# The City of Liberty
## City Council
## Special Called Meeting
## ~ Minutes ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

**Tuesday, July 23, 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 | |
| Brandon Davis | City Counsel | 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 reported that he had received the executed Fire Protection Services Agreement from Liberty County.

Mayor Pickett inquired if any member of Council was interested in participating in the First Monday Radio Program at KSHN Radio.

# III. PRESENTATIONS / REPORTS

## A. Information Item (ID # 2757)

Project Updates - City Mgr. G. Broz

**COMMENTS - Current Meeting:**

There were no project updates for this meeting. However, Mayor Pickett complimented City Manager Gary Broz on his presentation to the Rotary Club regarding the status of City projects.

## B. Information Item (ID # 2758)

SRMPA Update - Mayor Pickett

**COMMENTS - Current Meeting:**

Mayor Pickett reported that Mr. Broz had recently attended his first meeting of the SRMPA Board of Directors, as a Board Member. Mayor Pickett further reported that the Board has been working with Entergy to provide a tie-in at the Beaumont Substation as a result of T3 transformer issues. Due to a lengthy repair time, Mayor Pickett confirmed that Entergy has made assurances that it can provide an emergency tie-in within twenty-four hours, if necessary.

The Mayor reported that the Agency's financial situation is very good and is doing well with the Cambridge Project.

### C. Information Item (ID # 2759)

H-GAC Update - Councilperson Jordan

**COMMENTS - Current Meeting:**

Councilperson Jordan, Liberty County representative to the Gulf Coast Economic Development District, reported that he would be meeting with Liberty County Judge Craig McNair, in regard to remaining H-GAC grants. Councilperson Jordan suggested that it might be more feasible to apply for these grants as a County, due to population figures, enhancing the probability that a grant be received. It was further stated that there might be certain common projects whereby the County receives the grant and re-allocates funds to the various cities.

City Manager Gary Broz reported that while filling in on one of these meetings, in Councilperson Jordan's absence, he was asked to make a presentation on the Liberty Municipal Airport. This presentation will take place at the October Meeting.

### D. Information Item (ID # 2760)

Financial Report - Finance Dir. N. Herrington

**COMMENTS - Current Meeting:**

Finance Director Naomi Herrington reported on year-to date revenues and expenditures of the various funds, as of June 30, 2013. Ms. Herrington stated that expenses are being monitored and well controlled, and that the General Fund is doing well despite no transfers having been made from the Electric Fund. However, a transfer/s will take place prior to the end of the fiscal year.

Ms Herrington further reported that sales tax and property tax revenues were above budgeted amounts.

## IV. 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.

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

### 1. Council Action 2013-57

Consider Approval of Change Order No. 1 to the Contract with E.P. Breaux for the Boomerang Substation Project, and Take Any Action Deemed Necessary.

**COMMENTS - Current Meeting:**

This change order was to modify the design/construction on a CT stand and components, in the amount of $3608.45.

**ATTACHMENTS:**

- Breaux CO #1 (PDF)

# V. REGULAR AGENDA

## *A. Regular Session*

### 1. Council Action 2013-58

Consider a Request for Funds from the Executive Director of Bridgehaven Children's Advocacy Center.

**COMMENTS - Current Meeting:**

Ms. Paula Barron, Executive Director of Bridgehaven Children's Advocacy Center addressed the Council regarding funding needs for the Center. Ms. Barron explained that the Center is a non-profit organization that was created to help minimize the trauma associated with child abuse investigations. Ms. Barron reported that the organization works closely with law enforcement agencies from Liberty and Chambers Counties to protect and defend the victims. Discussed were the various services provided by the agency to include forensic interviews, counseling, family advocates for court, and with no charge to the victim and family for any of these services. Ms. Barron reported that the Center holds fundraisers and accepts donations, but many of their funding sources have been reduced. Ms. Barron reported that they do receive some support from Liberty and Chambers Counties, recently received a commitment of $3000 from the City of Dayton, and would appreciate any assistance that the City of Liberty could provide.

At the conclusion of the discussion, Council consensus was to deliberate this issue at the upcoming budget work session and get with Ms. Barron in the near future.

**ATTACHMENTS:**

- Bridgehaven Request 2013 (PDF)

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| **RESULT:** | **NO ACTION TAKEN** |

### 2. Council Action 2013-59

Consider a Request from the Liberty County Central Appraisal District to Place a Back-Up Generator on the East Side of Their Facility, and Take Any Action Deemed Necessary.

**COMMENTS - Current Meeting:**

Mr. Alan Conner, Chief Appraiser for the Liberty County Central Appraisal District addressed Council regarding a request to place a back-up generator on the east side of their facility, along Fannin Street. Mr. Connor explained that the request is due to the equipment being placed in the street right-of-way, and will be only used to supply power to the computer server room, phone system, and security lights when the power is out.

A motion was made to grant the request allowing the CAD to place the generator in the street right-of-way.

**ATTACHMENTS:**

- CAD Generator Info (PDF)

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Frank Jordan, Councilperson |
| **SECONDER:** | Libby Simonson, Councilperson |
| **AYES:** | Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold |

### 3. Council Action 2013-60

Consider Award of Bid for Group Dental and Medical Insurance.

**COMMENTS - Current Meeting:**

Mr. Julian Fontana, Texas Municipal League Intergovernmental Employees Benefits Pool, addressed Council regarding the City's group medical insurance. Mr. Fontana reviewed the City's self-funded program and the TML Pool, explaining that the major difference is who administers the program. Currently, TML is the City's third-party administrator and with the Pool, TML would be the Plan Administrator. The insurance is currently through United Healthcare. Mr. Fontana remarked that with the Pool, members have common guidelines and any differences between the Pool and the self-funded plan are minor and very comparable.

Lengthy discussion was held regarding deductibles, co-pays, prescriptions, benefit plans, stop loss re-insurance, rate stability, and other related information. Mr. Broz reported that management will be working with Mr. Fontana and TML to obtain costs to see what direction the Council would like to take with respect to which type of plan to put in place.

No formal action was taken.

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| **RESULT:** | **NO ACTION TAKEN** |

### 4. Council Action 2013-61

Consider Ratifying the Liberty Community Development Corporation's Action Regarding Right-Of-Ways for the Street Extension Project, and Take Any Action Deemed Necessary.

**COMMENTS - Current Meeting:**

Mr. Broz reported that the LCDC had voted to begin the street extension project, and in regard to this project a handout was presented that included current right-of-way acquisition information, a construction cost estimate, and road construction timeline. Mr. Broz reviewed these documents and further discussion was held regarding the status of right-of-way acquisitions and right-of-way property not yet acquired.

Mr. Broz reported that the right-of-way acquisition was complete all the way to the Wickliff property at the Bypass. Mr. Broz proposed to LCDC that Phase 1 of the road begin at Lakeland Drive and build in an eastward direction, in order to accommodate the business that is currently ready to locate on the new road. Mr. Broz reviewed the specifics of the project to include a 3-lane concrete road expandable to five lanes, curb and gutter, underground electricity, water and sewer capacity, street lights, etc. Mr. Broz also referred to the Right-of-Way and Construction Cost Estimate document for the project from Lakeland to the Bypass, in the amount of $4,663,692.

At this time, Mayor Pickett opened the agenda item regarding funding options for this project. After discussion of the proposed funding, the Mayor reopened this item (#4) and called for a vote. A motion was made to ratify the LCDC's action of the project approval, also approving the route and construction as shown on the map.

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Diane Huddleston, Councilperson |
| **SECONDER:** | Dennis Beasley, Councilperson |
| **AYES:** | Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold |

### 5. Council Action 2013-62

Consider Ratifying the Liberty Community Development Corporation's Action Regarding Funding Options for the Street Extension Project, and Take Any Action Deemed Necessary.

**COMMENTS - Current Meeting:**

The City's Financial Advisor, Bob Henderson, addressed Council regarding funding for the Street Extension Project. Mr. Henderson began by stating the Corporation is sound and has no financial issues. Mr. Henderson recommended the issuance of Sales Tax Revenue Bonds, in the amount of $3,500,000, and a $1.5 million cash contribution from the LCDC's fund balance of $2.7 million. Discussion was held regarding the average annual debt service of $254,330, for twenty years with a 10-year par call, and with interest calculated at 4%.

Lengthy discussion was held regarding interest rates, cash flow, the issuance process, estimated issuance cost of $61,000, underwriting firms, private placement and other related information.

A motion was made to ratify the LCDC's action approving issuance of the Sales Tax Revenue Bonds for the Street Extension Project, in the amount of $3,500,000, as presented by Mr. Bob Henderson..

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | David Arnold, Councilperson |
| **SECONDER:** | Dennis Beasley, Councilperson |
| **AYES:** | Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold |

### 6. Council Action 2013-63

Consider Ratifying the Liberty Community Development Corporation's Action Regarding an Engineering Proposal for the Design and Bid of the Street Extension Project, and Take Any Action Deemed Necessary.

**COMMENTS - Current Meeting:**

City Manager Gary Broz presented to Council the Professional Services Agreement with CivilCorp, for final design engineering services for the Street Extension Project. Mr. Broz reported that this document addresses the design, bid, permitting, cost, and other issues related to this project. Phase 1 of this project, approximately 4700' in length, will include a 3-lane pavement section and sanitary sewer lines from the SH 146 By-pass to Lakeland Avenue. The contract price is $359,000 or 7.5% of the project cost.

A motion was made to ratify LCDC's action and approve the contract with CivilCorp to provide all design services required for Phase 1.

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Dennis Beasley, Councilperson |
| **SECONDER:** | Diane Huddleston, Councilperson |
| **AYES:** | Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold |

## 7. Resolution 2013-8

Consider a Resolution in Support of a Proposal by Entergy Texas, Inc. Regarding Change of Ownership and Control of Transmission Business, Transfer of Certification Rights, and Related Relief with the Public Utilities Commission of Texas.

**COMMENTS - Current Meeting:**

Mr. Broz reported on a Resolution supporting Entergy and ITC Holding's proposed transfer, merger, and spin-off of transmission business from Entergy Texas to ITC Holdings. Mr. Broz explained that Liberty is part of a group of cities, represented by the Lawton Law Firm, Austin, Texas, that urged Entergy to agree to lesser terms, to further the transfer process.

A motion was made to approve the Resolution.

**ATTACHMENTS:**

- Entergy Letter-Merger (PDF)
- Entergy Merger Attachment (PDF)

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Diane Huddleston, Councilperson |
| **SECONDER:** | Dennis Beasley, Councilperson |
| **AYES:** | Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold |

## 8. Council Action 2013-64

Consider Approval of an Expenditure to Remount and Refurbish a Frazer Type 1 12' Generator Powered Module Onto a New Ford F-350 Diesel Chassis, and Take Any Action Deemed Necessary.

**COMMENTS - Current Meeting:**

Mr. Broz reported that the proposed expenditure of $96,500 is for the remount and refurbishing of the City's oldest ambulance. The remount will take the current box and place it on a new

2014 Ford diesel chassis. Mr. Broz stated that this expenditure is to be paid from the Fixed Asset Fund, with repayment to this same fund beginning in the new fiscal year, as delivery time is 120 days.

After brief discussion, a motion was made to approve the expenditure of $96,500, and repayment of such to the Fixed Asset Fund beginning in FY 2013-2014.

**ATTACHMENTS:**

- Frazer Remount 2013 (PDF)

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Frank Jordan, Councilperson |
| **SECONDER:** | Dennis Beasley, Councilperson |
| **AYES:** | Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold |

### 9. Council Action 2013-65

Consider Revisions to the Oil and Gas Ordinance, and Take Any Action Deemed Necessary.

**COMMENTS - Current Meeting:**

Attorney Brandon Davis reported that along with management, the City's drilling ordinance was reviewed and several changes are proposed. Mr. Davis reviewed the necessary changes to include the following issues; seismic surveys, drilling in the floodway, noise restrictions, notices published in the newspaper, signs, paint color of operator's equipment, technical advisor, and various fees that need to be set. Mr. Davis stated that he will be looking into what other municipalities charge for fees.

Council is to review this information, consider fees, and the ordinance will be placed on a future agenda.

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| **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 8:31 p.m.

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary