
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 and Texas Flags were led by police Chief Gary Martin and Fire Chief Brian Hurst, 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 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.

Minutes Acceptance: Minutes of Jan 12, 2021 6:00 PM (Minutes Approval)

Mayor Pickett welcomed guests 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 # 4986)

City Manager's Report - City Manager Tom Warner - Topics include 2020 Pandemic & other Issues, COVID-19, Police Department, and Sales and Use Tax.

COMMENTS - Current Meeting:

City Manager Tom Warner reported on current City activities and projects as listed below:

- 2020 Pandemic
- Rise in COVID-19 patients
- Acquisition of eighteen body cameras for the PD
- City's Sales and Use Tax
- Electric Infrastructure Projects

ATTACHMENTS:

- City Manager's Report January 12 2021 (DOCX)

B. Information Item (ID # 4987)

Finance Report - Assistant City Manager / CFO - Naomi Herrington

COMMENTS - Current Meeting:

Assistant City Manager / CFO Naomi Herrington reported on the City's financials as of November 2020.

C. Information Item (ID # 4988)

Department Reports

COMMENTS - Current Meeting:

City Manager Tom Warner stated that the monthly reports, submitted by the various departments, were presented for Council's review. Mayor Pickett asked for clarification on some of the abbreviations in the Code Enforcement report.

ATTACHMENTS:

- Code Enforcement Monthly Report - December 2020 (DOCX)
- Fire Department December 1 to December 31, 2020 (XLS)
- Inspections - December 2020 - Monthly Report (PDF)
- Library Monthly Report (PDF)
- Police Department 12-2020 (XLS)
- Public Works Monthly Report - December 2020 (DOCX)
- Golf Course Monthly Report (December 2020) (PDF)

D. Information Item (ID # 4989)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency, stated that the Agency's next meeting would be held the following week on Tuesday, January 19, 2021.

E. Information Item (ID # 4990)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

Mayor Pickett expressed Council's condolences to Council Member Beasley for the recent passing of his wife Debbie. He also stated that with the rise in the COVID-19 cases that Coffee with the Mayor for January has been cancelled and will be assessed on a month to month basis.

City Secretary April Gilliland reported on the May 1, 2021 Election and that there are 3 council member positions up for election - Libby Simonson, Diane Driggers, and Dennis Beasley. The filing period of an application for a place on the ballot is January 13 - February 12, 2021. Candidate packets are ready for pickup or on the City's website.

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, December 08, 2020
2. Wednesday, December 16, 2020

VII. REGULAR AGENDA**A. Regular Session****1. Council Action 2021-3**

Discussion regarding the wearing of face masks at City Facilities.

COMMENTS - Current Meeting:

The discussion of City employee's wearing face masks while in close proximate to public visitor's during working hours. Signs are posted on each facility letting the public know that

face masks are required to enter each facility. Council expressed that they would like to see City Employees wear face masks in areas where social distancing and or protective shields could not be used to minimize the spread of COVID. The Governor's order for people to wear face masks is not enforceable, as it states that law enforcement can not arrest, detain or confine a person for not wearing a mask.

RESULT: NO ACTION TAKEN

2. Resolution 2021-1

Consider a resolution rejecting all bids for annual lawn maintenance services.

COMMENTS - Current Meeting:

On December 3, 2020 bids were received for lawn maintenance services at various City facilities. The annual cost of the existing contract is \$109,740.00. Since the contract has expired, Public Works prepared bid documents with the same conditions and frequency as the current contract. The two bids received were in the amounts of \$288,461.20 and \$300,211.40, or \$178,721.20 higher than the current cost. City staff is looking at other alternatives for lawn maintenance services. In the interim, the existing contractor is willing to work on a month to month basis.

Motion was made to reject all bids for the annual lawn maintenance services.

ATTACHMENTS:

- Lawn maintenance bid tab (PDF)

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

3. Resolution 2021-2

Consider a Resolution approving the selection of professional services provider to assist the City in submitting 2021-2022 Community Development Block Grant applications and authorizing the City Manager to begin contract negotiations.

COMMENTS - Current Meeting:

These services were solicited to assist with the application and administration of the 2021-2022 Texas Community Development Fund of the Texas Community Development Block Grant Program. This program is a part of the Texas Department of Agriculture - Office of Rural Affairs (TDA).

The grant administration service provider will assist the City from the time the grant is prepared until the completion of construction. The City received only one proposal for administrative services, from Public Management, Inc.

The City will be applying for such funding to support public infrastructure improvements in the City. If the City is awarded a grant, the administrative services provider fee will be paid from the grant.

Motion was made to select Public Management, Inc as the Professional Services Provider for

the 2021-2022 Texas Community Development Block Grant Program.

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

4. Resolution 2021-3

Consider approval of the designation of certain vehicles and equipment as surplus property.

COMMENTS - Current Meeting:

The City is the owner of various vehicles and equipment that are no longer in good working order. The attached list of items to be declared surplus, if approved, and then will be sold in an online auction in February 2021. These items will be sold to the highest bidder and the auction will be conducted by Rene Bates Auctioneers, Inc. The auction is a way for the City to recoup monies from the sale of these items.

Motion was made to approve the designation of certain vehicles and equipment as surplus property.

ATTACHMENTS:

- Auction list 2021 (PDF)

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

5. Resolution 2021-4

Consider a resolution awarding a three-year contract to Comcast in the amount of \$17,821.80 to be the Library's E-Rate service provider.

COMMENTS - Current Meeting:

E-Rate is a grant program of the Federal Communications Commission (FCC) that has been around over 20 years. It assists libraries by providing funding for Internet-related costs that benefit the public. The Library received its first E-Rate grant three years ago and we received an 80% discount for our expenses. The proposed contract is for three-years at \$17,821.80 for the entire three-years with 80% of the expenses reimbursed by E-Rate. E-Rate will reimburse 80% of the costs; the remaining 20% are provided for in the Library's operating budget.

Motion was made to award a three-year contract to Comcast in the amount of \$17,821.80 to be the Library's E-Rate service provider.

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

B. Work Session

1. Work Session (ID # 4996)

Discussion in regards to the 2021 Jubilee

COMMENTS - Current Meeting:

Discussion was held regarding the 2021 Jubilee, due to the COVID-19 pandemic. Topics of discussion included the increased number of hospitalizations, the increase number of confirmed cases in the county and surrounding areas, other events being held in the area and how to avoid activities or events where people tend to congregate.

Council concurs that with the amount of people that attend Jubilee it is in the best interest of the citizens not to have the 2021 Jubilee to slow the spread of the COVID-19 Virus.

All other events will be reviewed on a case by case basis.

C. Executive Session

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

- To seek advice regarding contemplated / pending litigation.

Tx. Gov. Code §551.087 - Deliberation Regarding Economic Development Negotiations.

- To deliberate commercial or financial information received from a business prospect.

At 7:29 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

D. Reconvene into Regular Session

At 8:32 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2021-1

Consider action as discussed in the Executive Session during consultation with Attorney.

COMMENTS - Current Meeting:

No action was taken

RESULT:	NO ACTION TAKEN
----------------	------------------------

2. Council Action 2021-2

Consider and take action, if any, on Economic Development Negotiations, as discussed in the Executive Session.

COMMENTS - Current Meeting:

No action was taken.

RESULT: NO ACTION TAKEN

VIII. ADJOURNMENT**A. Motion To:** Adjourn

COMMENTS - Current Meeting:

With no further business to discuss Carl Pickett adjourned the meeting at 8:34 p.m.

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Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary

Minutes Acceptance: Minutes of Jan 12, 2021 6:00 PM (Minutes Approval)



The City of Liberty City Council

Special Called Meeting

~ Minutes ~

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

April Gilliland
City Secretary
936-336-3684

Wednesday, January 20, 2021

12:00 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

The meeting was called to order on January 20, 2021 at the City Hall - Liberty Center, 1829 Sam Houston Liberty, TX at 12:00 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	Late	12:02 PM
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. 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 guests and visitors opening the floor for public comment to those individuals wishing to address the Council. There were no comments.

III. REGULAR AGENDA

At 12:02 p.m., Mayor Pickett closed the open meeting and opened an Executive Session pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

Minutes Acceptance: Minutes of Jan 20, 2021 12:00 PM (Minutes Approval)

A. Regular Session

At 12:14 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Ordinance 2021-1

Consider an ordinance adding Section 13.09 of the Code of Ordinances imposing a lien against real property of utility customers for delinquent bills.

COMMENTS - Current Meeting:

The Texas Local Government Code allows cities to perfect a lien on the real property of any real property owner that fails to pay City provided utility services, including, but not limited to, water, wastewater, solid waste and electricity. The lien for delinquent utility bill shall not apply to any category of real property specifically exempted from such a lien by the Texas Local Government Code. Currently, when a real property owner leaves a property without paying their utility bill, the City's only recourse is to turn the account over to a collection agency. By placing a lien on the property, this gives the City one more opportunity to collect on the delinquent bill.

Motion was made to adopt the ordinance adding Section 13.09 of the Code of Ordinances imposing a lien against real property of utility customers for delinquent bills.

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

2. Resolution 2021-5

Consider a resolution retaining the firm of Lloyd Gosselink to assist the City in negotiating a contract for utility service.

COMMENTS - Current Meeting:

The City currently has an engagement letter with Lloyd Gosselink to provide legal services on an as needed basis. The terms of engagement vary depending on the services required. Lloyd Gosselink has agreed to provide legal services to the City during contract negotiations for utility service to local customer. The billing for their effort would be based on their current hourly rates and is not anticipated to exceed \$7,500.00

Motion was made to approve a resolution retaining the firm of Lloyd Gosselink to assist the City in negotiating a contract for utility service.

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

IV. ADJOURNMENT

A. Motion To: Adjourn

Minutes Acceptance: Minutes of Jan 20, 2021 12:00 PM (Minutes Approval)

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 12:18 p.m.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary

Minutes Acceptance: Minutes of Jan 20, 2021 12:00 PM (Minutes Approval)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.B.1

Meeting: 02/09/21 06:00 PM

Department: Administration
Category: Executive Session Items

COUNCIL ACTION (ID # 5013)

DOC ID: 5013

Subject: Action Taken Following an Executive Session

Background: A vote on a matter deliberated in a closed session may only be made in an open meeting that is held in compliance with the notice provisions.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.B.2

Meeting: 02/09/21 06:00 PM

Department: Administration
Category: Executive Session Items

COUNCIL ACTION (ID # 5016)

DOC ID: 5016

Subject: Action Taken Following an Executive Session

Background: A vote on a matter deliberated in a closed session may only be made in an open meeting that is held in compliance with the notice provisions.

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 02/09/21 06:00 PM

Department: Administration
Category: Miscellaneous Issues

RESOLUTION (ID # 5004)

DOC ID: 5004

Department: Economic Development

Subject: 380 Agreement with Liberty Strive Partners, LLC

Background: On May 28, 2019 the City Council approved an economic development 380 agreement with Sleep Inn & Suites Liberty Strive Partners, LLC. However, since the developer did not commence construction of the Sleep Inn by February 2020 the agreement expired. The developer is now ready to move forward with construction and is requesting a new 380 agreement.

Sleep Inn & Suites Liberty Strive Partners, LLC is proposing to build a 54 room Sleep Inn Hotel in the vicinity of North Main Street at Monta. The hotel will have a stone façade that covers the first floor. The developer is requesting a rebate of 85.71% of hotel occupancy tax (HOT) revenue collected by the city for a seven (7) year period, for a total amount not to exceed \$495,000.

In consideration of the HOT rebate, the 380 agreement specifies that the developer will: (1) build a 54-room hotel; (2) start construction on the hotel within nine months of execution of the 380 agreement; (3) use the HOT fund revenue in accordance with state law; and (4) stay open for operation for at least five years. The developer also agrees to build a Fuel Maxx convenience store of not less than 6,500 square feet in the vicinity of North Main at Monta.

The proposed 380 agreement is attached for your review.

Funding Source: Hotel Occupancy Tax Fund

Staff Recommendation: Staff recommends approval of the 380 agreement with Liberty Strive Partners, LLC.

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, APPROVING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY AND SLEEP INN & SUITES LIBERTY STRIVE PARTNERS, LLC.

WHEREAS, on May 28, 2019 the City Council approved a Chapter 380 Economic Development Agreement with Sleep Inn & Suites Liberty Strive Partners, LLC (sometimes hereinafter referred to as “developer”); and

WHEREAS, since the developer did not commence construction of the Sleep Inn by February 2020, the agreement expired; and

WHEREAS, the developer is now ready to move forward with construction and is requesting a

new Chapter 380 Economic Development Agreement; and

WHEREAS, Sleep Inn & Suites Liberty Strive Partners, LLC is proposing to build a 54-room Sleep Inn Hotel in the vicinity of North Main Street at Monta; and

WHEREAS, the hotel will have a stone façade that covers the first floor; and

WHEREAS, the developer is requesting a rebate of 85.71% of hotel occupancy tax (HOT) revenue collected by the city for a seven (7) year period, for a total amount not to exceed \$495,000; and

WHEREAS, in consideration of the HOT rebate, the Chapter 380 Economic Development Agreement specifies that the developer will: (1) build a 54-room hotel; (2) start construction on the hotel within nine (9) months of execution of the Chapter 380 Economic Development Agreement; (3) use the HOT fund revenue in accordance with state law; and (4) stay open for operation for at least five (5) years; and

WHEREAS, the developer also agrees to build a Fuel Maxx convenience store of not less than 6,500 square feet in the vicinity of North Main Street at Monta.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Liberty, Texas hereby approves the Chapter 380 Economic Development Agreement with Sleep Inn & Suites Liberty Strive Partners, LLC, attached hereto.

PASSED AND APPROVED this ____ day of _____, 2021.

CITY OF LIBERTY, TEXAS

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.B.4

Meeting: 02/09/21 06:00 PM

Department: Administration
Category: Grant Related Issues

RESOLUTION (ID # 5015)

DOC ID: 5015

Department: Public Works

Subject: Texas GLO CDBG-DR Sanitary Sewer Improvements

Background: In November 2019, the City received a Hurricane Harvey Community Development Block Grant from the Texas General Land Office in the amount of \$420,912.00. City Council had previously approved the grant application and the use of Cambridge Funds for the local match.

The funds from the grant will be used to improve the sanitary sewer systems from the intersection of Beaumont Avenue and Texas Street south to ML King Parkway and then across Hwy 90. The project includes replacing the existing sewer line by pipe bursting, install a new manhole and increase the depth of an existing manhole, clean and TV lines pre and post construction, make service connections and tie into other sewer lines were necessary. Also included in the project was an alternate bid to replace the sewer line under the railroad tracks by pipe bursting.

On February 2, 2021, five bids were received to improve the sanitary sewer line. The apparent low bidder is Texas Pride Utilities with a base bid amount of \$245,945.00 and a bid for the alternate in the amount of \$74,655.00. The total apparent low bid for the base and alternate is \$319,600.00. The base and alternate bids ranged from the low bid of \$319,600.00 to the high bid of \$559,455.00. A copy of the bid tabulation is attached.

Funding Source: Texas General Land Office with a local match of \$42,091.20 from Cambridge Funds.

Staff Recommendation: Staff recommends the contract be awarded to Texas Pride Utilities in the amount of \$319,600.00.

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 CONTRACT FOR GLO CDBG-DR SANITARY SEWER IMPROVEMENTS TO TEXAS PRIDE UTILITIES, LLC IN THE AMOUNT OF \$319,600.00.

WHEREAS, in November 2019, the City received a Hurricane Harvey Community Development Block Grant (CDBG) from the Texas General Land Office (GLO) in the amount of \$420,912.00; and

WHEREAS, the City Council had previously approved the grant application and the use of Cambridge Funds for the local match; and

WHEREAS, the funds from the grant will be used to improve the sanitary sewer systems from the intersection of Beaumont Avenue and Texas Street south to ML King Parkway and then

across Highway 90; and

WHEREAS, the project includes replacing the existing sewer line by pipe bursting, installing a new manhole and increasing the depth of an existing manhole, cleaning and televising lines pre- and post-construction, making service connections and tying into other sewer lines; and

WHEREAS, also included in the project was an alternate bid to replace the sewer line under the railroad tracks by pipe bursting; and

WHEREAS, on February 2, 2021, five bids were received to improve the sanitary sewer line; and

WHEREAS, the apparent low bidder is Texas Pride Utilities, LLC with a base bid amount of \$245,945.00 and a bid for the alternate in the amount of \$74,655.00; and

WHEREAS, the total apparent low bid for the base and alternate is \$319,600.00; and

WHEREAS, the base and alternate bids ranged from the low bid of \$319,600.00 to the high bid of \$559,455.00.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Liberty, Texas hereby awards the contract for GLO CDBG-DR Sanitary Sewer Improvements to Texas Pride Utilities, LLC in the amount of \$319,600.00.

PASSED AND APPROVED this ____ day of _____, 2021.

CITY OF LIBERTY, TEXAS

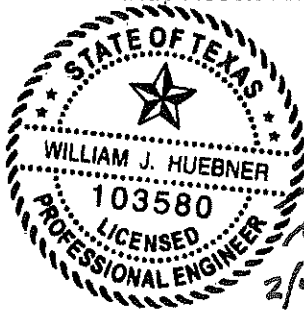
Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary

Bids Received: 2 P.M.
February 2, 2021

STRAND ASSOCIATES, INC.®
1906 Niebuhr Street
Brenham, TX 77833



GLO CDBG-DR SANITARY SEWER IMPROVEMENTS
GLO NO. 20-065-003-B965
CONTRACT 1-2021
CITY OF LIBERTY, TEXAS

BID TABULATION SUMMARY

Bidder and Address	Bid Bond or Guarantee	Addenda Acknowledged	Computed Total Bid	Bid Alternative No. 1
Texas Pride Utilities, LLC 725 Carby Drive Houston, TX 77037	5%	N/A	\$244,945.00 *\$249,595.00	\$74,655.00
Vortex Services, LLC 18150 Imperial Valley Drive Houston, TX 77060	5%	N/A	\$261,485.00	\$63,945.00
T Construction, LLC 12601 McNair Street Houston, TX 77015	5%	N/A	\$292,435.50	\$130,920.50
Lopez Utilities Contractor, LLC 715 Minnesota Street South Houston, TX 77587	5%	N/A	\$334,515.00	\$96,510.00
Aranda Industries, LLC 4206 Northwind Lane Houston, TX 77014	5%	N/A	\$441,715.00	\$117,740.00

*CONTRACTOR'S COMPUTED TOTAL

Reviewed by: _____

Attachment: bid tabulation (5015 : Resolution - CDBG-DR award bid Contractor)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.B.5

Meeting: 02/09/21 06:00 PM

Department: Administration
Category: Miscellaneous Issues

RESOLUTION (ID # 5014)

DOC ID: 5014

Department: Finance

Subject: Contingent Fee Contract

Background: On April 14, 2020 and June 23, 2020, City Council approved a resolution to hire the firm of Perdue Brandon Fielder Collins and Mott, LLP to collect delinquent fines and fees, delinquent utility accounts and library fines for the City. A new law was passed during the last Texas Legislative Session regarding contingent fee contracts. Although Council has approved the contracts in an open meeting, the new law requires the delinquent utility and library fines contract to contain specific language within the contract. The contract included in the City Council packet on June 23, 2020 did not meet the requirements of the State statutes.

Funding Source: NA

Staff Recommendation: Staff recommends approval of the resolution authorizing the Mayor to 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.

**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, APPROVING A CONTINGENT FEE
CONTRACT WITH THE LAW FIRM OF PERDUE BRANDON FIELDER
COLLINS & MOTT, LLP**

WHEREAS, the City of Liberty currently collects municipal fines and fees related to its municipal court; and

WHEREAS, the City of Liberty also currently collects fees related to utility services and library services; and

WHEREAS, occasionally individuals fail to timely pay their fees and fines to the city when due; and

WHEREAS, the City desires to contract with a law firm that specializes in the collection of delinquent fines and fees related to municipal court, utilities, and library billing; and

WHEREAS, the City Council seeks to follow the industry standard by using a contingent fee contract for the collection of said delinquent fines and fees; and

WHEREAS, the City has posted the proper notices as required by Texas Law; and

WHEREAS, the City seeks to contract with the law firm of Perdue Brandon Fielder Collins and Mott, LLP for the collection of delinquent fines and fees; and

WHEREAS, in an open meeting, the City Council for the City of Liberty considered all matters listed in Section 2254.1036(a)(1) of the Government Code, as they relate to contingent fee contracts with Perdue Brandon Fielder Collins & Mott, LLP.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Liberty, Texas, pursuant to Section 2254.1036, of the Government Code, hereby finds the following to be true: (1) there is a substantial need for the legal services specified in said contracts; (2) these legal services cannot be adequately performed by the attorneys and supporting personnel of the City of Liberty; and (3) these legal services cannot reasonably be obtained from attorneys in private practice under contracts providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the matter for which these services will be obtained or because the City of Liberty does not have funds to pay the estimated amounts required under contracts providing only for the payment of hourly fees.

Therefore, this City Council hereby approves the contracts by and between the City of Liberty and Perdue Brandon Fielder Collins & Mott, LLP for professional legal services regarding the collection of delinquent municipal court fines and fees, and delinquent utility and library accounts with services to be paid in accordance with Article 103.0031(b), Texas Code of Criminal Procedure, and City of Liberty Code of Ordinances Chapter 13 Article 13.02, Chapter 1 Article 1.09, and Ordinance Ord-2011-3.

PASSED AND APPROVED this ____ day of _____, 2021.

CITY OF LIBERTY, TEXAS

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary

AMENDED CONTRACT FOR THE COLLECTION OF DELINQUENT ACCOUNTS

THE STATE OF TEXAS §
 §
 COUNTY OF LIBERTY §

THIS CONTRACT is made and entered into by and between the **CITY OF LIBERTY** (hereinafter the “Client”), and **PERDUE, BRANDON, FIELDER, COLLINS & MOTT, L.L.P.**, (hereinafter called the “Law Firm”). This contract amends the prior contract executed by the Client on June 30, 2020. The specific terms of the contract are as follows:

1. **Nature of Services.** Client agrees to employ the Law Firm to collect past due utility accounts including but not limited to amounts due for utilities provided, services rendered, late fees and disconnect and reconnect fees and statutory interest, if any, and all past due municipal library accounts and accrued fines, that Client turns over to the Law Firm.
2. **Compensation.** Client agrees to pay the Law Firm as compensation for services required hereunder twenty percent (20%) of the total amount actually collected and paid to the Client on the accounts turned over to the Law Firm. It is expressly understood that the Law Firm is not entitled to receive payment on any delinquent account subsequently paid but that was not turned over to the Law Firm.
3. **Term of Contract.** The contract shall commence on _____. The contract will continue thereafter on a month to month basis unless either party gives the other party 30 days written notice of its intent to terminate the contract.
4. **Credit Reporting.** Client understands and agrees that the Law Firm will not report information on Client’s accounts to credit reporting agencies. If it is desired, the Client shall, in its sole discretion, report account information to any such agency.
5. **Interest Accrual.** The Law Firm will not accrue interest on Client’s accounts.
6. **Litigation.** The Law Firm will not file suit, accept any compromise settlement or incur any expenses chargeable to Client.
7. **Account Information.** Client agrees to submit for collection only accounts that are validly due and owing by the utility customer or guarantor, or municipal library patron or guarantor. Client will provide accurate information on each account and will promptly report any payments it receives or adjustments it makes on accounts turned over to the Law Firm.
8. **Receipt of Payments.** Client gives the Law Firm exclusive authority to collect amounts due on accounts turned over to the Law Firm. It is understood and agreed that the Law Firm will instruct debtors to make all payments payable to Client, and the Law Firm will forward the payment to Client. In the event the Law Firm is identified as the payee, the Law Firm will simply endorse the payment over to Client.
9. **Billing.** The Law Firm will submit billing invoices to the Client on a monthly basis.

10. **Reporting.** The Law Firm will provide reports to the Client setting forth the status of accounts upon request.

11. **Notices.** For purposes of sending notice under the terms of this Contract, all notices from the Client shall be sent to Perdue by certified United States mail, or delivered by hand or courier, and addressed as follows:

Perdue, Brandon, Fielder, Collins & Mott, LLP
Attn: Otilia Gonzales
1235 North Loop West, Suite 600
Houston, Texas 77008
Telephone Number: 713-802-6917

All notices from Perdue shall be sent to the Client by certified United States mail, or delivered by hand or courier, and addressed as follows:

City of Liberty
Attn: Naomi Herrington
Assistant City Manager
1829 Sam Houston
Liberty, Texas 77575
Telephone Number: 936-336-3684

12. **Misc.** The Law Firm verifies that it is in compliance with and will comply with all provisions of Tex. Gov't Code §2270.002 during the term of this contract. The Law Firm will also be compliant with all provisions of the Texas Government Code, Federal laws and all applicable laws.

13. **Compliance with Section 2254 of the Texas Government Code:**

13.01 This contract is for the collection of Client's delinquent past due utility accounts and past due municipal library accounts. This contract is effective and enforceable after review and approval by the Office of Attorney General of Texas (OAG) and no legal services will be or have been performed under the contract unless and until the contract is approved pursuant to Tex. Gov't Code §2254(b)-(c).

13.02 The Law Firm agrees to keep current and complete written time and expense records that describe in detail the time and money spent each day in performing the contract as required under Tex. Gov't Code §2254.104(a). Law Firm shall permit the Client, the attorney general, and the state auditor, or any other officials as appropriate, to inspect or obtain copies of the time and expense records at any time on request, as required under Tex. Gov't Code §2254.104(b). On conclusion of the matter for which legal services are obtained, Law Firm shall provide the Client with a complete written statement that describes the outcome of the matter, states the amount of any recovery, shows the Law Firm's computation of the amount of the contingent fee, and contains the final complete time and expense records, as required under Tex. Gov't Code §2254.104(c). Pursuant to Tex. Gov't Code §2254.104(d) all time and expense records are public information subject to required public disclosure under Tex. Gov't Code Chapter 552.

13.03 The contingent fee will be calculated on all receivables specifically as follows: 20% of the total recovery of each individual delinquent account turned over to the Law Firm for collection. Tex. Gov't Code §2254.105(1).

13.04 There is no difference in the contingent fee computation based on settlement, trial or appeal. The Law Firm will not collect any delinquent receivable through trial or appellate litigation. The compensation of 20% will only be paid to the Law Firm by the Client if the Law Firm collects the delinquent receivable. Tex. Gov't Code §2254.105(2).

13.05 Litigation is not expected on these matters. The method of payment for litigation and other expenses is none and not applicable for the Client, reimbursement of any expense is not contingent on the outcome of the matter or reimbursable from the amount recovered in the matter, and the amount recovered for purposes of the contingent fee computation is not considered to be the amount recovered for purposes of the contingent fee computation and is not considered to be the amount obtained before or after expenses are deducted because Law Firm will pay all litigation and other expenses and not seek reimbursement from the Client. If there are any litigation expenses, they will be paid 100% by the Law Firm and not be recoverable from the Client. Tex. Gov't Code §2254.105(3).

13.06 The Law Firm will not subcontract any legal or support services performed under this contract. The only compensation the Law Firm will receive under this contract is the 20% of the total amount actually collected by the Law Firm. Any subcontracted legal or support services performed by a person who is not a contracting attorney, partner, shareholder, or employee of a contracting attorney or law firm is an expense subject to reimbursement only in accordance with Tex. Gov't Code §2254.105(4).

13.07 The contingent fee will be 20% of the amount actually collected by the Law Firm and paid and limited in accordance with Texas law, specifically including Subchapter C. The Law Firm will not seek reimbursement of any expenses from the Client. The amount of the contingent fee and reimbursement of expenses under the contract will be paid and limited in accordance with Tex. Gov't Code §2254.105(5).

13.08 The collection of delinquent government receivables is a high-volume practice, requiring a significant amount of research, mailing, and outbound/inbound phone calling. The majority of the collection work is performed by employees of the Law Firm. Moreover, the Client authorizes the Law Firm only to be compensated by a percentage-based fee and does not authorize payment for collection services based on an hourly fee. Law Firm's reasonable and customary hourly rate for work performed by an attorney, law clerk, or paralegal who will perform legal or support services under the contract are based on the reasonable and customary rate in the relevant locality for the type of work performed and on the relevant experience, demonstrated ability, and standard hourly billing rate, if any, of the person performing the work, as required under Tex. Gov't Code §2254.106(a), are as follows and will not exceed these amounts: \$150 per hour for work performed by an attorney; \$50 per hour for work performed by a paralegal; \$25 per hour for work typically performed by a law clerk.

13.09 The amount of the base, minimum, and maximum fee under this contract is limited to 20% of the amount of the receivable recovered. Tex. Gov't Code §2254.106(b). The amount of the contingent fee will not exceed the lesser of the stated percentage of the amount recovered or the amount computed under Subsections (a), (b), and (c) as required under Tex. Gov't Code §2254.106(d).

13.10 The Client will not be required to reimburse the Law Firm for any expenses associated with the Law Firm performing its obligations under this contract. This is a limitation on the amount of fees and

expenses that may be reimbursed; and the amount or payment of the only part of the fee is contingent on the outcome of the matter for which the services were obtained, and no amount and no payment of the remainder of the fee payable on a regular hourly basis without regard to the outcome of the matter, as provided under Tex. Gov't Code §2254.106(e), will be charged to the Client. Tex. Gov't Code §2254.108

13.11 Given the nature of the collection of delinquent utility, and municipal library accounts, the expected amount to be recovered and the actual amount recovered under this contract is not anticipated to exceed \$100,000. Further, the amount of any contemplated series of recoveries and any individual recovery under this contract is also not anticipated to exceed \$100,000. Tex. Gov't Code §2254.106(f). In the event that an individual recovery under this contract exceeds \$100,000 the base fee will be 20% of the amount recovered; the maximum fee will be 20% of the amount recovered; and the fee will be limited to 20% of the amount recovered. The contingent fee is computed by multiplying the base fee of 20% by one, which is the reasonable multiplier based on expected difficulties in performing the contract, the amount of expenses expected to be risked by the Law Firm, the expected risk of no recovery, and any expected long delay in recovery. Tex. Gov't Code §2254.106(c); 2254.106(g).

13.12 The Law Firm will indemnify or hold harmless the Client from claims and liabilities resulting from negligent acts or omissions of the Law Firm, as allowed under Tex. Gov't Code §2254.1034. While the Law Firm believes such a situation is unlikely to occur, the Law Firm agrees in the event that a claim of any type caused by the Law Firm's negligence, the Law Firm will indemnify and defend the Client from damages and costs agreed upon between the parties. Tex. Gov't Code §2254.105(1).

WITNESS the signature of all parties hereto this ____ day of _____, 2021.

CITY OF LIBERTY, TEXAS

By: _____
CARL PICKETT
MAYOR

PERDUE, BRANDON, FIELDER, COLLINS & MOTT, L.L.P.

By: _____
OTILIA GONZALES
PARTNER

Written Findings as to the Collections Contract with Perdue, Brandon, Fielder, Collins & Mott, LLP:

In an open meeting, the City Council for the City of Liberty considered all matters listed in Section 2254.1036(a)(1) of the Government Code, as they relate to contingent fee contracts with Perdue Brandon Fielder Collins & Mott, LLP.

The City Council for the City of Liberty, pursuant to Section 2254.1036, of the Government Code, hereby finds the following to be true: 1) there is a substantial need for the legal services specified in said contracts; 2) these legal services cannot be adequately performed by the attorneys and supporting personnel of the City of Liberty; and 3) these legal services cannot reasonably be obtained from attorneys in private practice under contracts providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the matter for which these services will be obtained or because the City of Liberty does not have funds to pay the estimated amounts required under contracts providing only for the payment of hourly fees.

Therefore, this City Council hereby approves the contracts by and between the City of Liberty and Perdue Brandon Fielder Collins & Mott, LLP, for professional legal services regarding the collection of delinquent fines and fee, and delinquent utility and library accounts with services to be paid in accordance with Article 103.0031(b), Texas Code of Criminal Procedure, and City of Liberty Code of Ordinances Chapter 13 Article 13.02, Chapter 1 Article 1.09, and Ordinance Ord-2011-3.

APPROVED and EXECUTED this the 9th day of February, 2021.

On Behalf of the City of Liberty, Texas



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 02/09/21 06:00 PM

Department: Administration
Category: Manufactured Homes

7.B.6

ORDINANCE (ID # 5006)

DOC ID: 5006

Department: Community Development

Subject: Manufactured Home Park on Industrial

Background: Ms. Leslie Shivers has applied for an extension of the existing Shivers Manufactured Home Park on Industrial. The 5.7-acre expansion, adjacent to the north property line of the existing manufactured home park, will include the addition of fourteen (14) manufactured home lots that will be available for lease. Currently the property is an area where manufactured home parks are not permitted. The Planning and Zoning Commission met on Thursday, January 21, 2021 to consider this request and voted 3-0 in favor allowing the manufactured home park.

Funding Source: NA

Staff Recommendation: Staff recommends approval of the ordinance amending Section 3.08.032 (b) of the Codes of Ordinances.

AN ORDINANCE AMENDING SECTION 3.08.032 OF THE CITY OF LIBERTY CODE OF ORDINANCES, RESTRICTING MOBILE HOMES AND MANUFACTURED HOMES WITHIN THE CITY OF LIBERTY; AND ESTABLISHING AN EFFECTIVE DATE.

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 currently has an ordinance restricting the location of mobile homes and manufactured homes within the city limits; and

WHEREAS, the City of Liberty finds it necessary and desirable to amend its Code of Ordinances relative to the allowed locations for placement of manufactured homes and mobile homes.

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

SECTION 1. The map attached as Exhibit "A" to section 3.08.032 of the Code of Ordinances shall be amended to include the properties outlined in the map attached hereto as Exhibit "1" to the areas within the City where HUD-Code Manufactured Homes are allowed. This ordinance simply expands the areas in which HUD-Code manufactured homes are allowed. This ordinance only amends the map, and the remainder of section 3.08.032 of the Code of Ordinances shall remain in full force and effect.

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.

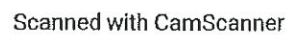
SECTION 4. That this ordinance shall take effect from and after the date of its execution.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Liberty, this _____ day of _____, 2021.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary





ZONE CHANGE APPLICATION
 City of Liberty Community Development Department
 1829 Sam Houston, Liberty, Texas 77575
 Phone: 936-336-3684 | Fax: 936-334-0949

APPLICATION OF ZONING CHANGE FOR

☒ Manufactured Home Zone

☐ Recreational Vehicle Zone

APPLICANT INFORMATION

Name: Leslie Shivers

Address: 209 Industrial Road Liberty TX 77575

Telephone: 936-334-4548 Email: lshivers@comcast.net

OWNER INFORMATION (IF DIFFERENT FROM APPLICANT)

Name: SAME

Address: _____

Telephone: _____

Email: _____

PROPERTY DESCRIPTION

Address: See Attached MAP

Subdivision: _____

Tract _____

Block No. _____

OR

Plat _____

Lot No. _____

Survey _____

Number of Acres: _____

Number of Acres: _____

REQUIREMENTS

1. Applicant must attach a letter stating the reasons for the zone change (EXHIBIT A).

NOTICE AND SIGNATURE

The applicant has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true and correct. The applicant will hold the City of Liberty harmless, and indemnify it against all suits, costs, expenses, and damages that may arise or grow out of such abandonment.

Leslie Shivers
 Signature

1-8-2021
 Date

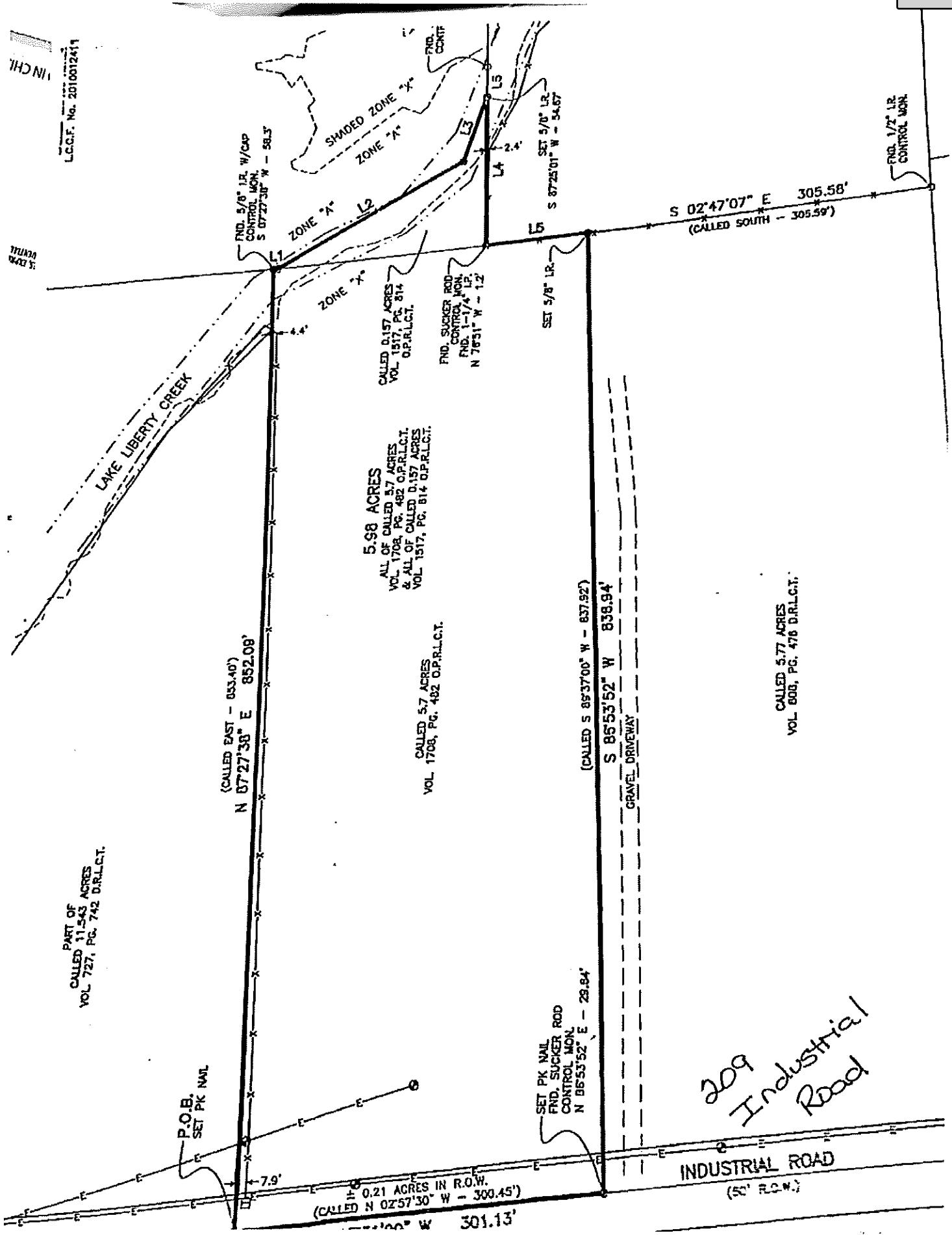
Updated 01-04-2021

Attachment: EXHIBIT A - Application for Zone Change (5006 : Ordinance - Manufactured Home Map)

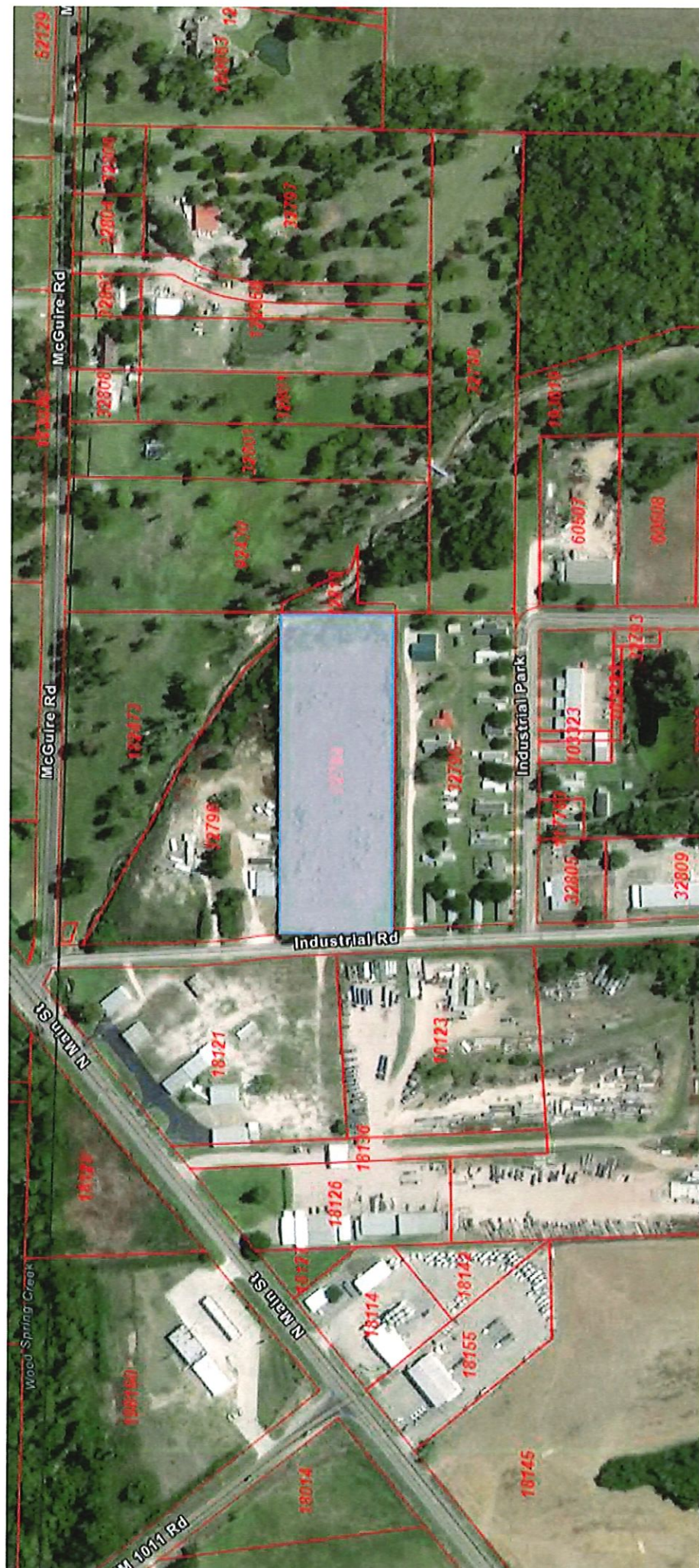
EXHIBIT A

Please attach a letter stating why the zone change request should be considered.

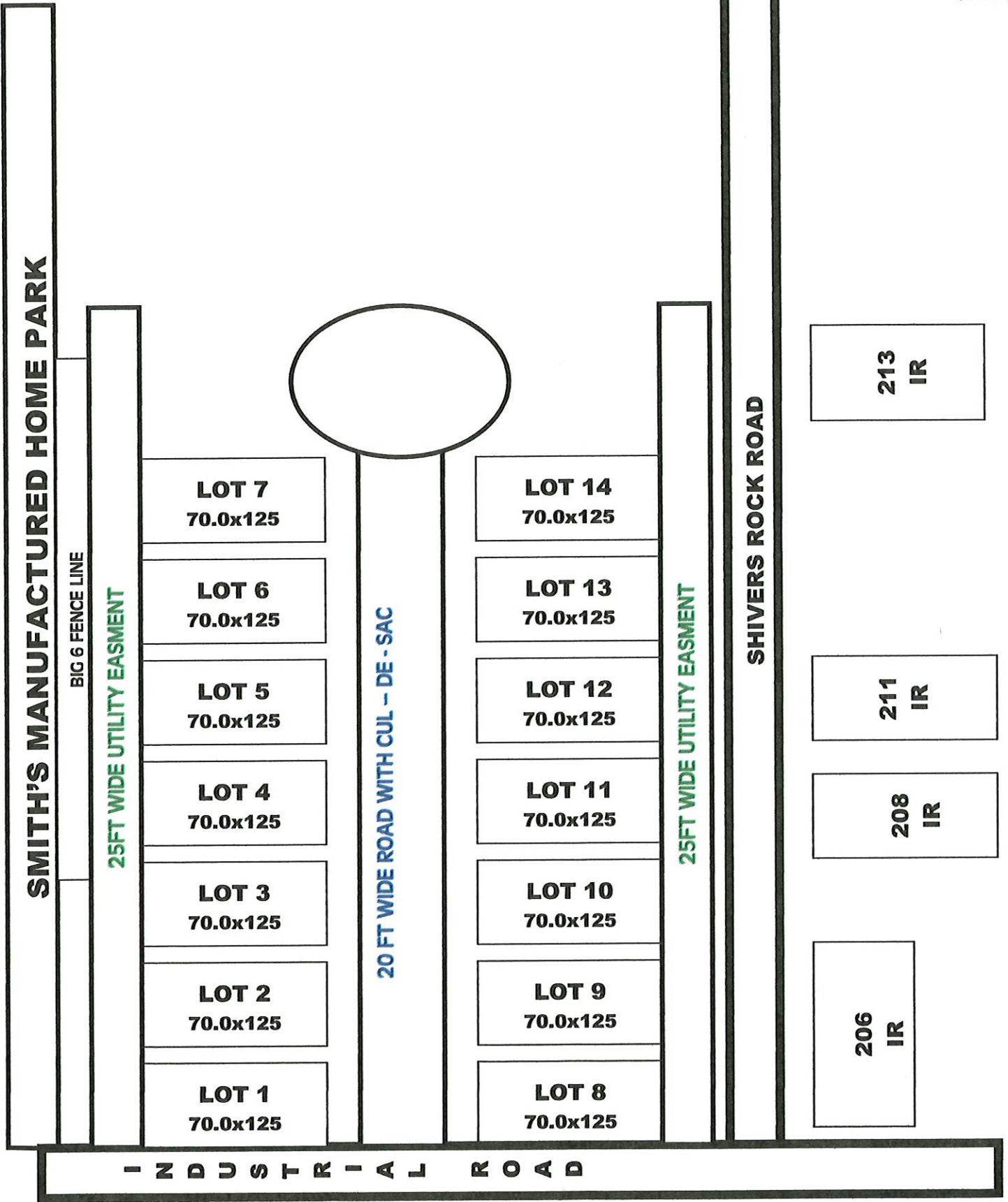
Expanding the existing Shivers manufactured
Home Park!



Attachment: EXHIBIT A - Application for Zone Change (5006 : Ordinance - Manufactured Home Map)



Robert War
23





The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.B.7

Meeting: 02/09/21 06:00 PM

Department: Administration
Category: Electric Issues

ORDINANCE (ID # 5007)

DOC ID: 5007

Department: Administration

Subject: Entergy 2021 Regulatory Proceedings

Background: Each year, a coalition of cities have joined together through a municipal participation ordinance in regulatory rate proceedings involving Entergy, Texas, Inc. before the Public Utility Commission of Texas. The Steering Committee of Cities have played a crucial role in limiting Entergy's various rate increases to reasonable revenue levels. Approval of the proposed ordinance will allow the City to continue as a member of the Steering Committee for one year.

Fiscal Impact: N/A

Staff Recommendation: Staff recommends approval of the ordinance authorizing the City's participation in Regulatory Proceedings of Entergy Texas, Inc. in 2021.

AN ORDINANCE OF THE CITY COUNCIL OF LIBERTY, TEXAS, AUTHORIZING PARTICIPATION WITH OTHER ENTERGY SERVICE AREA CITIES IN MATTERS CONCERNING ENTERGY TEXAS, INC. AT THE PUBLIC UTILITY COMMISSION OF TEXAS IN 2021; AUTHORIZING THE HIRING OF LAWYERS AND RATE EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE

WHEREAS, Cities have exclusive original jurisdiction over rates, operations, and services of an electric utility in areas in the municipality pursuant to *Tex. Util. Code* § 33.001;

WHEREAS, Cities have standing in each case before the Public Utility Commission of Texas that relates to an electric utility providing service in the municipality pursuant to *Tex. Util. Code* § 33.025;

WHEREAS, Entergy Texas, Inc. ("ETI" or "Company") is expected to litigate rate change requests in various proceedings before the Public Utility Commission of Texas or before municipalities in 2021, which may include (1) rate proceedings or cost adjustments such as a transmission cost recovery rider, a distribution cost recovery rider, generation cost recovery rider, energy efficiency cost recovery factor, or hurricane restoration cost or offset true-ups, and (2) various fuel cost refunds or surcharges and reconciliations;

WHEREAS, ETI is scheduled to file fuel factor proceedings at the Public Utility Commission in February and August 2021, and may file other fuel proceedings to refund or surcharge fuel charges;

WHEREAS, ETI is scheduled to file a proceeding to recover costs incurred in association with its Energy Efficiency Plan as well as reconcile past costs;

WHEREAS, Cities have the statutory right to set fair and reasonable rates for both the Company and customers within Cities; and

WHEREAS, Cities are entitled to reimbursement by the utility of their reasonable rate case expenses to participate in cases that are deemed rate proceedings pursuant to *Tex. Util. Code* § 33.023.

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

SECTION 1. The City of Liberty shall participate with other Cities to intervene in ETI's various rate filings related to the various fuel cost surcharges and reconciliations, any interim or incremental surcharge proceedings or surcharge adjustments, and for any base rate adjustment proceedings or cost of service adjustments on file with the Public Utility Commission of Texas or with municipalities in 2021.

SECTION 2. The City of Liberty employs the Lawton Law Firm P.C. to represent the City with regard to the ETI rate matters before local and Public Utility Commission of Texas and any court of law and authorizes counsel to employ rate experts as are recommended by the Cities' Steering Committee to intervene in fuel or rate related proceedings at the Public Utility Commission concerning ETI's rates charged to Texas customers.

SECTION 3. All such actions shall be taken pursuant to the direction of the Cities' Steering Committee. Cities' Steering Committee shall have authority to retain rate consultants and lawyers. Cities' Steering Committee shall direct the actions of Cities' representatives in the above proceedings. The Steering Committee is directed to obtain reimbursement from ETI of all reasonable expenses associated with participation in said proceedings.

SECTION 4. The meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

SECTION 5. This Ordinance shall be effective from and after the date of its passage.

PASSED by _____ vote of the City Council of the City of Liberty, Texas, this 9th day of February 2021.

THE CITY OF LIBERTY, TEXAS

By: _____
Carl Pickett, Mayor

Ordinance (ID # 5007)
Page 3

City Council Meeting

February 9, 2021

ATTEST:

April Gilliland, City Secretary

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 02/09/21 06:00 PM

Department: Administration
Category: Election

ORDINANCE (ID # 5003)

DOC ID: 5003

Subject: General Election Order for Officers

Background: This Ordinance calls for an election to be held on May 1, 2021 for the purpose of electing three (3) City Council Members. The Ordinance states the City will contract with the Liberty County Election Administrator's Office for conduct of the election, spelling out various responsibilities of both parties.

Those Council Members whose terms expire in May are: Council Members Dennis Beasley, Daine Driggers and Libby Simonson.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ORDERING A GENERAL MUNICIPAL ELECTION TO BE HELD ON THE 1st DAY OF MAY, 2021 FOR THE PURPOSE OF ELECTING THREE COUNCILMEMBERS; AUTHORIZING A JOINT ELECTION AGREEMENT WITH THE LIBERTY INDEPENDENT SCHOOL DISTRICT AND AN ELECTION SERVICES CONTRACT BY AND BETWEEN THE CITY OF LIBERTY 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; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE;

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

Section 1.

It is hereby ordered that a General Election be held in the City of Liberty, Texas on the first Saturday in May, the 1st day of May, 2021, at which election the qualified voters of the City will elect three (3) Council Members which shall hold office for a period of two (2) years, and which are all at-large positions.

Section 2.

The Joint Election Agreement with Liberty ISD and the Election Services Agreement with Liberty County are both approved. That the election be held jointly between the City of Liberty, Liberty Independent School District, and any other contracting entities, and said election shall be conducted by the Liberty County Elections Administrator as stated per the terms of the 2021 Joint Election Agreement with Liberty ISD and the Elections Services Contract.

Section 3.

The present boundaries of the City of Liberty constitute one election precinct, and the polls shall be open for voting on Election Day from 7:00 a.m. until 7:00 p.m. at the following polling place.

POLLING PLACE:

Jack Hartel Building
318 San Jacinto Street
Liberty, Texas 77575

Section 4.

Klint Bush, Liberty County Elections Administrator, shall act as Contracting Officer and Early Voting Clerk. The location for Early Voting for such election is hereby designated as:

Jack Hartel Building
318 San Jacinto Street
Liberty, Texas 77575

Early voting by personal appearance shall be conducted on weekdays beginning Monday, April 19, 2021 and continuing through Tuesday, April, 27 2021. Other early voting polling locations will be described in the 2021 Election Services Contract. As required under Section 85.005(d), Texas Election Code, early voting by personal appearance, at the early voting polling place, shall be conducted for at least 12 hours on two weekdays, if the early voting period consists of six or more weekdays. The City of Liberty received approval from the U.S. Department of Justice, in a letter dated April 29, 2009, that the City's two 12-hour days of early voting be held on the last two days of this period, for all future elections beginning with the May 9, 2009 Election. Therefore, Early Voting by Personal Appearance shall be conducted for 12 hours on the last two days of the 2021 early voting period, which fall on Monday, April 26, 2021 and Tuesday, April 27, 2021.

The Election Administrator's address to which ballot applications and ballots voted by mail may be sent is:

Klint Bush, Liberty Co. Elections Administrator
Liberty County Courthouse
1923 Sam Houston Street
Liberty, Texas 77575

All requests for early voting ballots by mail that are received by the City of Liberty will be transported on the day of receipt to Klint Bush, Liberty Co. Elections Administrator, Liberty County Courthouse, 1923 Sam Houston, Liberty, Texas 77575.

Election officials for the City's Early Voting and Election Day Polling Locations shall be

designated by the Contracting Officer, in accordance with the provisions of the Texas Election Code.

Section 5.

All election equipment, election supplies, and election services used to coordinate, supervise, and administer the Joint Election shall be in accordance with the provisions of the Texas Election Code. The Verity Voting System shall be used for Early Voting and voting on Election Day. Each Election Day polling location will have at least one Verity Touch with Verity Access interface that is accessible to disabled voters. The Contracting Officer shall prepare the Verity Voting System for polling locations during Early Voting and on Election Day. Election materials as outlined in Section 272.005, Texas Election Code, shall be printed in both English and Spanish for use at the polling place and for Early Voting and Election Day for said election.

Section 6.

Notice of this election shall be published in the official newspaper of the City not earlier than the 30th day or later than the 10th day before election day, and shall be posted in the place used to post notice of City Council Meetings not later than the 21st day before election day, in accordance with the provisions of the Texas Election Code.

Section 7.

Said election shall be held in accordance with the Texas Election Code and the Federal Voting Rights Act of 1965, as amended. The Mayor and/or City Secretary and the City Attorney are hereby authorized and directed to make any filings required by the Federal Voting Rights Act. The Mayor and/or City Secretary and the City Attorney are further authorized and directed to take any action necessary to comply with provisions of the Texas Election Code, the Federal Voting Rights Act and the terms and provisions of the 2021 Joint Election Agreement and the Election Services Contract.

Section 8.

That if any section, subsection, sentence, clause, or phrase of this ordinance should for any reason be held to be unconstitutional or invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of this ordinance, and to such end the various portions and provisions of this ordinance are declared to be severable; and the City Council of the City of Liberty, Texas, declares it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 9.

This Ordinance shall be in full force and effect from and after the date of its passage.

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

Ordinance (ID # 5003)

City Council Meeting

February 9, 2021

Page 4

this the 9th day of February, 2021.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary



May 2021 Revised

**ELECTION SERVICES CONTRACT
WITH THE COUNTY ELECTIONS OFFICER
STATE OF TEXAS, COUNTY OF LIBERTY**

THIS CONTRACT is made and entered into this the _____ day of February 2021, by and between Klint Bush, Liberty County Elections Administrator, hereinafter referred to as the “Contracting Officer,” and _____, the Local Political Subdivision, hereinafter referred to as “the LPS,” pursuant to the authority under Section 31.092(a), Texas Election Code.

THIS CONTRACT is entered into for and in consideration of the mutual covenants and promises hereinafter set out, and for the purpose of ensuring that the Contracting Officer and the LPS understand the tasks each is to perform in connection with the **May 1, 2021** election.

1. Duties and Services of the Contracting Officer. The Contracting Officer shall be responsible for performing the following duties and furnishing the following services and equipment in connection with the election and the runoff election.

1.1 The Contracting Officer will act as the Early Voting Clerk for the election, and will request the appointment by the Liberty County Elections Board of the Early Voting Ballot Board and/or any other statutorily required committee to assist with the election.

1.2 The Contracting Officer will appoint the presiding election judge and alternate judge at the Early Voting polling location and the Election Day polling location. The Contracting Officer shall notify the election workers of their selection and shall provide the names and addresses of those selected to the LPS.

1.3 The presiding judge shall make his/her clerk appointments. If a presiding judge, alternate judge or clerk does not speak both English and Spanish, and the election precinct is one subject to Sections

272.002 and 272.009, Texas Election Code, the Contracting Officer shall ensure that a bilingual election clerk is available by telephone while the polls are open.

1.4 Contact the owners or custodians of the designated polling places and arrange for their use in the election.

1.5 Conduct one or more election schools, and notify the election judge of the date(s), time(s), and place(s) of such schools. (This does not imply that election judges or clerks will be paid for attending such schools. See 1 T.A.C. §§ 81.120(a) & 81.121(c).)

1.6 Determine the ballot format and electronic voting system for each election precinct.

1.7 Program, or arrange to have programmed, the ballot.

1.8 Arrange to have published the legal notice of the first test of the electronic tabulating equipment as provided in Section 127.096, Texas Election Code, and/or the legal notice of the logic and accuracy test of the direct recording electronic (“DRE”) voting machines as provided in Section 129.023(b), Texas Election Code, as applicable and conduct all required tests of the electronic tabulating equipment under Subchapter D, Chapter 127, Texas Election Code, the voting system that uses DRE voting machines under 129.021-129.023, Texas Election Code, or the voting system that uses other electronic voting systems in accordance with advisories issued by the Texas Secretary of State, respectively.

1.9 Procure and distribute all necessary election supplies, including without limitation, ballots, election kits, office supplies such as paperclips, pens, etc., ballot boxes, and voting booths.

1.10 Procure all necessary voting machines and equipment, prepare them for use at the early voting and Election Day polling places, and transport them (or arrange to have them transported) to and from the Early Voting and Election Day polling places.

1.11 Obtain voter registration lists from the voter registrar to be used during Early Voting and on Election Day.

1.12 In accordance with Section 127, Texas Election Code, supervise the overall conduct of the election. The Contracting Officer and staff shall be available from 6:00 a.m. until the completion of vote counting and all tabulation tests on Election Day to render technical support and assistance to voters and election workers.

1.13 Forward provisional voting affidavits to the Liberty County Voter Registrar for verification of the provisional voters’ status. The Contracting Officer will reconvene the EVBB within the time set forth in Section 65.051, Texas Election Code, for the purpose of determining the disposition of the provisional votes. At the same time the EVBB will review mail ballots timely received under Section

86.007(d), Texas Election Code, to determine whether such will be counted and to resolve any issues with such ballots. Promptly after determination of the provisional votes and resolution of any such mail ballots, the Contracting Officer shall tally the accepted provisional votes and resolved mail ballots, amend the unofficial tabulations and submit new unofficial tabulations to the LPS.

1.14 Prepare the unofficial tabulation of precinct results on election night in accordance with Section 127, Texas Election Code. The Contracting Officer and staff shall do election night intake preparation and intake of election equipment and records starting at 5:30 p.m. on Election Day.

1.15 Submit Election Night Returns (“ENR”) electronically to the SOS in the form requested by the SOS in accordance with Chapter 68, Texas Election Code. The LPS may request that the Contracting Officer provide results to the LPS in a specific manner or format.

2. Duties and Services of the LPS. The LPS shall be responsible for performing the following duties in connection with the election and the runoff election.

2.1 As soon as possible after the final candidate filing deadline (or in the case of a runoff election, after the canvass of the election), certify in writing to the Contracting Officer: (i) the candidates’ names (as they are to appear on the ballot) and offices; and (ii) any referenda under Section 1251, Texas Government Code (in English and Spanish) that are to appear on the ballot, to allow sufficient time to prepare the ballot and to conduct any necessary logic and accuracy testing.

2.2 Date stamp and then immediately fax to the Contracting Officer all applications for mail ballots that it receives. Promptly thereafter, the LPS shall deliver or send by mail the original mail ballot applications to the Contracting Officer.

2.3 Prepare the election order and resolutions. The LPS shall be responsible for having the required election notice under Section 4.003, Texas Election Code, timely published in the newspaper. The LPS shall also be responsible for timely posting the notice required under Section 4.0093(b), Texas Election Code, in the proper locations. The LPS is responsible for ensuring that all necessary documents are in both English and Spanish. The LPS shall conduct its canvass using materials provided by the Contracting Officer.

3. Compensation, Billing, and Payment

3.1 For the performance of duties and services and the providing of equipment and supplies under Paragraph 1 above, the LPS shall pay the Contracting Officer for the actual expenses he/she incurs in

accordance with Section 31.100, Texas Election Code, and the leasing fees allowed under Section 123.032, Texas Election Code, including without limitation, the costs and expenses of election supplies; newspaper publication of the testing notice only; use of voting machines and equipment, wages and salaries of the Early Voting clerks, precinct election judges, alternate judges and election clerks, members of the early voting ballot board, and central counting station personnel; programming the ballot; logic and accuracy testing, and voting machines and equipment transportation. Provided, that nothing herein shall be construed as permitting the Contracting Officer to be paid for costs or expenses for which reimbursement is not allowed under Section 31.100 or other sections of the Texas Election Code or under the SOS administrative rules or advisories relating to primary funds.

3.2 For the performance of duties and services and the providing of equipment and supplies under Paragraph 1 above, the LPS shall pay the Contracting Officer a fee of 10% of the total amount of the Contract (but not less than \$75) in accordance with Section 31.100(d), Texas Election Code.

3.3 A cost estimate for the services, equipment, and supplies provided by the Contracting Officer for the election and the runoff election is attached to and made a part of this Contract as Exhibit A. **Exhibit A will follow after elections called by joint jurisdictions. Cost estimate will be between \$4,000 - \$8,000.**

3.4 Only the actual expenses directly attributable to the Contract may be charged to the LPS by the Contracting Officer, including administrative fees, Section 31.100, Texas Election Code.

3.5 As soon as reasonably possible after the election or the runoff election, the Contracting Officer will submit an itemized invoice to the LPS (i) for the actual expenses he/she incurred as described in Paragraph 3.1 above and (ii) for the Contracting Officer's fee as described in Paragraph 3.2 above. The Contracting Officer will use his/her best efforts to submit the invoice within 30 days after the election or within 10 days after the runoff election.

3.6 The Contracting Officer's invoice shall be due and payable by the LPS to the address set forth in the invoice within 30 days after its receipt by the LPS. If the LPS disputes any portion of the invoice, the LPS shall notify the Contracting Officer within such 30-day period or the invoice will be deemed to be a true and accurate rendering of the amount that is due.

4. Early Voting.

4.1 The Contracting Officer shall serve as Early Voting Clerk for the election, and by signing this contract, the LPS does hereby appoint him as such. The Contracting Officer shall conduct Early Voting

at the Jack Hartel Community Building, as the main location, including your local voting location if you so choose. The county wide vote centers have 4 main early voting locations. Jack Hartel Building, Dayton Community Center, Hardin City Hall, and the Cleveland Civic Center. The Contracting Officer shall hire at least 2 temporary deputies to work each day at each Early Voting location. Early Voting by personal appearance for the election shall be conducted during the hours and time period and at the location listed in Exhibit B. **Exhibit B to follow after joint conversation with all jurisdictions.** You will have a voting location at your normal community voting location. Your district will only pay for the normally open voting locations. The county will pay for the other county wide voting locations.

4.2 The Contracting Officer may receive mail ballot applications on behalf of the LPS. All applications for mail ballots shall be processed in accordance with Title 7, Texas Election Code, by the Contracting Officer or his deputies at the Liberty County Courthouse located at 1915 Trinity Street Liberty, TX 77575.

5. Voting System.

The Contracting Officer shall use the Verity Voting system which includes Verity Print device for on-demand ballot printing, Verity Touch and Verity Touch Writer with Verity Access interface for electronic ballot marking assistance, the precinct tally system using Verity Scan, and the mail ballot system purchased by Liberty County from Hart InterCivic, Inc. (“Hart”) for the election. Each Election Day polling location will have at least one Verity Touch with Verity Access interface that is accessible to disabled voters. The Contracting Officer or designee shall prepare the Verity Voting system for each polling location on Election Day.

6. Acknowledgement of Shared Election.

The LPS acknowledges that the Contracting Officer may enter into a similar Election Services Contract with any other entity in the same county. In such event, the LPS agrees to share common polling places, voting equipment and the common set of election workers with the other entities conducting an election.

7. Special Provisions.

7.1 Compensation for Election Workers will be \$10.00 per hour for the election judge and \$10.00 per hour for the alternate judge and clerk(s).

7.2 Delivery Fee shall be \$50.00 for transporting the election equipment from and back to the central accumulating station.

8. General Provisions.

8.1 Nothing contained in the Contract shall authorize or permit a change in the officer with whom or the place at which any document or record relating to the election or to the runoff election is to be filed, the place at which any function is to be carried out, the officers who conduct the official canvass of the election returns, the officer to serve as custodian of the voted ballots or other election records, or any other nontransferable functions specified by Section 31.096, Texas Election Code or other provisions of Texas law.

8.2 The Contracting Officer is the agent of the LPS for purposes of contracting with third parties with respect to the election expenses within the scope of the Contracting Officer's duties, and the Contracting Officer is not liable for the LPS failure to pay a claim.

8.3 The Contracting Officer shall file copies of this Contract with the County Treasurer and the County Auditor of Liberty County, Texas.

8.4 For purposes of implementing this Contract, the Contracting Officer and the LPS designate the following individuals, and whenever the Contract requires submission of information or notice to the Contracting Officer or the LPS, submission or notice shall be made to these individuals:

For the Contracting Officer:

Name: Klint Bush

Liberty County Elections Administrator/Voter Registrar

Mailing Address: P.O. Box 1130

Liberty, TX 77575

Tel.: (936) 253-8050

Email: klint.bush@co.liberty.tx.us

For the Jurisdiction:

Name _____

Mailing Address _____

Tel.: _____

Fax: _____

Email: _____

WITNESS THE FOLLOWING SIGNATURES AND SEALS ON THE RESPECTIVE DATES SHOWN BELOW:

The Contracting Officer:

Klint D Bush

(Seal)

Liberty County Elections Administrator / Voter Registrar

Date _____

By _____

(Seal)

Title _____

Date _____

Attachment: 2021 ELECTION SERVICES CONTRACT Revised (5003 : General Election Order)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.B.9

Meeting: 02/09/21 06:00 PM

Department: Administration
Category: Utilities

ORDINANCE (ID # 5005)

DOC ID: 5005

Department: Utilities

Subject: Security Deposits

Background: The Code of Ordinances, Section 13.02.004 (b) Return of deposits currently states the city shall return the security deposit on a utility account for all classes of utility customers if the customer has made all utility bill payments by the due date for a twelve (12) consecutive month period immediately prior to the date of return. In the prior five years the City has had to write off a total of \$231,743.56 in water, wastewater, electric and solid waste charges as bad debt. Once a deposit has been returned, there is no incentive for a customer to come in and final their account. Also, the City is no longer legally able to report bad debt on a credit report. Keeping the deposit until the account is finalized will reduce the amount written off as bad debt. Current deposits on file will be returned after five (5) years on residential customers with excellent pay and will not be returned on commercial customers until the account is finalized.

Funding Source: Utility security deposits for residential customers will be held for five (5) years and commercial customers will be held until their account is finalized. The deposit for each class of customer will be applied to their final bill when their account is closed. Any excess deposit will be refunded to the customer.

Staff Recommendation: Staff recommends approval of the ordinance requiring utility deposits to be held as stated above.

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 13.02, SECTION 13.02.004 OF THE CITY OF LIBERTY CODE OF ORDINANCES, PROVIDING FOR THE RETURN OF RESIDENTIAL UTILITY CUSTOMER SECURITY DEPOSITS AFTER FIVE YEARS OF EXCELLENT PAY, AND FURTHER PROVIDING FOR THE RETURN OF COMMERCIAL UTILITY CUSTOMER SECURITY DEPOSITS ONLY UPON FINALIZATION OF SAID COMMERCIAL UTILITY ACCOUNTS; AND ESTABLISHING AN EFFECTIVE DATE.

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 currently provides utility service to properties located within the City; and

WHEREAS, Section 13.02.004 of the City of Liberty Code of Ordinances currently states that the City shall return the security deposit on a utility account for all classes of utility customers if the customer has made all utility bill payments by the due date for a twelve (12)

consecutive month period immediately prior to the date of return; and

WHEREAS, in the prior five (5) years, the City has had to write off a total of \$231,743.56 in water, wastewater, electric, and solid waste charges as bad debt; and

WHEREAS, once a deposit has been returned, there is no incentive for a customer to come in and finalize their account, and the City is no longer legally able to report bad debt on a customer's credit report; and

WHEREAS, keeping the deposit until the account is finalized will reduce the amount written off as bad debt; and

WHEREAS, the City of Liberty finds it necessary and desirable to amend its Code of Ordinances to provide for the return of security deposits on file after five (5) years for residential customers with excellent pay and for not returning security deposits for commercial customers until the account has been finalized.

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

SECTION 1. That Chapter 13, Article 13.02, of the Code of Ordinances of the City of Liberty, Texas, shall be amended by amending Section 13.02.004 to read as follows:

CHAPTER 13

UTILITIES

ARTICLE 13.02 BILLING, RATES AND FEES

Sec. 13.02.004

- (a) Generally. The city may require a security deposit for utility services in a form acceptable to the city. The deposit for residential service shall be established by the city manager subject to approval by the city council. Commercial and industrial deposits will be calculated by the city to equal the estimated total billing from the city to the customer for two (2) months' power and water and wastewater consumption, plus an amount calculated by the city to cover the city's increased ratchet billing liability to the city's wholesale electric provider as a result of the customer's billing load. Any customer that has had their deposit returned shall be required to post a new deposit if their service has been disconnected two (2) times in a 12-month period. Failure to do so will result in termination of utility service. The amount of the required deposits may be adjusted by the city manager subject to approval by the city council.
- (b) Return of deposit for residential utility customers. The city shall return the security

deposits on a utility account for residential utility customers if the residential utility customer has made all utility bill payments by the due date for a period of five (5) consecutive years immediately prior to the date of the return.

- (c) Return of deposit for commercial utility customers. The city shall return the security deposits on a utility account for commercial utility customers only once the commercial utility customer's account has been finalized.

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 immediately upon its passage.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Liberty, this _____ day of _____, 20____.

CITY OF LIBERTY, TEXAS

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary