



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, April 13, 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	Absent	
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

Invocation was given by Deacon Norman Barnett, Turkey Creek Baptist Church, Liberty, TX.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas Flags were led by Police Chief Gary Martin and Fire Chief Brian 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 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 # 5050)

City Manager's Report - City Manager Tom Warner - Topics include FEMA, Chamber Banquet, Power Outages, Audio/Video System for City Hall, COVID, and Electric Projects.

COMMENTS - Current Meeting:

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

- FEMA
- Chamber Banquet
- Power Outages
- Audio/Video System for City Hall
- COVID
- Electric Infrastructure Projects

ATTACHMENTS:

- City Manager's Report April 13 2021 (DOCX)

B. Information Item (ID # 5052)

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 February 2021.

C. Information Item (ID # 5051)

Department Reports

COMMENTS - Current Meeting:

City Manager Tom Warner stated that the monthly reports, submitted by the various departments, we presented for Council's review. Council Member Driggers asked for clarification on the Golf Course monthly report and Mayor Pickett asked Chief Martin questions in regards to the Police Department Monthly report.

ATTACHMENTS:

- Fire Department Monthly Report (March 2021) (XLS)
- Golf Course Monthly Report (March 2021) (PDF)
- Inspections Monthly Report (March 2021) (PDF)
- Library Monthly Report (March 2021) (PDF)
- Police Department Monthly Report (March 2021) (PDF)
- Public Works Monthly Report (March 2021) (DOCX)
- City of Liberty Construction Monthly Report (March 2021) (DOCX)

D. Information Item (ID # 5054)

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 will be held on Tuesday, April 20, 2021 in Livingston, Texas.

E. Information Item (ID # 5064)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

Councilmember Thornton asked for clarification on Frontier Waste schedule for limb/brush debris pickup. City Manager Tom Warner stated that limb/brush debris pickup is on Wednesday of each week.

Councilmember Thornton also asked what needed to be done to get the Valley Player group up and running for performances after COVID.

City Manager Tom Warner mentioned the possibility on a new residential development behind Pine Place Subdivision off of Wallisville and Layl Roads.

City Manager spoke about the July 3rd Celebration being just fireworks in Liberty Municipal Park. No other activities will be provided such as bands, bounce houses, food, etc.

Fire Chief Brian Hurst mentioned they are trying to set up another COVID vaccination day on or around April 29, 2021

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:	Diane Driggers, Mayor ProTem
SECONDER:	Neal Thornton, Council Member
AYES:	Pickett, Driggers, Simonson, Arnold, Smith, Thornton
ABSENT:	Dennis Beasley

A. Minutes Approval

1. Tuesday, March 09, 2021
2. Tuesday, March 16, 2021
3. Tuesday, March 23, 2021

4. Wednesday, March 31, 2021**B. Resolution 2021-16**

CONSIDER 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, DECLARING ENGINE 24 AS SURPLUS PROPERTY AND ENTERING INTO A LISTING AND COMMISSION AGREEMENT WITH BRINDLEE MOUNTAIN FIRE APPARATUS.

COMMENTS - Current Meeting:

Engine 24 is a 2001 Freightliner/Central States Fire Truck that is no longer in service at the Liberty Fire Department. To dispose of the truck, City Council is required to declare the truck as surplus property. To ensure the City receives a fair amount for the truck, Brindlee Mountain Fire Apparatus has agreed to list and market the truck for the City. The estimated value of the truck is \$59,000, of which Brindlee will receive 10% of the sales price as their commission.

C. Resolution 2021-17

CONSIDER 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, ENTERING INTO A LEASE AGREEMENT WITH GARY BEARD FOR USE OF THE HOUSE AT THE LIBERTY MUNICIPAL AIRPORT.

COMMENTS - Current Meeting:

The Liberty Municipal Airport has a 768 square foot house on the property that is currently vacant. Gary Beard has approached the City with regards to leasing the house. The proposed lease agreement calls for a \$500 security deposit, \$500 in monthly rental payments and requires the tenant to get renter's insurance. The tenant may not make any alterations to or sublet the property without the prior consent of the Landlord. Because TxDOT rules require the house to be used only for "aeronautical purposes," the tenant has agreed to act as a customer service representative of the City, assist with monitoring nightly activities at the airport and provide general assistance to the Fixed Based Operator.

ATTACHMENTS:

- EXHIBIT A - Gary Beard Lease (PDF)

D. Resolution 2021-18

CONSIDER 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, ENTERING INTO AN AGREEMENT WITH PYRO SHOWS OF TEXAS, INC. FOR THE CITY'S JULY 3, 2021 FIREWORKS DISPLAY AND CELEBRATION.

COMMENTS - Current Meeting:

The City of Liberty has held a Fireworks Display and Celebration at the Liberty Municipal Park for many years. This celebration includes musical entertainment, children's activities, food and fireworks.

The 2020 Celebration was cancelled due to COVID and the City was able to apply the 2020 Deposit of \$5,500 to the 2021 Celebration. The remaining balance for the 2021 Celebration is \$5,500.

Staff recommends that only the fireworks display be held, and the additional activities be postponed until the following year.

ATTACHMENTS:

- CONTRACT - Liberty - 7.3.2021 (PDF)

VII. REGULAR AGENDA

A. Regular Session

1. Information Item (ID # 5062)

Mr. Ashley Davis will address the Council regarding the Liberty Food Festival that happened in March 2021.

COMMENTS - Current Meeting:

Mr. Ashley Davis addressed the Council regarding the Liberty Food Truck Festival held on the second Saturday of each month around the City Hall Square. Mr. Davis started this event back in October 2020 trying to promote Liberty and bring community events to town for citizens to enjoy. Mr. Davis mentioned that the City makes it difficult to have and/or plan events with the current requirements that are needed to have food vendors and vendors for these events. Between permitting, background checks, and fingerprinting; along with staffing changes and the different requirements for COVID. The last Food Truck Festival was held on March 13, 2021 and he was informed that the Food Vendors would need a Fire Marshall Inspection as well and this was the first time he had heard of that requirement. Mr. Davis believes that for events there should be a list of all required items for the event coordinator and all vendors attending the event.

ATTACHMENTS:

- Exhibit A - Liberty Food Festival (PDF)

2. Ordinance 2021-7

Consider an appeal from Mr. Gerald Brooks related to a Notice of Violation issued pursuant to the Manufactured Home Ordinance.

COMMENTS - Current Meeting:

The City's Code of Ordinances, Section 3.08.031 Definitions, requires manufactured homes that are at least twenty-four (24) feet wide (i.e., "double-wide") to be placed on a permanent concrete foundation.

On **January 8**, Mr. Brooks applied for a permit to install a twenty-eight (28) foot wide manufactured home at 114 Westwood Avenue. Prior to an inspection of the site for compliance to City Ordinances, a manufactured home was placed on the property.

On **March 3**, the Building Official issued Mr. Brooks a notice of violation due to the manufactured home not being installed on a permanent concrete foundation.

On **March 16**, Mr. Brooks filed an appeal requesting relief from the provision of the Code requiring manufactured homes to be placed on a permanent concrete foundation.

The Code of Ordinances specifies that upon receiving an appeal, a hearing will be held by the

governmental body and placed on the agenda of the next regular meeting.

Mr. Gerald Brooks and Mr. Hernandez spoke to council about completing the permit application for the installation of the Manufactured Home at 114 Westwood Avenue. They also mentioned that the confusion came from the permit application itself. Item #4 on the application states, if the home is in the non-restricted area, the home must be no more than ten model years of age older than the current model year and satisfy the HUD code requirements. Item #5 states if the manufactured home is inside the restricted area of the City, it is subject to a one time change out. The replacement home must be equal in size to or greater than the existing home. The home must be placed on a permanent concrete foundation and be no more than ten model years of age than the current model year. Since Westwood Avenue is now in the non-restricted area it was believed that the permanent concrete foundation was not needed. After more discussion Council agreed there was a misunderstanding and that corrections should be made in house between ordinance and application to clarify what is needed.

Motion was made to accept the appeal of Gerald Brooks in respect to the Manufactured Home located at 114 Westwood Avenue so as to allow the home to remain as is on compacted dirt foundation with a waiver to the permanent concrete foundation requirement.

ATTACHMENTS:

- EXHIBIT A - Gerald Brooks Permit Application (PDF)
- EXHIBIT B - Building Official Notice of Violation (PDF)

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

3. Resolution 2021-19

CONSIDER 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 CHANGE ORDER NO. 5 AND AUTHORIZING FINAL PAYMENT TO ALLCO, INC. IN THE AMOUNT OF \$260,869.73.

COMMENTS - Current Meeting:

On October 24, 2017, City Council approved the award of contract for the Phase 1 Sanitary Sewer Improvements. The contractor, Allco Inc., has completed all work in accordance with the plans and specifications. The original contract amount was \$5,389,342.57. Change Order No. 5 reflects final line-item quantities installed on the project, installation of variable frequency drive on the McGuire Lift Station and liquidated damages. The total quantities installed, and the five change orders result in a decrease in the total amount of the contract of \$172,018.01. This will result in a total project cost of \$5,217,324.56. A copy of the Final Pay Application is enclosed. The total cost of the project, including engineering fees, is \$5,635,733.13.

Motion was made to approve Change Order No. 5 and authorize the Final Payment to Allco Inc. in the amount of \$260,869.73.

ATTACHMENTS:

- ltr-210210-Recommendation-26-FINAL (PDF)

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

4. Resolution 2021-20

CONSIDER A RESOLUTION OF THE CITY COUNCIL OF LIBERTY, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE MAYOR AND THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICERS AND AUTHORIZED REPRESENTATIVES IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

COMMENTS - Current Meeting:

The Texas Department of Agriculture (TDA) is accepting applications for the Community Development Block Grant (CDBG) Program. The City has received CDBG funding in previous years and has earmarked them for water and wastewater improvements. The TDA has broaden the grant application to allow for other infrastructure expenditures, such as streets, to be eligible for funding. As with other CBDG funding, the improvements must benefit low to moderate income areas. During the March 9, 2021, City Council Meeting, approval was received to retain an engineering firm to assist in preparing the application. The engineering firm has prepared a budget based on rehabilitating Layl Drive from US 90 to south of Avenue J. The estimated cost of the street work is \$312,500 and the total project cost including program administration and engineering is \$402,500. The 15% match or \$60,375 required for the project will be funded by the Cambridge Fund.

Motion was made to approve the resolution submitting the Grant Application to the Texas Department of Agriculture for the 2021/2022 Community Development Block Grant Program.

ATTACHMENTS:

- Liberty Table 2 4.5.21 (PDF)
- Liberty 21-22 CD Project Map_Optimized_Revised (PDF)

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

5. Resolution 2021-21

CONSIDER 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, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH GDS ASSOCIATES, INC. TO PERFORM A FINANCIAL REVIEW, ALLOCATED COST OF SERVICE AND RETAIL RATE STUDY FOR THE ELECTRIC SYSTEM.

COMMENTS - Current Meeting:

It is anticipated that the City's electric supplier, Sam Rayburn Municipal Power Agency (SRMPA), will complete a wholesale electric rate study including the evaluation of its wholesale rate structure during the Spring/early Summer of 2021. The level and structure of SRMPA's electric charges are the key elements and drivers of the City's electric costs. The proposed scope of services by the consultant, GDS Associates, Inc., consists of three major components and are summarized below:

1. Financial review to determine the respective total revenue requirement for the electric utility. This review will focus on the financial obligations and goal of the electric utility.
2. An allocated cost of service analysis for the electric utility. This component will focus on the allocation of the City's electric utility plant investment and adjusted operating expenses to the retail classes, to determine the adequacy of the revenues provided by the rates applicable to those classes in comparison of the cost to provide those services.
3. A review of the charges and provisions in the City's existing retail rate schedules. Recommendations for retail rate revisions will be prepared and submitted for review.

Included as a part of the study are two one day visits to the City, one of which will be a presentation to City Council. The cost of the study is \$48,000 and will be paid for by the Cambridge Fund. A copy of the proposed agreement is attached.

Motion was made to approve the resolution authorizing the City Manager to execute the agreement with GDS Associates, Inc.

ATTACHMENTS:

- City of Liberty GDS Letter Proposal Final 4-6-21 (PDF)

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

6. Ordinance 2021-8

CONSIDER AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS SUSPENDING THE RATES PROPOSED BY CENTERPOINT ENERGY RESOURCES CORP., d/b/a CENTERPOINT ENERGY ENTENX AND CENTERPOINT ENERGY TEXAS GAS ("CENTERPOINT" OR "COMPANY") COMPANY'S GAS RELIABILITY INFRASTRUCTURE PROGRAM ("GRIP") FILING MADE WITH THE CITY ON MARCH 4, 2021; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT, AND DECLARING AN EFFECTIVE DATE.

COMMENTS - Current Meeting:

On March 4, 2021, CenterPoint Energy Texas filed a Gas Reliability Infrastructure Program (GRIP) adjustment with communities in the Beaumont/East Texas Division of the Company. The GRIP Statute authorizes gas utility companies to request annual rate increases associated with year-to-year changes in increment investment. The changes in investment are not subject to reasonableness review in the GRIP filing. Instead, all amounts collected under a GRIP filing are considered interim rates subject to review and refund in the Company's next rate base

proceeding. The GRIP Statute provides for the GRIP rate surcharge will become effective 60 days from the date of the company's filing or May 3, 2021, unless suspended by the Cities. Cities may suspend the GRIP rate increase for an additional 45 days beyond the Company's effective date while reviewing the GRIP application. The Cities review of CenterPoint's GRIP filing is limited to a ministerial review of the filing for compliance with the statute.

Motion was made to adopt the Ordinance suspending the rates proposed by CenterPoint Energy Resources Corporation Gas Reliability Infrastructure Program (GRIP) filing made with the City on March 4, 2021.

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

B. Executive Session

- 1. Tx. Gov. Code §551.086 - (Municipal Utilities) Certain Public Power Utilities: Competitive Matters**
 - Discussion regarding competitive electric utility rates.
- 2. Tx. Gov. Code §551.071 - Private Consultation with Attorney**
 - Discussion with Attorney regarding contemplated/pending litigation.
- 3. Tx. Gov. Code §551.072 - Deliberation about Real Property**
 - Discussion regarding real property

At 8:12 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 9:12 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2021-9

Consider and take action on electric utilities as discussed in executive session.

COMMENTS - Current Meeting:

No action was taken.

RESULT:	NO ACTION TAKEN
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2. Council Action 2021-10

Consider and take action on contemplated litigation discussed in executive session.

COMMENTS - Current Meeting:

Motion was made to authorize the City Attorney to proceed with possible settlement as discussed in Executive Session.

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

3. Council Action 2021-11

Consider and take action on purchase of real property.

COMMENTS - Current Meeting:

Motion was made to authorize the City Manager to purchase property as discussed in Executive Session.

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

4. Resolution 2021-22

CONSIDER 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, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A LEASE AGREEMENT WITH SCOTT NEAL FOR USE OF THE CLUBHOUSE/RESTAURANT AT THE LIBERTY MUNICIPAL GOLF COURSE.

COMMENTS - Current Meeting:

Mr. Scott Neal, the owner of Red Top Wagon, has approached the City about operating a restaurant at the Liberty Municipal Golf Course Clubhouse. The City proposes to lease the clubhouse to Mr. Neal under the following conditions:

1. The term of the lease agreement will be three (3) years with two one (1) year renewal options (five years total).
2. The monthly rental for the first year will be \$300.00/month with the rental payment increasing each subsequent year by \$200.00/month.
3. The lease shall not commence until a liquor license is received from the Texas Alcoholic Beverage Commission.
4. The restaurant will open and begin operation within eight (8) months of execution of this agreement.
5. Maintenance responsibilities will be shared between both parties with the lessee being responsible for all utilities.

The City will receive \$3,600 in rental payments for the first year with the amount escalating in each subsequent year.

Motion was made to approve the resolution authorizing the City Manager to negotiate and execute a lease agreement with Scott Neal for use of the Clubhouse/Restaurant at the Liberty Municipal Golf Course.

ATTACHMENTS:

- EXHIBIT A - Lease Agreement with Scott Neal (DOCX)

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

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

With no further business to discuss Mayor Carl Pickett adjourned the meeting at 9:15 p.m.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary