



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, February 9, 2021

6:00 PM

City Hall - Liberty Center

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Diane Driggers	Mayor ProTem	Present	
Dennis Beasley	Council Member	Present	
Libby Simonson	Council Member	Present	
David Arnold	Council Member	Present	
Chipper Smith	Council Member	Present	
Neal Thornton	Council Member	Present	
Tom Warner	City Manager	Present	
Naomi Herrington	Assistant City Manager / CFO	Present	
Chris Jarmon	Assistant City Manager	Present	
Brandon Davis	City Attorney	Present	
April Gilliland	City Secretary	Present	

II. INVOCATION

No Invocation was given.

III. PLEDGE OF ALLEGIANCE

The U.S. and Texas Pledges were 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.

COMMENTS - Current Meeting:

City Manager Tom Warner offered the following updates:

- Municipal Clerk Certification
- Municipal Court
- Utility Payments
- Police Department
- FEMA
- Cybersecurity
- Shred-It
- LYBA
- Planning
- Golf Course
- COVID

ATTACHMENTS:

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

B. Information Item (ID # 5009)

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 December 31, 2020. Ms. Herrington addressed the various funds, property and sales tax in regards to the first three months of the Fiscal Year that began October 1, 2020.

C. Information Item (ID # 5010)

Department Reports

COMMENTS - Current Meeting:

Monthly reports submitted for Council's Review, no comments were given.

ATTACHMENTS:

- 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

COMMENTS - Current Meeting:

Mayor Pickett state that the next meeting will be held on Tuesday, February 16, 2021 in Livingston. Also stated that there are no major issues at this time. Cambridge project is running strong. Final bond payment is scheduled for October 1, 2021.

E. Information Item (ID # 5012)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

Chief Hurst explained the process of becoming a COVID vaccination HUB. They have received the data logger for the storage container and started all the paperwork filing with the Texas Department of Health.

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:	Neal Thornton, Council Member
AYES:	Pickett, Driggers, Beasley, Simonson, Arnold, Smith, Thornton

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.

At 6:37 p.m., Mayor Pickett closed the open meeting and opened the Executive Session, as authorized above.

B. Reconvene into Regular Session

At 7:30 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2021-4

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

COMMENTS - Current Meeting:

Motion was made to enter into a utility services agreement with PTC Liberty Tubulars, LLC.

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

2. Council Action 2021-5

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

COMMENTS - Current Meeting:

Motion was made to make November, December and January SRMPA Bill payments from the Electric Savings Account Fund.

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

3. Resolution 2021-6

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

COMMENTS - Current Meeting:

Motion was made authorizing the City Manager to negotiate and execute a 380 agreement with Sleep Inn & Suites Strive Partners, LLC.

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

4. Resolution 2021-7

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

COMMENTS - Current Meeting:

Motion was made to award the Sanitary Sewer Improvement Contractor bid for the Texas General Land Office (GLO) CDBG-DR to Texas Pride Utilities, LLC in the amount of \$319,600.

ATTACHMENTS:

- bid tabulation(PDF)

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

5. Resolution 2021-8

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.

COMMENTS - Current Meeting:

Motion was made to approve a contingent fee contract with the law firm of Perdue, Brandon, Fielder, Collins & Mott, LLP.

ATTACHMENTS:

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

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

6. Ordinance 2021-2

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.

COMMENTS - Current Meeting:

Motion was made to adopt 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.

ATTACHMENTS:

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

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

7. Ordinance 2021-3

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

COMMENTS - Current Meeting:

Motion was made to adopt 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.

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

8. Ordinance 2021-4

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;

COMMENTS - Current Meeting:

Motion was made to adopt 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 council members; 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.

ATTACHMENTS:

- 2021 ELECTION SERVICES CONTRACT Revised (DOCX)

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

9. Ordinance 2021-5

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.

COMMENTS - Current Meeting:

Deposits that have been previously returned will be required to be placed back on the account by customers if the current utility account is cut off twice in a twelve (12) month period.

Motion was made to adopt 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 (5) 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.

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

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

With no further business to discuss Mayor Carl Pickett adjourned the meeting at 8:10 p.m.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary