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, September 24, 2013 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Diane Huddleston	Councilperson	Absent	
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. Lt. Chip Fairchild, Liberty Police Department, reported on National Night Out activities to be held on Tuesday, October 1st from 6-8 p.m., at the Liberty Municipal Park.

Mayor Pickett reported that the next meeting of the City Council would be held on Tuesday, October 8th, and also complimented the "Pals of the Pound" organization on their animal adoption efforts. Mayor Pickett thanked Pals of the Pound member Tracy Willaims for her informative presentation to the Liberty Rotary Club.

III. PRESENTATIONS / REPORTS

A. Information Item (ID # 2821)

Financial Report - N. Herrington, Finance Director

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on fiscal year-to-date financials through August 31, 2013. Ms. Herrington stated that the General Fund revenues and expenditures are $5,980,000 and $6,039,000, respectively. Ms. Herrington explained that the transfer of funds in the amount of $1,000,000, from the Electric Fund to the General Fund, will be made in the next few days.

Ms. Herrington continued by reviewing the revenues and expenditures of the various funds and the cash in bank for each, and stating that sales tax revenue for the fiscal year has exceeded the budgeted amount by 4 percent.

B. Information Item (ID # 2822)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Mayor Pickett reported that the next mobile "Shred-It" event for sensitive documents has been scheduled for Saturday, October 26, from 9 a.m. until Noon in the City Hall parking lot.

C. Information Item (ID # 2823)

SRMPA Report - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported on the following topics of discussion at a recent meeting of the Sam Rayburn Municipal Power Agency:

- the Agency is working on creating a website,
- FY 2014 Agency operating budget, which is approximately $30 million,
- FY 2014 Cambridge Project budget, which is approximately $250 million,
- discussion regarding dispersing approximately $5 million in Cambridge unencumbered funds.

D. Information Item (ID # 2824)

Houston-Galveston Area Council Report - Councilperson Jordan

COMMENTS - Current Meeting:

This agenda item was passed on.

E. Information Item (ID # 2825)

Central Appraisal District Board of Directors Nomination.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that Council has until October 15th to make a nomination/s to the Liberty County Central Appraisal District Board of Directors. This Board consists of five members who serve two-year terms, which begin January 1, 2014. Mr. Broz reported on those individuals nominated by other taxing entities and stated that the CAD will mail out ballots the end of October, for which a nominee must receive a total of 834 votes to guarantee election.

This item will be placed on the October 8th agenda.

ATTACHMENTS:

- CAD Board Nomination Info 2013 (PDF)

IV. REGULAR AGENDA

A. Regular Session

1. Council Action 2013-94

Consider appointments to the Houston-Galveston Area Council 2014 General Assembly.

COMMENTS - Current Meeting:

Motion was made to appoint Frank Jordan and Gary Broz, respectively, as the representative and alternate to the Houston-Galveston Area Council 2014 General Assembly.

ATTACHMENTS:

- HGAC General Assembly Sept 2013 (PDF)

RESULT:	**APPROVED [5 TO 0]**
MOVER:	Libby Simonson, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Beasley, Potetz, Simonson, Arnold
ABSTAIN:	Frank Jordan
ABSENT:	Diane Huddleston

2. Council Action 2013-95

Discuss changes to the Master Fee Schedule.

COMMENTS - Current Meeting:

Mr. Broz reported on proposed changes to the Master Fee Schedule to include various library fees, garbage fees, drilling fees, utility deposit fees, and building permit fees. After review of the proposed changes and lengthy discussion of changes to the process for calculating building permit and inspection fees (based on square feet as opposed to counting fixtures, etc.), Council consensus was to conduct further review and research of the building and inspection permit fees and place this topic on the agenda for the next Council Meeting.

RESULT:	**NO ACTION TAKEN**

3. Ordinance 2013-13

Consider adoption of an Ordinance amending the Master Fee Schedule.

COMMENTS - Current Meeting:

A motion was made to adopt the Ordinance amending the Master Fee Schedule as presented, excluding the Permit and Inspection fees.

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

4. Council Action 2013-91

Consider a vehicle lease for the City Manager, and take any action deemed necessary.

COMMENTS - Current Meeting:

This agenda item was passed on.

RESULT:	**NO ACTION TAKEN**

5. Council Action 2013-93

Discuss and consider proposed annexation plan for 2013.

COMMENTS - Current Meeting:

Lengthy discussion was led by Councilperson Jordan regarding proposed annexation of property twelve miles south of U.S. 90 on FM 563. This proposed annexation would involve a 1,000 foot wide strip encompassing both sides of the Trinity River and moving southeast of the present city limits to include the Moss Bluff Gas Storage Facility. Councilperson Jordan reported that Liberty County Central Appraisal District records reflect the 2013 property value to be approximately $155 million. Discussed was a map of the annexation, future tax revenue, long-term liability, and other related topics. Future discussion will include staff feedback regarding the pros and cons of annexation of this area.

A motion was made to move forward with the proposed annexation as presented, beginning with the required public hearings.

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

B. Executive Session

Government Code §551.071
Private Consultation with Attorney on all subjects or matters authorized by law.

1. Consider legal advice regarding items specifically listed on the agenda.

At 8:13 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:42 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2013-92

Consider and take action, if any, on the items as discussed in the Executive Session.

RESULT:	**NO ACTION TAKEN**

2. Resolution 2013-13

Consider a Resolution to revoke prior authorization, if any, for the railroad to pass through the City of Liberty.

COMMENTS - Current Meeting:

City Attorney Randy Gunter explained that the City is one of a few Texas cities that own the right-of-way property at railroad crossings. Mr. Gunter stated that Union Pacific officials dispute the claim and that State law gives the railroad easements to use the crossings. After brief discussion, a motion was made to approve the Resolution revoking permission to allow railroad access to pass through City streets.

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

3. Ordinance (ID # 2832)

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.

RESULT:	**NO ACTION TAKEN**

V. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:45 p.m.

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary