



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, July 13, 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	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	
Damon Jones	Public Works Director	Present	
Gary Martin	Police Chief	Present	
Brian Hurst	Fire Chief	Present	
Brandon Davis	City Attorney	Present	
April Gilliland	City Secretary	Present	

II. INVOCATION

Invocation was given by Pastor Edwin Hardy, St. John's Baptist Church, Liberty, Texas

III. PLEDGE OF ALLEGIANCE

The pledge to the American Flag was led by Police Chief Gary Martin and the pledge to the Texas Flag was led by Public Works Director Damon Jones.

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 # 5150)

City Manager's Report - City Manager Tom Warner - Topics include Fireworks Celebration, TxDOT Unified Transportation Program, Splash Pad, Sales and Use Tax, COVID-19, and AWOS

COMMENTS - Current Meeting:

City Manager Tom Warner offered the following updates:

- July 3rd Fireworks Celebration
- Highway 90 Expansion Project
- Splash Pad
- Sales and Use Tax
- COVID-19
- AWOS
- Electrical Projects

ATTACHMENTS:

- City Manager's Report July 13 2021 (PDF)

B. Information Item (ID # 5151)

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 May 2021.

ATTACHMENTS:

- Financial Report - Council May 2021 (PDF)
- Balance Sheet-Council May 2021 (PDF)

C. Information Item (ID # 5152)

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. Council Member Driggers thanked Code Enforcement for all the work that has been done. Mayor Pickett thanked all the departments for their hard work and the monthly reports presented.

ATTACHMENTS:

- Code Enforcement Monthly Report- JUNE (PDF)

- Fire Department June 2021 Report (PDF)
- Golf Course Monthly Report (June 2021) (PDF)
- Inspections June 2021 Report (PDF)
- Library June 2021 Report (PDF)
- Police June 2021 Report (PDF)
- Public Works June 2021 report (PDF)
- CITY OF LIBERTY CONSTRUCTION MONTHLY REPORT _June2021 (PDF)

D. Information Item (ID # 5153)

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 July 21, 2021, in Livingston. There are many items on the agenda from transferring substation back to the 3 Cities and October 1st bond debt payoff.

E. Information Item (ID # 5154)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

City Secretary April Gilliland mentioned to Council that the Registration for the TML Annual Conference and the TML Region 16 Meeting were due. Mayor Pickett reminded public about Coffee with the Mayor Thursday, July 15th at 7:30 am.

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, June 08, 2021
2. Tuesday, June 22, 2021

B. Resolution 2021-41

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, GRANTING A UTILITY EASEMENT TO ENTERGY AT THE LIBERTY MUNICIPAL GOLF COURSE.

ATTACHMENTS:

- EXHIBIT A - Easement for Entergy (Golf Course) (PDF)
- EXHIBIT B - Easement Job Sketch (Golf Course) (PDF)

C. Resolution 2021-42

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 SUBMISSION OF DOCUMENTS ASSOCIATED WITH THE RECEIPT OF THE AMERICAN RESCUE PLAN FUNDS.

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

CONSIDER 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.

COMMENTS - Current Meeting:

Richard Watson, on behalf of Oran Trousdale, has applied for a variance for property located at 201562 Highway 90 South (parcel 25839). The property at 201562 Highway 90 South is in an area of the City where manufactured homes are not allowed. Mr. Trousdale is requesting the variance, to Section 3.08.032 of the Code of Ordinances, to allow the installation of a manufactured home on the property.

New manufactured homes are only allowed in the following areas:

- South Liberty Oilfield
- Westwood Avenue (FM 563 to End of Road)
- Layl Drive (Avenue A to Avenue J)
- Shivers Manufactured Home Park (Original and Expansion)
- Twin Oaks Manufactured Home Park
- Beaumont Ave Manufactured Home Subdivision
- Minglewood (Dogwood to Glenn)

The Planning and Zoning Commission met on July 7 and voted 4-0 to approve the variance request.

A motion was made to approve the amendment of ordinance Section 3.08.032 location and replacement restrictions of the Code of Ordinances regarding manufactured homes to allow a manufactured home to be placed at 201562 Highway 90 South.

ATTACHMENTS:

- EXHIBIT A - Zone Change Application (PDF)

- EXHIBIT B - 201562 Highway 90 South (PNG)

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

2. Resolution 2021-43

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 SOFTWARE AS A SERVICE AGREEMENT WITH TYLER TECHNOLOGIES.

COMMENTS - Current Meeting:

The City currently uses Tyler Technologies software for Financial Management (Core Financials, Fixed Assets, Misc. Accounts Receivable, Centralized Purchasing, Secure Signatures, Payroll/Personnel); Customer Relations Management (Central Cash Collections, Utility CIS System, Utility Meter Data Sync. Scheduler, Call Center, Building Projects, Utility Handheld Meter Interface) and Municipal Court. The version currently in use by the city is being phased out and will no longer be available for updating on City servers. There are two options available to the city on how to continue using Tyler's software. The options are to keep Version 9, the current version, and go to the cloud or upgrade Version 10 and maintain the software on City servers.

There are several advantages upgrading to the cloud. The advantages are provided below:

1. The City will no longer have to purchase computer servers. The current servers have reached the end of their useful life and will cost approximately \$50,000 to replace. The servers typical have a useful life of five years.
2. Maintenance of the servers and ancillary equipment will no longer be required.
3. Daily backups of the data will not be required.
4. There is a minimal increase in cost (\$8,125) to upgrade to the cloud.
5. The cost to upgrade to Version 10 is not currently available due to the estimated availability timeframe.

The disadvantages of upgrading to the cloud are as follows:

1. The City no longer has control of our data.
2. All modules will not be cloud based until December 2022.
3. If the City should wish to go back to server-based software, the cost to retrieve our data may be expensive.

A motion was made to approve the resolution authorizing the City Manager to execute a Software Service Agreement with Tyler Technologies.

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

3. Resolution 2021-44

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 EXCESS 2007 TEXAS WATER DEVELOPMENT BOARD BOND NET REVENUES TO BE TRANSFERRED TO THE WATER/WASTEWATER FUND FOR MAINTENANCE AT THE WASTEWATER TREATMENT PLANT.

COMMENTS - Current Meeting:

The terms of the 2007 Texas Water Development Board (TWDB) Bond Indenture required annual net revenues to be at least equal to the sum of the aggregate debt service times 1.20. When the 2007 Bonds were refinanced this year, the excess amount of funds remaining due to this requirement was \$1,543,693.85. These funds have not been allocated for any projects in the Water/Wastewater Fund.

The rainfall amounts the city has received over the last several years has put a tremendous strain on the City's Wastewater Treatment Plant (WWTP). The amount of sediment buildup in the plant from infiltration and sewer line breaks will eventually impact the operation of the plant and our ability to meet permit requirements. The amount of sediment in the plant is estimated at 1800 cubic yards. Estimates to dewater and remove the sediment from the aeration basins, headworks, grit chamber and lift station range from \$300,000 to \$800,000. Additionally, one of the clarifiers is out of service and needs to be dewatered to determine the extent of repairs required. The estimated cost for dewatering and repairs is \$300,000. The total amount of funds needed to complete both projects is \$800,000.

The excess revenues from the refunding of the 2007 Texas Water Development Board Bonds will fund the necessary repairs. After work is complete, the remaining funds will be transferred to the Water/Wastewater Fund for future water/wastewater projects.

A motion was made to approve the resolution authorizing the excess 2007 Texas Water Development Board Bond net revenues to be transferred to the Water/Wastewater Fund for maintenance at the Wastewater Treatment Plant.

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

4. Ordinance 2021-10

CONSIDER AN ORDINANCE AMENDING SECTION 3.07.008 OF THE CODE OF ORDINANCES, ADOPTING THE 2018 FLOOD INSURANCE RATE MAP; AND ESTABLISHING AN EFFECTIVE DATE.

COMMENTS - Current Meeting:

The City's current flood damage prevention ordinance adopted the 2008 Flood Insurance Rate Map (FIRM). The FIRM is used to determine what flood zone a structure is currently or proposed to be located in. The FIRM maps are updated approximately every ten years or when circumstances require a reevaluation of the flood zones in a community. The map is also used to determine flood risks by insurance companies and FEMA. The City's FIRM maps were updated in 2018 and although these maps have been used since their issuance in January 2018, they have not been formally adopted by City Council. The proposed ordinance updates the effective FIRM from May 2, 2008, to January 19, 2018.

A motion was made to approve the ordinance adopting the 2018 FIRM maps.

ATTACHMENTS:

- Exhibit A - Flood Damage Prevention Ordinance Change (DOCX)

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

5. Public Hearing (ID # 5147)

Public Hearing on the Condemnation of Accessory Building No. 2 located at 1610 Webster and determine if the structure should be demolished.

COMMENTS - Current Meeting:

At 6:56 p.m., Mayor Pickett opened the Public Hearing on the Accessory Building No. 2 located at 1610 Webster. City Attorney Brandon Davis questioned Code Enforcement Daryl Marek regarding the condition of the structure. He was asked if the structure meets building code requirements and whether or not the property posed a safety and health hazard to the public. Mr. Marek 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 attended the public hearing and had several questions regarding how the demolition of the structure would take place and the cost.

At 7:19 p.m., Mayor Pickett closed the Public Hearing.

ATTACHMENTS:

- EXHIBIT A - 1610 Webster Street Inspection Report (DOCX)
- EXHIBIT B - 1610 Webster Photos (PDF)

6. Resolution 2021-45

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 ACCESSORY BUILDING NO. 2 LOCATED AT 1610 WEBSTER STREET TO BE A PUBLIC NUISANCE, ORDERING THE DEMOLITION AND REMOVAL OF ALL DEMOLITION MATERIAL WITHIN THIRTY (30) DAYS, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SECURE SUCH REMOVAL IF NOT REMOVED WITHIN THIRTY (30) DAYS.

COMMENTS - Current Meeting:

A motion was made that the accessory building no. 2 located at 1610 Webster is found to be a public nuisance, and that the property owner be given 30 days to remove the structure or the City is authorized to secure the demolition.

ATTACHMENTS:

- 1610 Webster Order of Abatement (PDF)

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

B. Work Session**1. Work Session (ID # 5155)**

Presentation, and discussion, of the Proposed Fiscal Year 2020-2021 Budget.

COMMENTS - Current Meeting:

City Manager Tom Warner presented a power point presentation representing the Proposed Fiscal Year Budget 2021-2021. Mr. Warner reviewed the proposed budget starting with the listing of all City Funds and then with a discussion held on the following topics:

- General Fund
- 2021 Certified Values on Property Taxes
- Property Tax History
- Property Tax Rates
- Potential Funding Sources
- Water/Wastewater Fund
- Electric Fund
- Solid Waste Fund
- Fleet Fund

A work session will be held the following day, July 14 to review the various other funds and other budget issues.

VIII. ADJOURNMENT**A. Motion To: Adjourn**

COMMENTS - Current Meeting:

With no further business to discuss Mayor Pickett adjourned the meeting at 8:43 p.m.

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Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary