



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, March 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 Pledge to the American and Texas flags were led by Liberty Police Chief Gary Martin and Liberty Fire Chief Brain Hurst.

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Public Comment is reserved for members of the public who would like to address the City Council regarding agenda and non-agenda items. Please be aware that, under Texas Law, the Council may not deliberate or take any action during Citizen's comments for items not on the agenda. In some situations, City Staff may be able to respond to the public comment with a factual statement or clarification. The City Council may have the item placed on a future agenda for action or refer the item to Management and Staff for study or conclusion.

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

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 5027)

City Manager's Report - City Manager Tom Warner - Topics include Cold Weather, Planning Session, U.S. 90 Survey, COVID, Liberty County Office of Emergency Management

COMMENTS - Current Meeting:

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

- Cold Weather as a result of Winter Storm URI
- Planning Session
- U.S. 90 Survey
- COVID
- Liberty County Office of Emergency Management

ATTACHMENTS:

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

B. Information Item (ID # 5029)

Finance Report - Assistant City Manager / CFO - Naomi Herrington

COMMENTS - Current Meeting:

This report was not given due to annual audit report being presented later in meeting.

C. Information Item (ID # 5028)

Department Reports

COMMENTS - Current Meeting:

Monthly reports, submitted by the various City Departments are presented, in the Council Packet, for Council's review.

ATTACHMENTS:

- Fire department February 1 to February 28, 2021 (XLS)
- Golf Course Monthly Report (February 2021) (PDF)
- Inspections FEBRUARY 2021 MONTHLY REPORT (PDF)
- Library February monthly report (PDF)
- Police February Monthly Report (PDF)
- Monthly Report-Public WorksFeb21 (DOCX)
- CITY OF LIBERTY CONSTRUCTION MONTHLY REPORT _Feb 2021 (DOCX)

D. Information Item (ID # 5031)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency, reported the Agency's next meeting will be held March 16th. Mayor Pickett passed out the annual financial report for the year ending September 20, 2020 for SRMPA.

E. Information Item (ID # 5030)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

Police Chief Gary Martin spoke about the basketball game between Liberty Police Department and Liberty Middle School team held on Thursday, March 4, 2021. This game was a fundraiser for the Liberty ISD Athletic Programs. The Final Score was 42 (Liberty Middle School) - 37 (Liberty Police Department).

Council Members also praised the City Employee's for all their hard work during Winter Storm Uri.

VI. CONSENT AGENDA

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

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

A. Minutes Approval

1. Tuesday, February 09, 2021
2. Tuesday, February 23, 2021

VII. REGULAR AGENDA**A. Regular Session****1. Resolution 2021-9**

Consider a resolution accepting the Annual Audit Report for the Fiscal Year 2019-2020, as presented by Swaim, Brents and Associates.

COMMENTS - Current Meeting:

Lee Ann Brents from Swaim, Brents & Associated, presented the City's Annual Audit for Fiscal Year 2019-2020. The auditor has examined the City's financial documents and internal controls by assessing efficiency and operating effectiveness. Ms. Brents reviewed, in summary, the audit document. Ms. Brents reported on the City's assets, liabilities, net position, and additional related information. Ms. Brents commented on the employees' cooperation and willingness to assist the auditors.

ATTACHMENTS:

- Annual Financial Report - September 30, 2020 (PDF)

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

2. Resolution 2021-10

Consider resolution awarding a bid for the Golf Course Renovation Project to the Keeling Company (Rainbird) for irrigation equipment and to Duininck Inc., for the golf course renovations.

COMMENTS - Current Meeting:

On February 11th, the City issued sealed bids for renovations to the Liberty Municipal Golf Course. A pre-bid meeting was held on February 25th at the Golf Course Clubhouse with seven contractors in attendance. Two separate bids were received on March 4th, one bid was for the irrigation equipment and the other for the golf course renovations. The three irrigation bids ranged from the apparent low bid of \$141,796.56 to the high bid of \$189,844.60. The five bids for renovation of the golf course and new driving range, including alternates for lake lining, fibre-mesh concrete cart path and curbing, ranged from the apparent low bid of \$2,712,620.34 to the high bid of \$3,369,037.66. The alternate for fibre-mesh concrete cart path was a deduction in the line item for concrete cart paths.

The architect for the project, Mr. Jeff Blume, has reviewed the bids and is recommending the bids be awarded to the Keeling Company (Rainbird), for the irrigation equipment, and Duininck Inc., for the golf course renovations plus alternates (10.1 Lake Lining and 10.3 Curbing), in the amount of \$141,796.56 and \$2,744,551.54, respectively. The total for both bids \$2,886,348.10.

Motion was made to approve the resolution awarding a bid for the Golf Course renovation project to the Keeling Company (Rainbird) for irrigation equipment and to Duininck Inc., for the golf course renovations for a total of \$2,886,348.10.

ATTACHMENTS:

- Exhibit A - Golf Course Bid Tab (PDF)

RESULT:	APPROVED [5 TO 2]
MOVER:	David Arnold, Council Member
SECONDER:	Chipper Smith, Council Member
AYES:	Pickett, Driggers, Beasley, Arnold, Smith
NAYS:	Libby Simonson, Neal Thornton

3. Resolution 2021-11

Consider a resolution authorizing Phase III of the agreement with Jeff Blume related to the Golf Course Master Plan

COMMENTS - Current Meeting:

On October 13th, City Council held a work session to review and discuss the proposed improvements listed under Concept II of the Golf Course Master Plan. At the conclusion of the work session, there was consensus to move forward with designing the course improvements.

On November 10th, the City Council voted to execute an agreement with Jeff Blume and authorized Phase I of that agreement, which included the final conceptual planning for the golf course. On December 8th, the City Council voted to authorize Phase II of the contract with Jeff Blume, which included providing the City with construction and bidding documents related to the final conceptual plan. The third and final phase of the contract with Jeff Blume includes construction observation and oversight of the improvements until the course re-opens. The costs associated with each phase are as follows:

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

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

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

A motion was made to approve the resolution authorizing phase III of the agreement with Jeff Blume related to the Golf Course Master Plan for \$80,000.

RESULT:	APPROVED [5 TO 2]
MOVER:	David Arnold, Council Member
SECONDER:	Diane Driggers, Mayor ProTem
AYES:	Pickett, Driggers, Beasley, Arnold, Smith
NAYS:	Libby Simonson, Neal Thornton

4. Resolution 2021-12

Consider a Resolution approving the selection of an engineering firm to assist the City in preparing the Texas Community Development Block Grant (TXCDBG) Program - 2021/2022 Community Development Fund through the Texas Department of Agriculture (TDA) application and authorizing the City Manager to begin contract negotiations.

COMMENTS - Current Meeting:

The Texas Department of Agriculture (TDA) has released the Texas Community Development Block Grant (TXCDBG) Program - 2021/2022 Community Development Fund. The CDBG funds may be used for activities that include, but are not limited to, Water/Sewer Improvements, Drainage improvements, and Road/Street Improvements. The funding is in the form of a grant and requires a 15% local match.

To assist the City in preparing the technical requirements associated with the filing of this application, request for proposals were solicited from engineering firms. Four (4) engineering firms responded to the request for proposals - HR Green, Strand Associates, LJA Engineering and Whiteley Oliver Engineering.

Motion was made to approve the resolution selecting Strand Associates, Inc. as the engineering firm to assist the City in preparing the Texas Community Development Block Grant program - 2021/2022 Community Development Fund through Texas Department of agriculture application.

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

5. Resolution 2021-13

Consider a resolution granting Entergy Texas, Inc. a 15-foot wide easement at the Liberty Municipal Airport.

COMMENTS - Current Meeting:

The City of Liberty is in the process of installing an Automated Weather Observation System (AWOS) at the Liberty Municipal Airport. To provide power to the AWOS, Entergy is requesting a 15-foot wide easement from the City of Liberty. This easement is necessary for Entergy to install power poles and related equipment on the west side of the airport where the AWOS will be located.

Motion was made to approve the resolution granting Entergy Texas, Inc. a 15-foot wide easement at the Liberty Municipal Airport.

ATTACHMENTS:

- Electrical Easement for Entergy - Revised (PDF)

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

6. Resolution 2021-14

Consider a resolution authorizing the City Manager to apply for and accept funding from the Texas Department of Transportation for the runway and taxiway rehabilitation project at the Liberty Municipal Airport.

COMMENTS - Current Meeting:

The Liberty Municipal Airport has one runway and one taxiway and both are currently in poor condition.

The Texas Department of Transportation (TxDOT) has informed the city that it is willing to provide funding for the rehabilitation of the runway and taxiway, which includes funding for engineering and construction services. The total project is estimated to cost \$2,870,000, with TxDOT funding 90% of the project and the City providing a 10% local match. TxDOT is requesting a resolution of support from the City to move forward with the runway/taxiway rehabilitation project.

A motion was made to approve the resolution authorizing the City manager to apply for and accept funding from the Texas Department of Transportation for the runway and taxiway rehabilitation project at the Liberty Municipal Airport.

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

7. Ordinance 2021-6

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, CANCELLING AN ELECTION PREVIOUSLY ORDERED TO BE HELD ON MAY 1, 2021; FOR THE ELECTION OF THREE COUNCILPERSONS; DECLARING UNOPPOSED CANDIDATES IN SAID ELECTION ELECTED TO OFFICE; RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. CONSIDERE ADOPCIÓN DE UNA ORDENANZA DEL CONCEJO MUNICIPAL DE LA CIUDAD DE LA LIBERTY, TEXAS, CANCELANDO UNA ELECCIÓN PREVIAMENTE ORDENADA PARA EL DÍA 1 DE MAYO DEL 2021, PARA LA ELECCIÓN DE TRES CONCEJALES; DECLARANDO A LOS CANDIDATOS ELECTOS SIN OPOSICIÓN EN DICHA ELECCIÓN PARA EL CARGO; RESOLVIENDO LOS INCIDENTES Y OTRAS CUESTIONES RELACIONADAS; PROPORCIONANDO UNA CLÁUSULA DE NULIDAD, Y PROPORCIONANDO UNA FECHA DE VIGENCIA DEL MISMO.

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the Ordinance into the record as follows:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, CANCELLING AN ELECTION PREVIOUSLY ORDERED TO BE HELD ON MAY 1, 2021; FOR THE ELECTION OF THREE COUNCIL PERSONS; DECLARING UNOPPOSED CANDIDATES IN SAID ELECTION ELECTED TO OFFICE; RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE."

This Ordinance cancels the City's May 1, 2021 General Election and declares the unopposed candidates elected. Those individuals declared elected are: Dennis Beasley, Diane Driggers and Libby Simonson.

A motion was made to adopt the Ordinance as presented.

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

B. Executive Session

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

- To seek advice regarding contemplated / pending litigation.

At 7:59 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as

authorized above.

C. Reconvene into Regular Session

At 8:15 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2021-6

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

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 Mayor Pickett adjourned the meeting at 8:16 p.m.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary