



# The City of Liberty City Council

## Special Called Meeting

~ Minutes ~

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

Dianne Tidwell  
City Secretary  
(936) 336-3684

Tuesday, March 26, 2013

6:00 PM

City Council Chambers

### I. CALL TO ORDER

| Attendee Name    | Title          | Status  | Arrived |
|------------------|----------------|---------|---------|
| Carl Pickett     | Mayor          | Present |         |
| Diane Huddleston | Councilperson  | Present |         |
| Dennis Beasley   | Councilperson  | Present |         |
| Frank Jordan     | Councilperson  | Present |         |
| Louie Potetz     | Councilperson  | Present |         |
| Libby Simonson   | Councilperson  | Present |         |
| David Arnold     | Councilperson  | Present |         |
| Gary Broz        | City Manager   | Present |         |
| Dianne Tidwell   | City Secretary | Present |         |
| Randy Gunter     | City Attorney  | Present |         |

### II. 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 from the audience.

City Manager Gary Broz congratulated the Liberty High School Literary Criticism Team on their recent District Championship, led by City Attorney and LHS teacher, Randy Gunter. Mr. Broz also discussed with Council a date for photos to be taken with one of the new Motorcycle Safety Awareness signs. Photos will take place on Wednesday, April 3rd at 5:00 p.m., with the location to be emailed to Council. Mr. Broz thanked everyone for their participation in making the Liberty Jubilee a huge success.

Councilperson Simonson thanked the City staff, volunteers, and others for their time and effort in making the Liberty Jubilee an enjoyable event.

Mayor Pickett also expressed his appreciation to all participants for their dedication in making this event a success, and reminded everyone that the "Relay for Life" will be held on Friday, April 5th.

### III. PRESENTATIONS / REPORTS

#### A. Information Item (ID # 2650)

**Financial Report - Finance Dir. - N. Herrington****COMMENTS - Current Meeting:**

Finance Director Naomi Herrington relayed information regarding the City's financial report ending February, 28, 2013. Ms. Herrington reviewed the various funds, their revenue and expenditure status, also reporting on revenues over expenditures. Ms. Herrington concluded by saying that sales tax collections should currently be at 41% of the budgeted amount, however, those collections are already at 42%.

**B. Information Item (ID # 2651)****Recycling Report - Councilperson Huddleston****COMMENTS - Current Meeting:**

Councilperson Huddleston reported that the next "Shred-It" Day will be held on Saturday, April 27th from 9 a.m. until Noon. This popular event for the shredding of sensitive documents will be held in the parking lot on the west side of City Hall.

**C. Information Item (ID # 2652)****Houston-Galveston Area Council Report - Councilperson Jordan****COMMENTS - Current Meeting:**

Councilperson Jordan reported on Houston-Galveston Area Council grant activities. Councilperson Jordan conveyed information regarding the Gulf Coast Economic Development District, community development grants, community enhancement grants, regional sustainable development grants, and other informative and related issues.

**D. Information Item (ID # 2653)****Sam Rayburn Municipal Power Agency - Mayor Pickett****COMMENTS - Current Meeting:**

Mayor Pickett, as a representative on the Sam Rayburn Municipal Power Agency Board of Directors (SRMPA), reported on recent activities of the Agency. Mayor Pickett reported the following:

- 1) the City received a third rebate from SRMPA in the amount of \$445,677.72 as a result of a class action lawsuit, in which the Agency opted out. The Agency received \$1,258,621.06 from settlement funds established by several states' attorney generals. The settlement funds resulted from investment bank improprieties related to municipal bonds,
- 2) Oct. 1, 2012, SRMPA lowered the wholesale charge to the three member cities from 77.5 mils to 71 mils which has resulted in lower electric bills, and
- 3) Board Member Tommy Boykin, City Manager, City of Jasper has resigned his position with SRMPA, and no replacement has yet been appointed.

**IV. WORK SESSION****1. Work Session (ID # 2654)**

Presentation of Long-Range Water Plan, by Freese and Nichols, Inc.

**COMMENTS - Current Meeting:**

Representatives from Freese and Nichols, Inc. led a work session on long-range water plans for the City of Liberty. Project Engineers, Richard Weatherly and Jason Afinowicz discussed numerous issues and cost estimates related to the water study.

Discussed and reviewed were the scope of work, to include population and water demands, groundwater and surface water supply assessment, water distribution system evaluation, wastewater reuse feasibility, draft capital improvement plan, funding options, and other associated topics. Freese and Nichols will discuss the Long Range Water Plan Final Report at the May Council meeting.

**V. REGULAR AGENDA****A. Regular Session****1. Council Action 2013-29**

Consider Approval of an Interlocal Agreement Between the City of Liberty and the City of Dayton Authorizing Each Entity's Municipal Court Judge to Serve as an Associate Judge for the Other Contracting Entity.

**COMMENTS - Current Meeting:**

Mr. Broz and Liberty Municipal Court Judge Mike Little reported on an Interlocal Agreement with the City of Dayton in regard to the position of visiting Municipal Court Judge. Each municipality's judge would serve as a visiting judge for the other contracting entity on an as-needed basis. There will be no cost to either entity for this service.

Motion was made to approve the Interlocal Agreement with the City of Dayton.

At this time, the Mayor moved to the Executive Session.

**ATTACHMENTS:**

- Interlocal with Dayton for Municipal Judge (DOCX)

|                  |                                                                |
|------------------|----------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                                    |
| <b>MOVER:</b>    | Dennis Beasley, Councilperson                                  |
| <b>SECONDER:</b> | Diane Huddleston, Councilperson                                |
| <b>AYES:</b>     | Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold |

**2. Council Action 2013-30**

Consider an Ordinance or Resolution to Revoke Prior Authorization, If Any, for Railroad through the City of Liberty.

**COMMENTS - Current Meeting:**

This agenda item was passed on.

|                |                        |
|----------------|------------------------|
| <b>RESULT:</b> | <b>NO ACTION TAKEN</b> |
|----------------|------------------------|

**3. Ordinance (ID # 2655)**

Consider Adoption of an Ordinance Amending Chapter 12 of the City's Code of Ordinances Granting the City Authority to Charge a Toll for Railroads that Cross City Owned Streets.

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the proposed Ordinance into the record as follows:

"AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS, AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF LIBERTY; GRANTING THE CITY OF LIBERTY AUTHORITY TO CHARGE A TOLL FOR RAILROADS THAT CROSS CITY OWNED STREETS; BY PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PENALTY AND INTEREST FOR FAILURE TO TIMELY PAY INVOICES, AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS".

This agenda item was passed on.

**RESULT: NO ACTION TAKEN**

**B. Executive Session**

Government Code §551.071

Private Consultation with Attorney on all subjects or matters authorized by law:

1. When the governmental body seeks the advice of its attorney about
  - a. pending or contemplated litigation
  - b. a settlement offer
2. On a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act.
3. Consider legal advice regarding items specifically listed on the agenda.

At 7:34 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

**C. Reconvene into Regular Session**

At 8:08 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

**1. Council Action 2013-28**

Consider and Take Action, If Any, on the Items as Discussed in the Executive Session.

**RESULT: NO ACTION TAKEN**

**VI. ADJOURNMENT**

**Motion To:** Adjourn

**COMMENTS - Current Meeting:**

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:10 p.m.

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary