



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, May 11, 2021

6:00 PM

City Council Chambers

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Diane Driggers	Mayor ProTem	Present	
Dennis Beasley	Council Member	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	
Damon Jones	Public Works Director	Present	
Gary Martin	Police Chief	Present	
Brandon Davis	City Attorney	Present	
April Gilliland	City Secretary	Present	

II. INVOCATION

Invocation was given by Pastor Josh Hale, First United Methodist Church, Liberty, Texas.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas Flags were led by Public Works Director Damon Jones and Police Chief Gary Martin.

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

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

Mayor Pickett welcomed 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 # 5082)

Proclamation-Motorcycle Safety Awareness Month - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett read, in its entirety, a Proclamation declaring the month of May, 2021 as Motorcycle Safety and Awareness Month. Representatives from the Bikers for Christ Motorcycle Ministry Beaumont, Texas Chapter were present and expressed their appreciation for the proclamation.

ATTACHMENTS:

- Motorcycle Safety Month 2021 (DOC)

B. Information Item (ID # 5083)

City Manager's Report - City Manager Tom Warner - Topics include Chamber of Commerce Banquet, 2021 Taxable Values, Budget, AWOS, Golf Course

COMMENTS - Current Meeting:

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

- Liberty Dayton Chamber of Commerce Banquet
- 2021 Taxable Values
- AWOS
- Golf Course Renovations
- Wastewater Treatment Plant Flood Mitigation Improvements
- Update on various building projects
- COVID-19
- Current Electric Projects

ATTACHMENTS:

- City Manager's Report May 11 2021 (DOCX)

C. Information Item (ID # 5085)

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 March 2021.

D. Information Item (ID # 5084)

Department Reports

COMMENTS - Current Meeting:

City Manager Tom Warner stated that the monthly reports, submitted by the various departments, are attached to the agenda for Council's review and would answer any questions if

needed. No questions were asked.

ATTACHMENTS:

- Golf Course Monthly Report (April 2021) (DOCX)
- Golf Course Renovation Photos (05-06-21) (DOCX)
- Inspections APRIL 2021 MONTHLY REPORT (XLSX)
- Library Monthly report (PDF)
- Police Department Monthly Report (PDF)
- Monthly Report-Public WorksApr21 (DOCX)
- CITY OF LIBERTY CONSTRUCTION MONTHLY REPORT _Apr 2021 (DOCX)
- Fire Department Report (XLS)

E. Information Item (ID # 5086)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency, stated that there would not be a meeting this month as there was no action for the board to take. Mayor Pickett also mentioned that the Cambridge Project was doing well and that the City of Jasper would have to appoint a new member to the board after the May Election Results.

F. Information Item (ID # 5087)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

Council Members brought up the topic of street repairs and the number of complaints they have been receiving from citizens. Would like to see an effort made to smooth or repair some roads if possible.

Mayor Pickett recognized National Nurses Week and the Liberty High School Lit Crit Team for winning their 10th state competition. He also encouraged people to get the COVID Vaccination if they choose to do so. Mayor Pickett also thank City Staff for the purchase of the iPads for Council Members.

ATTACHMENTS:

- Discussion on Board Appointments (DOCX)

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:	Libby Simonson, Council Member
SECONDER:	Chipper Smith, Council Member
AYES:	Pickett, Driggers, Simonson, Arnold, Smith, Thornton
ABSENT:	Dennis Beasley

A. Minutes Approval

1. Tuesday, April 13, 2021
2. Tuesday, April 27, 2021

VII. REGULAR AGENDA

A. Regular Session

1. Information Item (ID # 5080)

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

COMMENTS - Current Meeting:

Municipal Court Judge Michael Little administered the Oath of Office to re-elected Council Members Diane Driggers and Libby Simonson.

2. Council Action 2021-13

Council to elect a Mayor Pro Tem.

COMMENTS - Current Meeting:

A motion was made to nominate and re-elect Council Member Driggers as Mayor Pro Tem.

3. Public Hearing (ID # 5090)

Public Hearing on the Condemnation of the Structure located at 818 Robbie and determine if the structure should be repaired or demolished.

COMMENTS - Current Meeting:

At 6:51 p.m., Mayor Pickett opened the Public Hearing on the structure located at 818 Robbie. City Attorney Brandon Davis questioned Building Inspector Michelle Killebrew from BBG Consulting regarding the condition of the structure. It was asked if the structure meets building code requirements and whether or not the property posed a safety and health hazard to the public. Ms. Killebrew answered that the building does not meet building code requirements and that the property is a safety and health hazard to the public. The condition of the property was shown in photos attached to the agenda packet. The property owner did not attend the public hearing to speak, but did leave a written letter on the door of City Hall before the meeting.

At 7:00 p.m., Mayor Pickett closed the Public Hearing.

ATTACHMENTS:

- EXHIBIT A - 818 Robbie (Inspection Report) (PDF)
- EXHIBIT B - 818 Robbie (Photos) (PDF)

4. Council Action 2021-14

Consider an Order of Abatement for the structure located at 818 Robbie.

COMMENTS - Current Meeting:

A motion was made that the structure located at 818 Robbie is found to be a public nuisance, and that the property owner be given 20 days to remove the structure or the City is authorized to secure the demolition.

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

5. Resolution 2021-23

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 CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH LIBERTY CAPSTONE PROPERTIES, LLC.

COMMENTS - Current Meeting:

Liberty Capstone Properties, LLC is proposing to build an approximately 11,000 square foot medical facility at the corner of Jefferson Drive and Chrysler Street. The developer expects to relocate the Firm Foundations Healthcare Clinic to the new facility.

The developer is requesting a property tax rebate from the City to help offset costs related to building the development. The proposed property tax rebate is a 6-year agreement that will not exceed \$50,000 in total rebates. In consideration of the rebate, the developer agrees to build a medical facility with construction costs exceeding \$2 million and agrees to open and operate the medical facility for at least the 6-year term of the 380 agreement.

A motion was made to approve the resolution authorizing the City Manager to negotiate and execute a 380 agreement with Liberty Capstone Properties, LLC.

ATTACHMENTS:

- EXHIBIT A - Liberty Capstone Properties 380 Agreement (DOCX)

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

6. Resolution 2021-24

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, AWARDED A BID FOR LAWN MAINTENANCE SERVICES TO BRUSHMASTERS.

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 \$94,900.00. 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. Due to the results of these bids staff requested, and City Council approved, rejecting the bids on January 12, 2021.

The bid specifications were modified from once per week to bi-weekly mowing during the summer season, except for City Hall, the Cultural Center, and the US 90 Highway West Median. On April 20, 2021 new bids were received for Lawn Maintenance Services. Only one bid was received in the amount of \$160,420.00 from Brushmasters. This bid is \$65,520.00 higher than what we are currently paying for lawn maintenance services.

Motion was made to approve the resolution awarding the bid to Brushmasters in the amount of \$160,420.00.

ATTACHMENTS:

- Copy of 2021Mowing BidTabs (XLSX)

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

7. Resolution 2021-25

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 FORD AV, THROUGH BUY BOARD, TO PURCHASE A NEW SOUND AND VIDEO SYSTEM FOR THE COUNCIL CHAMBERS AND LIBERTY CENTER.

COMMENTS - Current Meeting:

In January 2021, the audio system for the City Council Chambers and the Liberty Center quit working. This has resulted in no audio and recording capabilities for either room. This system was installed in 2006 when the new City Hall was constructed. In addition to serving as Council Chambers, this room is also used for Municipal Court, LCDC, Planning and Zoning and for other meetings as well as the Emergency Operations Center (EOC) during natural disasters. In reviewing the City's immediate and future needs for both rooms, it was determined an audio visual (AV) firm should evaluate and recommend a system to the City. The firm, Ford AV, has completed their review of City Hall and are recommending a new audio system plus improvements to the existing video system and the installation of a camera in Council Chambers for recording council meetings. The total cost of the system is \$131,584.00 which includes the cost of all audio and video equipment and appurtenances, installation, and preventative maintenance inspection prior to expiration of the warranty and integration services.

The new AV System would be purchased through Buy Board. Buy Board is a purchasing cooperative which combines the purchase power of member organizations the leverage to achieve better pricing on products, equipment, and services.

The cost for the new AV system and cameras is \$131,584.00 of which \$30,000.00 would be paid from the Court Technology Fund, \$40,000 from the Building Security Fund and \$61,584.00 from the Public, Education and Governmental Fund.

Motion was made to approve the resolution authorizing the City Manager to execute an agreement with Ford AV, through Buy Board, to purchase a new AV system and cameras.

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

8. Resolution 2021-26

CONSIDER A RESOLUTION OF THE CITY OF LIBERTY, TEXAS AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION'S 2021 TRANSPORTATION ALTERNATIVES SET-ASIDE (TA) CALL FOR PROJECTS RELATED TO THE MAIN STREET BRICK SIDEWALK PROJECT

COMMENTS - Current Meeting:

On January 15, 2021, the Texas Department of Transportation (TxDOT) issued a call for projects related to the Transportation Alternatives Set Aside (TA) Program. The program can be used to fund improvements related to bicycle infrastructure, shared use paths or sidewalk improvements. The City submitted a preliminary application and has now been requested to submit a detailed application. The proposed project would include improvements to approximately 16 blocks of sidewalks in Downtown Liberty. Major elements of the project include ADA accessible sidewalk ramps, brick sidewalks and decorative street lighting. A resolution of support is needed from the governing body to move forward with the application process.

Engineering and surveying costs were paid for by LCDC and construction will be paid for by the grant (if awarded).

Motion was made to approve the resolution authorizing the City Manager to submit a grant application for TxDOT's Transportation Set-Aside Program.

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

9. Resolution 2021-27

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, RATIFYING LCDC'S EXPENDITURE FOR ENGINEERING SERVICES AT LIBERTY MUNICIPAL AIRPORT.

COMMENTS - Current Meeting:

On April 20, the LCDC Board of Directors approved the expenditure of \$82,500 for engineering services at the Liberty Municipal Airport. The expenditures will be used to fund two projects:

1 - Pavement Management Plan (PMP):	\$7,500
2 - Two 10-Unit T-Hangar Plan Development:	\$75,000
Total:	\$82,500

The first project is the creation of a pavement management plan (PMP) for the runway and taxiway at the airport. The PMP is required to be on file with TxDOT for the City to continue receiving grants for the airport. The second project is to prepare the plans and specifications for two (2) 10-unit T-Hangars at the airport. The City currently has twenty (20) T-Hangars at the airport and, as of March 9th, there is a waiting list of fifteen (15) individuals requesting hangar space. This project will help meet the constant demand the airport faces for hangar space.

Motion was made to approve the resolution ratifying LCDC's expenditure for engineering services at Liberty Municipal Airport.

ATTACHMENTS:

- EXHIBIT A - LCDC Expenditure 1 (Pavement Management Plan) (PDF)
- EXHIBIT B - LCDC Expenditure 2 (T-Hangar Development) (PDF)

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

B. Executive Session

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

- Discussion with Attorney regarding contemplated/pending litigation.

At 8:02 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:37 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2021-15

Consider and take action on contemplated litigation discussed in 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 Mayor Pickett adjourned the meeting at 8:38 p.m.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary