



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, June 8, 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	
Brian Hurst	Assistant Fire Chief	Present	
Daniel Sylvia	Asst. City Attorney	Present	
April Gilliland	City Secretary	Present	

II. INVOCATION

No invocation was given at this meeting.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags were led by Public Works Director Damon Jones 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 # 5094)

Mr. Ron Cox will provide City Council a high-level overview presentation of the City's Strategic and Implementation Plans.

COMMENTS - Current Meeting:

Mr. Ron Cox presented the final report regarding the strategic and implementation plans from the work sessions held on March 17 and March 31, 2021. Mr. Cox reviewed both work sessions and went over the revised vision and mission statements for the City of Liberty. Mr. Cox also discussed the key elements of the Strategic Plan and the time line to implement the plan.

ATTACHMENTS:

- Liberty- Report and Strategic Plan 3-16-21 (v4) (DOC)
- Liberty-Implementation Plan 3-31-21 (V2) (DOCX)

B. Information Item (ID # 5103)

City Manager's Report - City Manager Tom Warner - Topics include WCID #5 Main B, CDBG Mitigation, COVID-19, Citywide Electrical Outage, Splash Pad, and National Flood Insurance Program (NFIP).

COMMENTS - Current Meeting:

City Manager Tom Warner offered the following updates:

- WCID #5 Main B
- CDBG Mitigation Grant Funding
- COVID-19
- Liberty Substation Repairs
- Restaurant at Golf Course
- Splash pad
- National Flood Insurance Program
- AWOS

ATTACHMENTS:

- City Manager's Report June 8 2021 (DOCX)

C. Information Item (ID # 5104)

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 April 30, 2021.

D. Information Item (ID # 5107)

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:

- Code Enforcement Monthly Report- May '21 (PDF)
- Fire Department - May (PDF)
- Golf Course Monthly Report (May 2021) (PDF)
- Inspections Monthly Report - May (PDF)
- Library - May Report (PDF)
- Police Department - May (PDF)
- Public Works May 2021 (DOCX)
- CITY OF LIBERTY CONSTRUCTION MONTHLY REPORT _May 2021 (DOCX)

E. Information Item (ID # 5106)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency, stated that the next meeting would be held on Tuesday, June 15, 2021, in Livingston. Mayor Pickett also mentioned that the Cambridge Project is producing revenue and that the SRMPA bond debt pays off in October.

F. Information Item (ID # 5105)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

Mayor Pickett thanked Officer Watson for providing security for the meeting and Daniel Sylvia for attending in City Attorney Brandon Davis absence. He also reminded everyone of the Citywide event honoring the LHS Lady Panthers Softball team for winning their second 4A State Championship.

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:	Diane Driggers, Mayor ProTem
AYES:	Pickett, Driggers, Simonson, Arnold, Smith, Thornton
ABSENT:	Dennis Beasley

A. Minutes Approval

1. Tuesday, May 11, 2021**B. Resolution 2021-28**

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 THE LIBERTY MUNICIPAL LIBRARY'S VOTER REGISTRATION PLAN.

ATTACHMENTS:

- EXHIBIT A - Texas Elections Code (PDF)
- EXHIBIT B - Voter Registration Plan (DOCX)

C. Resolution 2021-29

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 PURCHASE OF THREE (3) LIBERTY POLICE DEPARTMENT VEHICLES.

ATTACHMENTS:

- patrol vehicle quote (PDF)

D. Resolution 2021-30

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 RECORD STREET AND SANITARY SEWER PRESCRIPTIVE EASEMENTS.

ATTACHMENTS:

- Road Easement Main & Monta (PDF)
- Sanitary Sewer Easement 1000 Block N Main Fuel Max (PDF)

VII. REGULAR AGENDA**A. Regular Session****1. Information Item (ID # 5117)**

Mr. Jesse DeWayne Lopez and Mrs. Paula Lopez will address the Council regarding the Lawn Maintenance contract for Various City Properties and Highway 90 Median.

COMMENTS - Current Meeting:

Mr. Jesse Dewayne Lopez and Mrs. Paula Lopez addressed Council regarding the recent lawn maintenance contract bids. The Lopez' current contract for lawn maintenance was month to month and when the City went out for bids in April 2021, they did not submit a bid. Mrs. Lopez stated they were shocked when they were not notified that the City went out for bids as they were not notified that the City was going out for new bids. Mr. Warner, City Manager, stated the bid packets were published on the web and the bid notification was published in the local newspaper for all vendors to see as per state requirements. The Lopez' also mentioned that they were not made aware of any of the problems that were brought up as the reason for cancelling the current contract. Mr. Jones, Public Work Director, stated that he had informed them of the many infractions. Mayor Pickett thanked the Lopez' for their time and concerns.

ATTACHMENTS:

- Lopez Request for Placement on Agenda (PDF)

2. Public Hearing (ID # 5108)

Conduct a Public Hearing on the 2020 Drinking Water Consumer Confidence Report (CCR).

COMMENTS - Current Meeting:

At 7:08 p.m., Mayor Pickett opened the Public Hearing on the 2020 Drinking Water Quality Report. City Manager Tom Warner reported that this report is required to be provided to the City's water system customers on an annual basis as part of the Safe Drinking Water Act monitored by the Texas Commission on Environmental Quality. The report summarized various data regarding legal limits of contaminants in the water, compliance issues, and other information. The reports reflects that the City has met or exceeded all Federal drinking water requirements.

Mayor Pickett closed the Public Hearing at 7:10 p.m.

ATTACHMENTS:

- CCR Mail 2020 (DOCX)

3. Resolution 2021-31

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 AGREEMENT WITH WJE FOR PROFESSIONAL SERVICES.

COMMENTS - Current Meeting:

The proposed agreement for the Cultural Center will include preparing a revised set of building enclosure repair documents (plans and specifications), bidding support services and construction phase services. The cost for each of these elements is provided below:

1. Design & Construction Documents	\$13,700
2. Bidding Support Services	\$ 7,200
3. <u>Construction Phase Services</u>	<u>\$57,400</u>
Total	\$78,300

The scope of work will include:

1. Full replacement of built- up roof at original 1969 building.
2. Isolated roof repairs at modified bitumen roofs at 2008 building, including drain repairs.
3. Repair or replacement of skylights, including perimeter tie-in to adjacent air/water barrier in CMU wall assembly.
4. Cleaning and coating/sealing of CMU walls.

The estimated cost of the repairs is \$1,000,000.

A motion was made to approve the resolution authorizing the City Manager to execute a professional services agreement with Wiss, Janney, Elstner Associates, Inc. (WJE) for repairs to the Humphreys Cultural Center.

ATTACHMENTS:

- Library Enclosure Repair Agreement WJE June 8 2011 (PDF)

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

4. Resolution 2021-32

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 INTERLOCAL AGREEMENT WITH CHAMBERS COUNTY FOR FLOOD PROTECTION PLANNING FOR WATERSHEDS.

COMMENTS - Current Meeting:

Chambers and Liberty Counties have experienced severe flooding numerous times within the last 5 years. This flooding is attributed to several extreme storm events, most notably Hurricane Harvey in 2017 (DR-4332) and Tropical Storm Imelda in 2019 (DR-4466). The flooding caused by storm events has resulted in the loss of life, damage to property, and left major roadways impassible for extended periods of time. The cost of flood damages to the communities in Chambers and Liberty Counties emphasizes the need to perform a regional flood protection planning study to better assess existing flood hazards and plan for projects that reduce the risk and damages from flood waters.

Chambers County (the County) successfully applied for financial assistance to the Texas Water Development Board (TWDB) Flood Infrastructure Fund (FIF) program on October 19, 2020. The funding is for TWDB Project No. 40018 a Category 1 flood protection planning study of multiple HUC-10 watersheds across Chambers and Liberty Counties, totaling approx. 975 square miles of study area. On December 17, 2020, the TWDB approved the application for financial assistance.

The overall objective of the planning study is to identify existing flood hazards and develop flood mitigation concepts that lead to flood risk reduction projects. The planning study represents a collaborative regional effort initiated by the County with participating political subdivisions, and has included communications with the City of Mont Belvieu, Trinity Bay Conservation District (TBCD), the City of Liberty, the City of Dayton, and Liberty County Water Control and Improvement District No. 5

The total cost of the study and 25% local match is \$6,208,000.00 and \$1,152,000.00, respectively. The City of Liberty's share of the local match is \$189,629.00.

A motion was made to approve the resolution authorizing the City Manager to execute an interlocal agreement with Chambers County for flood Protection Planning for Watersheds.

ATTACHMENTS:

- Liberty Chambers Flood Protection Planning Project June 8 2021 (PDF)
- Liberty Chambers Flood Protection Planning Interlocal Agreement June 8 2021 (PDF)

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

5. Resolution 2021-33

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 A UTILITY LINE AGREEMENT WITH LIBERTY COUNTY.

COMMENTS - Current Meeting:

The new Sheriff's Office and Annex will require the extension of water and sanitary lines to serve this development. The County has agreed to install the water line, on a separate easement, from the intersection Hwy 146 and the North Water Plant Road to the north approximately 200 feet. The only charge to the County for the water line extension is the cost of the water meter. The sanitary sewer line will require an extension from the end of the existing line, in front of PLC, to approximately 1,100 feet to the north. The sanitary sewer line extension agreement will be in accordance with the City's current line extension ordinance. Under the guideline of the line extension ordinance, the entity requesting the line extension is responsible for the engineering and construction costs associated with the line extension. The entity is also eligible to receive pro rata reimbursement for any person or entity that ties into the line extension within 10 years of the installation. The estimated cost for engineering and construction associated with the sanitary line extension are \$65,000.00 and \$200,000.00, respectively.

Motion was made to approve the resolution authorizing the City Manager to execute an interlocal agreement for utility line extension with Liberty County.

ATTACHMENTS:

- Interlocal Agreement with County for sewer extension project for sheriffs department (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 2021-34

Consider a resolution waiving the permit fees for the Liberty County Sheriff's Office and Annex.

COMMENTS - Current Meeting:

The Liberty County Judge is requesting the permit fees for the new Sheriff's Office and Annex

be waived by the City of Liberty. As submitted, the City's permit fees for the Sheriff's Office and Annex are \$13,128.00 and \$3,261.50, respectively. These fees partially cover the cost of plan review and inspections by the Building Official, Fire and Public Works Departments. If the fees are waived, the General Fund will receive less revenue.

Staff offered the following comments regarding the waiver of these fees:

- 1) The construction of these facilities will serve to the benefit of the entire County and not just the citizens of Liberty,
- 2) The County does not currently waive various fees, such as filing fees, for the City.

Motion was made to deny Liberty County's request for the City to waive permit fees for the Liberty County Sheriff's Office and Annex.

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

7. Resolution 2021-35

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 THE CITY MANAGER'S APPROVAL OF CHANGE ORDER NUMBER 1 RELATED TO THE WASTEWATER TREATMENT PLAN PROJECT.

COMMENTS - Current Meeting:

During the construction of the new outfall for the WWTP, the contractor determined there was a conflict between the outfall pipe and a previously unknown/unlocated water line. The conflict between the two pipes will require the construction of a cast in place structure at the conflict point. The contractor indicated that the outfall was on their critical path and that any delays could result in delay damages, including mobilization and demobilization costs. To avoid any delay damages, the City Manager authorized approval of the change order. The cost of the change order is \$33,544.42. the amount of this change order will be offset by an anticipated reduction in the final quantities installed. This is a Hazard Mitigation Grant Project through the State and is funded 75% Federal/State with a local 25% match.

Motion was made to approve the resolution ratifying the City Managers approval of Change Order #1.

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

B. Work Session**1. Information Item (ID # 5120)**

Discussion regarding Golf Course Improvements and Upgrades

COMMENTS - Current Meeting:

A discussion regarding the current progress of the Liberty Municipal Golf Course renovations took place before Mr. Jeff Blume gave a presentation regarding bunkers at the Golf Course. After presenting several slides on the different types of bunkers and the ones that are going to be in place at the Liberty Municipal Golf Course, Council made the decision to continue with the current renovation plans with the 29 bunkers being installed. A conversation regarding restroom facilities once the course opens was had and options will be brought to Council at a later date for a decision.

C. Executive Session

Tx. Gov. Code §551.074 - Personnel Matters. - To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

- Discussion of appointments to the Liberty Community Development Corporation Board of Directors.
- Discussion of appointments to the City of Liberty Planning and Zoning Commission.

At 8:30 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above and read aloud.

D. Reconvene into Regular Session

At 8:48 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2021-16

Consider appointments to the Liberty Community Development Corporation Board of Directors, as discussed in the Executive Session.

COMMENTS - Current Meeting:

The LCDC is managed by a Board of Directors comprised of 7 members, each of whom shall be a resident of the City. All members serve 2-year terms. Four (4) members shall be persons who are not employees of the City, officers of the City, or members of City Council.

The LCDC was created to promote economic development within the city in order to eliminate unemployment and to promote or develop new or expanded business enterprises, including drainage related and other public improvements. This Board normally meets on the third Tuesday of each month, however, may meet at other times during the month, as necessary.

Those members whose terms expire are: Mark Campbell, Kathrine McCarty, and Dan VanDeventer. There are NO term limits for this Board.

Other Board Members are: Dennis Beasley, Barbara Norwood, Julie Hebert and Michael Dorsett, Jr.

The City has applications from the following individuals who have indicated their interest in the LCDC: All current board members Mark Campbell, Kathrine McCarty, and Dan VanDeventer.

Motion was made to re-appoint current board members Mark Campbell, Kathrine McCarty, and Dan VanDeventer to the Liberty Community Development Corporation Board.

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

2. Council Action 2021-17

Consider appointments to the Planning and Zoning Commission Board of Directors, as discussed in the Executive Session.

COMMENTS - Current Meeting:

Planning And Zoning Commission is responsible for review of public improvements, civic improvements, city planning, and issues relating to streets, public utilities, traffic, and such other matters relating to city improvements as the Commission and City Council deem beneficial to the City. The Commission consists of 5 members, and Council may appoint 2 alternates, each of which serve 3-year terms. Members may serve 3 consecutive terms. Meetings are held, as necessary, on a Wednesday at Noon. Meetings last an hour or less.

Members with Expiring Terms

- Kim Anderson - May 2021 - Term Limits have been fulfilled.
- Emily Cook - May 2021 - Still has two terms that can be applied for. No response received as of 05/04/2021.
- 2 Alternate Positions that are vacant.

Other Members are: Tyler Jackson, Ryan Daniel, and Rick Jenner

The City has applications from the following individuals who have indicated their interest in the P&Z: Cody Abshier, Lindsay Lawrence and current member Emily Cook.

Motion was made to appoint Lindsay Lawrence and current member Emily Cook as commission members and appoint Cody Abshier as an alternate commission member.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Libby Simonson, Council Member
SECONDER:	Neal Thornton, 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 Pickett adjourned the meeting at 8:51 p.m.

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Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary