



# The City of Liberty City Council

## Special Called Meeting

~ Agenda ~

1829 Sam Houston  
Liberty, TX 77575  
[www.cityofliberty.org](http://www.cityofliberty.org)

Dianne Tidwell  
City Secretary  
(936) 336-3684

Tuesday, August 27, 2019

6:00 PM

City Council Chambers

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

### I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
Mayor Carl Pickett	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mayor ProTem Diane Huddleston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Council Member Dennis Beasley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Council Member Libby Simonson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Council Member David Arnold	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Council Member Chipper Smith	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Council Member Neal Thornton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

### II. INVOCATION

### III. PLEDGE OF ALLEGIANCE

### 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.

### V. PRESENTATIONS / REPORTS

#### 1. Information Item (ID # 4556)

City Manager's Report - City Mgr. T. Warner

- City Manager's Report(DOCX)
- Exhibit - City Manager's Rpt. (PDF)

#### 2. Information Item (ID # 4546)

Finance Report

#### 3. Information Item (ID # 4547)

Mayor, Council and Staff Comments

## VI. REGULAR AGENDA

### A. Regular Session

#### 1. Public Hearing (ID # 4548)

City Council to conduct a Public Hearing on the Proposed Tax Rate for Fiscal Year 2019-2020.

#### 2. Work Session (ID # 4549)

City Council to conduct a Work Session on the Proposed Budget for Fiscal Year 2019-2020.

#### 3. Council Action (ID # 4550)

Consider ratifying the Liberty Community Development Corporation's (LCDC) action to approve an agreement with Zoom Prospector for property and site selection services on the LCDC website.

#### 4. Ordinance (ID # 4551)

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS PROVIDING FOR THE AMENDMENT OF THE MASTER FEE SCHEDULE FOR ALL RATES AND FEES CHARGED BY THE CITY OF LIBERTY; PROVIDING FOR MILITARY AND JUNIOR DISCOUNT FEES AT THE LIBERTY MUNICIPAL GOLF COURSE; PROVIDING THAT ALL RATES OR SCHEDULES OF RATES CONFLICTING HEREWITH ARE AMENDED; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS.

- EXHIBIT A - Master Fee Schedule Amendments - Golf Course (PDF)

#### 5. Council Action (ID # 4552)

Consider a residential solid waste collection plan offered by Frontier Waste Solutions.

#### 6. Council Action (ID # 4553)

Consider approval of Change Order No. 1 for the Hwy. 146N Sanitary Sewer Line Project.

- Change Order No. 1 - Hwy 146N (XLSX)

#### 7. Council Action (ID # 4554)

Consider authorizing the City Manager to negotiate and execute an agreement with Distinc Cantinas Inc. for operation of the restaurant and bar at the Liberty Municipal Golf Course.

### B. Executive Session

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

- To deliberate the appointment, employment, evaluation, reassignment, duties discipline or dismissal of a public officer or employee - Liberty Municipal Golf Course.

### C. Reconvene into Regular Session

#### 1. Council Action (ID # 4555)

Consider and take action, if any, on personnel matters at the Liberty Municipal Golf Course, as discussed in the Executive Session.

## VII. ADJOURNMENT

**Motion To:** Adjourn

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*I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 23rd day of August, 2019 at 4:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.*

  
Dianne Tidwell, City Secretary

### **NOTICE**

*In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.*

*I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.*



## The City of Liberty

City Council  
1829 Sam Houston  
Liberty, TX 77575

5.1

Meeting: 08/27/19 06:00 PM

Department: Administration  
Category: Reports

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### INFORMATION ITEM (ID # 4556)

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DOC ID: 4556

**Subject:** City Manager Report - City Projects and Activities

**Background:** This agenda item affords the City Manager the opportunity to update the Council and public on current and future City projects, activities and other items related to City business.

# Memo

To: Mayor & City Council

From: Tom Warner, City Manager

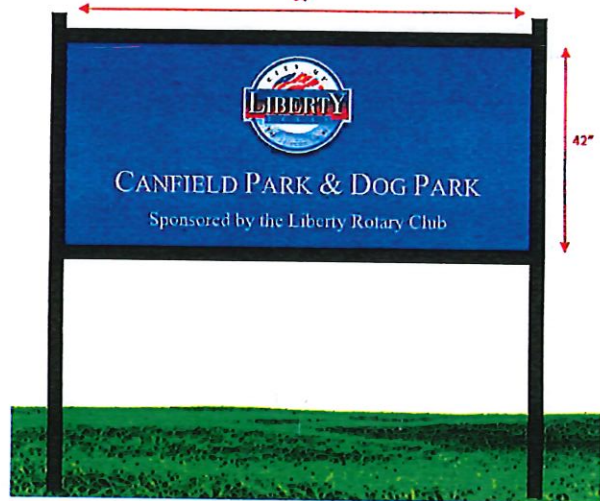
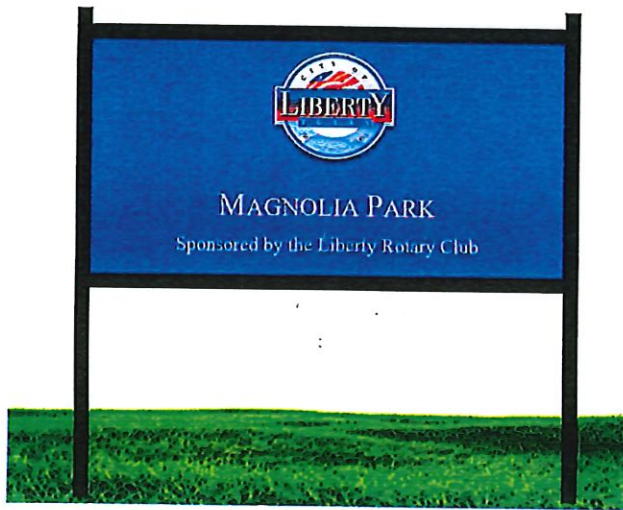
Date: August 27, 2019

Re: City Manager Report

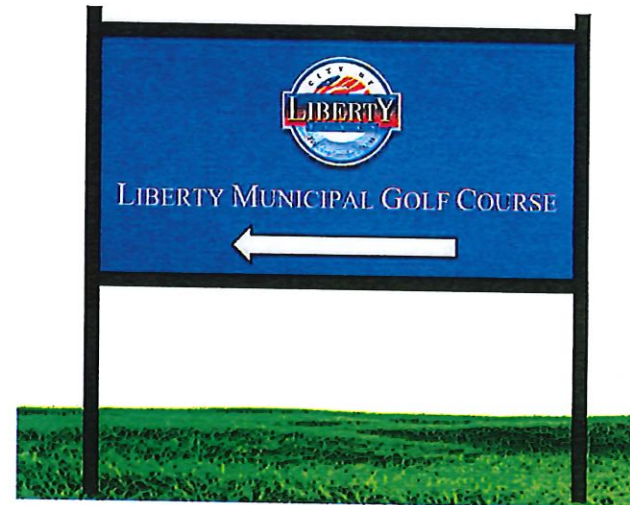
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1. The contractor replacing the HVAC at City Hall, the Fire Department & Public Works has completed the HVAC installation at the Fire Station and Public Works and will finish work at City Hall the week of August 26, 2019. The lighting contractor as completed the improvements to the lighting systems at the Fire, Police and Public Works Department and is near completion of the work at City Hall.
2. With completion of the City Hall HVAC and Lighting Projects, the next project for City Hall is the Interior Repairs and Improvements. This work will include drywall repairs, painting, new flooring in the Administration Hallway and Liberty Center, new cabinets and acoustical wall panel repair. Bid opening is scheduled for September 19, 2019.
3. The engineer for the Floodway and Levee Project at the Wastewater Treatment Plant submitted the plans and specifications to the Texas Department of Emergency Management on August13, 2019. This is a Hazard Mitigation Grant Project in which 75% is funded by FEMA through the TDEM. Upon completion of the plans and specifications review, TDEM will fund the construction phase of the project.
4. The new signs for the Golf Course, Canfield and Magnolia Parks and the Airport are scheduled for installation the first week of September. A rendering of the signs is enclosed with this report.

Attachment: City Manager's Report (4556 : City Manager's Report)



Qty 2



SIGN SPECIFICATIONS:

48' X 96' (nom) post & panel signs  
 4" square aluminum posts  
 Color - black  
 Substrate - 6mm Aluminum composite material (ACM)

Attachment: Exhibit - City Manager's Rpt. (4556 : City Manager's Report)



3930 Phelan Blvd  
 Beaumont, TX 77707

OFFICE: 409-892-9503  
 FAX: 409-892-9504

FACILITY NUMBER:

FACILITY TYPE:



Customer:

City of Liberty

Various Municipal Signs

1.

for comments

TOTAL JOB COST - INCLUDING  
 INSTALLATION:

Rev 0

DATE:  
 7/25/19



## The City of Liberty

City Council  
1829 Sam Houston  
Liberty, TX 77575

5.2

Meeting: 08/27/19 06:00 PM

Department: Administration  
Category: Reports

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### INFORMATION ITEM (ID # 4546)

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DOC ID: 4546

**Subject:** Finance Report

**Background:** This agenda item affords the Asst. City Mgr./CFO an opportunity to report on the financial activities and position of the City, to include revenues, liabilities, assets, and other financial information.



## The City of Liberty

City Council  
1829 Sam Houston  
Liberty, TX 77575

Meeting: 08/27/19 06:00 PM

Department: Administration  
Category: Reports

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### INFORMATION ITEM (ID # 4547)

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DOC ID: 4547

**Subject:** Mayor, Council and Staff Comments

**Background:** This agenda item relates to expressions of thanks, congratulations or condolence; information regarding holiday schedules; honorary recognitions of City officials, employees or other citizens; reminders about upcoming events organized or sponsored by the City or other entity, that is scheduled to be attended by City officials or employees, inquiry of staff regarding specific factual information or existing policies.





## The City of Liberty

City Council  
1829 Sam Houston  
Liberty, TX 77575

6.A.1

Meeting: 08/27/19 06:00 PM

Department: Administration  
Category: Public Hearing

### **PUBLIC HEARING (ID # 4548)**

DOC ID: 4548 A

**Subject:** Public Hearing - Tax Rate

**Background:** Tax payers must be provided the opportunity to express their views regarding the proposed tax rate. A public hearing on a tax rate may not be held before the 7th day after the date the notice of public hearing is given (Aug 15). The 2nd public hearing may not be held earlier than the 3rd day after the date of the 1st hearing. The second public hearing is scheduled for September 10. This is the first of two required public hearings.

**Fiscal Impact:** The public hearing has no fiscal impact.

**Staff Recommendation:** Staff recommends holding the public hearing on the tax rate, as required.



## The City of Liberty

City Council  
1829 Sam Houston  
Liberty, TX 77575

6.A.2

Meeting: 08/27/19 06:00 PM

Department: Administration  
Category: Budget

### WORK SESSION (ID # 4549)

DOC ID: 4549 A

**Subject:** Budget Work Session

**Background:** The Budget Work Sessions provide an overview of the City's expenditures, revenues and other factors that drive operational and budgetary needs. These work sessions provide Council and Staff an opportunity to analyze these issues together and contribute to any necessary changes.



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

Meeting: 08/27/19 06:00 PM

Department: Administration  
Category: LCDC Misc.

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**COUNCIL ACTION (ID # 4550)**

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DOC ID: 4550

**Subject:** Zoom Prospector

**Background:** On August 20, 2019, the LCDC Board of Directors approved an agreement with Zoom Prospector for property and site selection services. Zoom Prospector allows staff to input photos and data on properties to assist with the marketing and advertising of properties. The plan is to imbed this feature into the LCDC website that is currently under development.

If approved, staff intends to work with local brokers and realtors to develop a database of sites and buildings available in the City of Liberty.

**Funding Source:** LCDC

**Staff Recommendation:** Approval of the expenditure



**The City of Liberty**  
City Council  
1829 Sam Houston  
Liberty, TX 77575

Meeting: 08/27/19 06:00 PM

Department: Administration  
Category: Golf Course

**ORDINANCE (ID # 4551)**

DOC ID: 4551

**Department:** Golf Course

**Subject:** Master Fee Schedule

**Background:** Currently, the Liberty Municipal Golf Course offers senior discounts and family plans. Staff is proposing to add a military discount and a junior discount (17 years of age or younger) to the fees at the golf course. Under the proposed fee schedule, seniors, juniors and military members would all be charged the same rate.

**Funding Source:** N/A

**Staff Recommendation:** Approval of the amendment

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS PROVIDING FOR THE AMENDMENT OF THE MASTER FEE SCHEDULE FOR ALL RATES AND FEES CHARGED BY THE CITY OF LIBERTY; PROVIDING FOR MILITARY AND JUNIOR DISCOUNT FEES AT THE LIBERTY MUNICIPAL GOLF COURSE; PROVIDING THAT ALL RATES OR SCHEDULES OF RATES CONFLICTING HEREWITH ARE AMENDED; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS.

WHEREAS, the City previously adopted a Master Fee Schedule which sets forth all rates and fees charged by the City of Liberty; and

WHEREAS, the City Council finds it more efficient to have the City’s fees set in one Ordinance, which can be amended as necessary by Ordinance; and

WHEREAS, the attached “Exhibit A” represents the various rates and fees, including military and junior discount fees to be charged by the City related to the Liberty Municipal Golf Course.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

Section 1.

That all rates or schedules of rates which are in conflict herewith are to the extent of such conflict only, expressly amended, changed and repealed.

Section 2.

That the fee schedule attached hereto as “Exhibit A” amends the previous Master Fee Schedule to include the new rates shown in “Exhibit A” providing for rates and fees to be charged, by the City, for the Liberty Municipal Golf Course, and is hereby adopted as fully set forth herein.

## Section 3.

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two separate days is hereby dispensed with.

## Section 4.

This Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND ADOPTED this the 27<sup>th</sup> day of August, 2019.

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary

# PROPOSED GOLF COURSE FEES

	9-Holes		18-Holes	
	with cart	without cart	with cart	without cart
Green Fees (weekday)	\$ 16.00	\$ 11.00	\$ 25.00	\$ 18.00
Green Fees (weekend)	\$ 17.00	\$ 11.00	\$ 27.00	\$ 18.00
Senior, <b>Junior or Military</b> Green Fees (weekday)*	\$ <b>10.00</b>	\$ <b>7.00</b>	\$ 18.00	\$ 10.00
Senior, <b>Junior or Military</b> Green Fees (weekend)*	\$ <b>11.00</b>	\$ <b>7.00</b>	\$ 20.00	\$ 10.00
Cart Fee (per cart)	\$	8.00	\$	16.00

	Annual Fees	Semi-Annual Fees
Individual	\$ 420.00	\$ 220.00
Family**	\$ 600.00	\$ 320.00
Trail Fee	\$ 400.00	\$ 250.00
Cart Shed Rental (Trail Fee Included)	\$ 450.00	\$ 275.00
Range Balls - Small Bucket	\$	3.50
Range Balls - Large Bucket	\$	4.50
Range Balls - Range Club (Annual)	\$	150.00
Tournament Fees (per person / per day)***	\$	32.50

\* Senior = 60 years of age or older

\* **Military = Valid ID required**

\* **Junior = 17 years of age or younger**

\*\* Family = Includes spouse and children eighteen (18) years of age or younger. May contain up to six (6) family members

\*\*\* Tournament Fees = Includes Green Fees, Cart Fees and Range Balls

\*\*\*\* The City Manager may waive or modify Golf Course fees as circumstances warrant



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

Meeting: 08/27/19 06:00 PM

Department: Administration  
Category: Solid Waste Issues

**COUNCIL ACTION (ID # 4552)**

DOC ID: 4552

**Subject:** Solid Waste Collection Plan

**Background:** In 2016, the City awarded a contract to Frontier Waste (formally LT's) to provide solid waste collection services for the City. The contract was for three years with two one-year extensions, if agreeable by both parties. Frontier Waste initiated a pilot automated collection system in 2018 for residential customers in the southern and northern area of the City. Survey results from the pilot program were favorable based on the experience of the customers on the pilot program routes. During the August 13, 2019, City Council Meeting, Bill Killian with Frontier Waste outlined four options for providing future residential service. An overview of the four options is provided below:

- Option 1. Twice a week automated - Increase 8.91% year one, + 1% years 2-7
- Option 2. Twice a week automated - Increase 5.28% year 1-2, + 3% years 3-7
- Option 3. Twice a week hand - Increase 3.79% immediately, +2 to 3.7% year 2  
Eliminate Pilot Program
- Option 4. Once a week automated - Decrease 6.6% year one, + 2% years 2-7

All options include the existing once per week trash, bulk and every other week brush collection. Also, for Options 1, 2 & 4, commercial customers rates would increase 5% annually. The increase under Option 3 for commercial customers would be per the terms of the current contract.

Residential rates increased approximately 2.5% in 2017. The fund balance was used to cover this cost increase and subsequently there was no increase in rates to the customer. If Option 4 is selected, residential customers will not receive a decrease in rates in order to maintain an adequate Fund Balance in the Solid Waste Fund. With the other options, all increases will be passed on to the customer.

**Funding Source:** User Fees

**Staff Recommendation:** Staff recommends Option 4.



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

Meeting: 08/27/19 06:00 PM

Department: Administration  
Category: Change Orders

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**COUNCIL ACTION (ID # 4553)**

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DOC ID: 4553

**Department:** Public Works

**Subject:** Hwy 146 North Sanitary Sewer Project - Change Order No. 1

**Background:** On May 28, 2019, City Council approved the award of bid for the construction of a new sanitary sewer line from McGuire Road to approximately 3,000 feet to the north. The project was awarded to 5-T Utilities in the amount of \$339,671.59. The sanitary sewer line will serve PLC Construction and another business that has plans to construct a new facility. The City was notified by PLC Construction that their building has been completed and is ready for sanitary sewer service. However, the contractor has not completed the southern section of the line and as a result, service cannot be provided without bypass pumping. The cost to provide bypass pumping for a thirty (30) day period while the contractor completes the southern section is \$12,064.52. Additionally, the backfill requirements were modified for one section of the project that will result in a decrease in the contract of \$13,673.99. This change order will result in a net decrease in the contract in the amount of \$1,809.47.

**Funding Source:** LCDC

**Staff Recommendation:** Staff recommends approval of Change Order No. 1.



# CHANGE ORDER NO. 1

CITY OF LIBERTY TEXAS

PROJECT DESCRIPTION: HIGHWAY 146 SANITARY SEWER EXTENSION PROJECT  
 CONTRACTOR: 5-T UTILITIES  
 DATE: 8/22/2019  
 PROJECT START DATE: 7/30/2019  
 CONTRACT CALENDAR DAYS: 60 DAYS  
 PREVIOUS CHANGE ORDERS:  
 PERCENT CHANGE OF THIS C.O.: -0.53%

**B. SANITARY SEWER EXTENSION**

ITEM NO.	SPEC. SECTION	ITEM DESCRIPTION	UNIT	ORIGINAL QUANTITY	NEW QUANTITY	UNIT PRICE	ORIGINAL TOTAL	NEW TOTAL	DIFFERENCE
7	DWGS AND VARIOUS SPECS	FURNISH AND INSTALL NEW 12-INCH PVC (C900) GRAVITY SANITARY SEWER PIPE APPROXIMATELY 2723 LINEAR FEET (LF) BY OPEN CUT AS SHOWN IN DRAWINGS, ALL INCLUDING LABOR, TESTING, TRENCH SAFETY, MATERIAL AND SUPERVISION. COMPLETE IN-PLACE	LF	2723	120	\$70.70	\$192,516.10	\$8,484.00	(\$184,032.10)
14	BYPASS PUMPING SANITARY SEWER	FURNISH, INSTALL AND MAINTAIN MINI LIFT STATION 2,000 LF OF 2" TEMPORARY POLY HOSE FOR 30 DAYS INCLUDING ALL LABOR, MATERIAL AND SUPERVISION, SITE WORK, AND SITE RESTORATION COMPLETE IN-PLACE.	LS	0	1	\$12,064.52	\$0.00	\$12,064.52	\$12,064.52
15	DWGS AND VARIOUS SPECS	FURNISH AND INSTALL NEW 12-INCH PVC (C900) GRAVITY SANITARY SEWER PIPE APPROXIMATELY 2603 LINEAR FEET (LF) BY OPEN CUT AS SHOWN IN DRAWINGS, ALL INCLUDING LABOR, TESTING, TRENCH SAFETY, MATERIAL AND SUPERVISION. THIS ITEM IS FOR BANK SAND IN LIEU OF CEMENT STABILIZED SAND COMPLETE IN-PLACE	LF	0	2603	\$65.37	\$0.00	\$170,158.11	\$170,158.11

THIS CHANGE ORDER AMOUNT: -\$1,809.47  
 PREVIOUS CHANGE ORDER AMOUNT: \$0.00  
 ORIGINAL CONTRACT AMOUNT: \$339,671.95  
 NEW CONTRACT AMOUNT: \$337,862.48  
 PERCENT CHANGE OF THIS CHANGE ORDER: -0.53%

\_\_\_\_\_  
 CONTRACTOR - (5-T UTILITIES)

\_\_\_\_\_  
 DAMON JONES - PUBLIC WORKS DIRECTOR

\_\_\_\_\_  
 TOM WARNER, P.E. - CITY MANAGER

Attachment: Change Order No. 1 - Hwy 146N (4553 : Change Order-Sewer Line Ext Hwy. 146N)



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

Meeting: 08/27/19 06:00 PM

Department: Administration  
Category: Golf Course

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**COUNCIL ACTION (ID # 4554)**

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DOC ID: 4554

**Department:** Golf Course

**Subject:** Food Services Management Agreement

**Background:** In May of 2019, the City of Liberty issued a request for proposals (RFP) for a firm to operate the restaurant and bar at the Liberty Municipal Golf Course. Since that time, Distinc Cantinas Inc. has expressed interest in operating the restaurant.

The proposed agreement is for a three-year term with two one-year renewal options. Distinc Cantinas will have operational control over the facility, including staffing, pricing, menu options, and other standard measures related to operating a restaurant. Maintenance responsibilities will be shared between the City and Distinc Cantinas, but Distinc Cantinas will be responsible for their own utilities.

Distinc Cantinas will not be allowed access to the facility until they obtain a liquor license from the Texas Alcoholic Beverage Commission (TABC). They must also open the restaurant for operation within six months of signing the agreement.

**Funding Source:** The City will receive \$3,000 in rental payments for the first year with the amount escalating in each subsequent year.

**Staff Recommendation:** Approval of the agreement.



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

Meeting: 08/27/19 06:00 PM

Department: Administration  
Category: Executive Session Items

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**COUNCIL ACTION (ID # 4555)**

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DOC ID: 4555

**Subject:** Action Taken Following an Executive Session

**Background:** A vote on a matter deliberated in a closed session may only be made in an open meeting that is held in compliance with the notice provisions.