



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 23, 2014

6:00 PM

City Council Chambers

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Diane Huddleston	Mayor Pro Tem	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.

Mayor Pickett reported on the following:

- The next meeting of the City Council will be held on Tuesday, October 14th at 6:00 p.m.,
- The Texas Municipal League Annual Conference will be held in Houston, Sept. 30-Oct. 3, in which several members of the City Council and Staff will be in attendance, and
- Lee College is holding classes on various subjects, which may be of interest to City Staff and the public. Classes will be held in various locations within the City, most of them at the Humphreys Cultural Center.

Councilperson Huddleston reported that the next "Shred-It" event for recycling of sensitive documents would be held on Saturday, November 1, from 9:00 a.m. until Noon. This event will also include e-cycling for electronic equipment.

Dr. Cody Abshier, Liberty ISD Superintendent, addressed Council in regard to bicycle lanes on city streets. Dr. Abshier's numerous comments spoke to the fact that these lanes would provide a safer environment for cyclists, keep cyclists off the sidewalks, and would also increase the number of cyclists in the community.

Liberty ISD School Board President Brandon Smith also addressed Council regarding the issue of bicycle lanes. Mr. Smith spoke to the number of injuries occurring between cyclists and vehicles, and the safety factor that relating to a separate lane for cyclists.

III. PRESENTATIONS / REPORTS

1. Information Item (ID # 3102)

Finance Report - N. Herrington, Finance Director

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on the City's financial status ending August 31, 2014. Ms. Herrington reported that sales tax revenues are at 105% of the budgeted amount, with property tax collections at 128% of the budgeted amount. Ms. Herrington remarked that funds received from these two large revenue sources for the General Fund will total larger than budgeted amounts at the end of the fiscal year, and that the current cash in bank of the General Fund is \$1.7 million.

Ms. Herrington further detailed the revenues, expenditures, and cash in bank of the various funds. Brief discussion was held regarding the transfer of \$1.1 million from the Electric Fund to the General Fund.

2. Information Item (ID # 3103)

Monta Well Update - G. Broz, City Manager

COMMENTS - Current Meeting:

City Manager Gary Broz reported on issues with the Monta Street Water Well. Mr. Broz stated that on September 10th well production was down and water well specialists Layne Texas were called in to assess the situation. The pump and column assembly were pulled and it was determined that an oil line had broken at the pump, causing other problems. Mr. Broz reported that this well is 1800 feet deep and the pump is set at 250 feet, in a good aquifer. Total cost for repairs are \$33,275.00 and should be completed by mid-October.

IV. REGULAR AGENDA

A. Regular Session

1. Council Action 2014-65

Consider appointments to the Houston-Galveston Area Council 2015 General Assembly.

COMMENTS - Current Meeting:

A motion was made to appoint Councilperson Jordan as the City's delegate to the 2015 Houston-Galveston Area Council General Assembly. No alternate was appointed.

ATTACHMENTS:

- H-GAC 2015 General Assembly (PDF)

RESULT:	APPROVED [6 TO 0]
MOVER:	Libby Simonson, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Arnold
ABSTAIN:	Frank Jordan

2. Council Action 2014-64

Consider final approval of an Employee Training Reimbursement Agreement.

COMMENTS - Current Meeting:

City Attorney Randy Gunter explained that this document is similar to the one previously presented to Council, and that provided the framework for this final agreement. Mr. Gunter stated that many times employees receive certificates and/or licenses which is a significant cost to the City. If employees leave prematurely, the City has incurred costs without any benefit. This document is a commitment for continued employment dependent upon the length and expense of the training. The continued employment periods are different for the various departments. Mr. Gunter reviewed these periods for Police, Fire/EMS, Electric and the Water/Wastewater Departments. Further discussion was held regarding various portions of the agreement, to include short term training that would not be subject to this agreement.

Motion was made to approve the Training Reimbursement Agreement.

ATTACHMENTS:

- Training Reimbursement Agreement-Final (DOCX)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Diane Huddleston, Libby Simonson
AYES:	Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold

3. Ordinance 2014-15

Consider an Ordinance creating Reinvestment Zone Number 3 at the Liberty Municipal Airport.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, DESIGNATING A CERTAIN AREA AS A COMMERCIAL/INDUSTRIAL REINVESTMENT ZONE, CITY OF LIBERTY, TEXAS, PROVIDING FOR THE ESTABLISHMENT OF AGREEMENTS WITHIN THE ZONE, AND OTHER MATTERS RELATING THERETO; PROVIDING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE FOR THE COMMENCEMENT OF THE REINVESTMENT ZONE AND THIS ORDINANCE; PROVIDING AN OPEN MEETINGS CLAUSE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

City Attorney Randy Gunter reported that the Public Hearing for this reinvestment zone was held in May, 2014, and that the proposed ordinance includes metes and bounds and a diagram of the proposed zone at the Liberty Municipal Airport. Mr. Gunter explained that the minimum capital cost of investment for this zone is \$500,000. The abatement schedule for ad valorem

taxes on real and personal property improvements of qualified businesses in this zone as follows:

Year 1	100%
Year 2	75%
Year 3	50%
Year 4	25%
Year 5 & beyond	0%

Mr. Gunter stated that this zone is different from the city's previous designated reinvestment zones as this zone is created as a smaller zone for more specialized use. After brief discussion, a motion was made to adopt the ordinance as presented.

RESULT:	ADOPTED [6 TO 1]
MOVER:	Frank Jordan, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Simonson, Arnold
NAYS:	Louie Potetz

4. Council Action 2014-66

Consider an application for a License to Encroach for property located at 509 Tennessee Street, and take any action deemed necessary.

COMMENTS - Current Meeting:

Public Works Director/City Engineer Tom Warner reported that a manufactured home had been placed on a lot on Tennessee Street, in which a portion of the home sits on the City's street right-of-way and a portion of the home overlaps onto Trinity Street. The homeowner would incur significant cost if the home were to be relocated 15-20 feet off of the right-of-way. As there are other manufactured homes in the right of way on this street, the most appropriate remedy is the execution of a license to encroach. This document protects the City's future use of the street, as the license is revocable. Homeowner Ms. Taylor and Clayton Homes representative Mr. Shammus addressed Council, thanking them for consideration of this issue. This agreement requires the licensee to pay a fee of \$750 for the License to Encroach.

A motion was made to approve the License to Encroach.

ATTACHMENTS:

- License to Encroach Agreement (DOCX)

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

5. Council Action 2014-67

Consider proposal for Architectural Services for a "New Liberty Bell Tower, Landscaping and Parking" for the City of Liberty, Texas and take any action deemed necessary.

COMMENTS - Current Meeting:

Mayor Pickett reported that there are two phases to the proposed bell tower and landscaping project, to be constructed on the south grounds of the Cultural Center. Phase I is construction of the tower and surrounding ground work at a cost of approximately \$450,000-\$460,000. Phase II consists of parking and sidewalks on the west side of the facility (Austin St.) for an additional cost of approximately \$75,000. Mayor Pickett further explained that this project is to be funded by private donations and will add to the City's history and quality of life. The Mayor stated that this project has been discussed several times and would like Council's consensus whether to move forward or forego the project.

Numerous residents of the city addressed Council in favor of the project. Further discussion included current donated funds are in a separate account for this project and that the remaining funds to be collected will be deposited, prior to execution of an architectural contract for the project. If approved, the proposal will put the architect on notice that the project is to proceed, at which time the architect will prepare an AIA Contract. The AIA Contract will include a liability clause to protect the City.

A motion was made to approve the proposal for architectural services for construction of a bell tower with Val Glitsch / Brave Architecture.

ATTACHMENTS:

- Bell Tower Proposal (PDF)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Diane Huddleston, Mayor Pro Tem
SECONDER:	David Arnold, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold

6. Council Action 2014-68

Consider a Fire Protection Services Agreement between Liberty County and the City of Liberty Fire Department.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the proposed contract is the same as the current contract with Liberty County, with the new contract beginning October 1. Discussion was held regarding the fee schedule and increased rates.

A motion was made to approve the contract, as presented, to include the increase to the County fees of \$50 per item, beginning October 1.

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

7. Council Action 2014-69

Consider an amendment to the Lease Agreement between the Port of Liberty, City of Liberty, Chambers-Liberty Counties Navigation District and Schlumberger Technology Corporation.

COMMENTS - Current Meeting:

Councilperson Beasley, as Board Member of the Port of Liberty, explained that this agenda item relates to an amendment to the existing lease agreement between the Port of Liberty, City of Liberty, Chambers-Liberty Counties Navigation District and Schlumberger Technology Corporation. This agreement is associated with a tract of land and warehouse located on Ft. Worth Street in which Schlumberger subleased this property to another Schlumberger division. Therefore, this sublease requires execution of an amendment to the agreement.

A motion was made to approve the amendment to the Lease Agreement.

ATTACHMENTS:

- Lease Amendment-Schlumberger (PDF)

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

8. Council Action 2014-70

Consider award of bid for a transport ambulance for the Liberty Fire/EMS Department.

COMMENTS - Current Meeting:

This agenda item was passed on.

ATTACHMENTS:

- Transport Ambulance (PDF)

RESULT:	NO ACTION TAKEN
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B. Executive Session

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

1. Contemplated/Pending Litigation - Humphreys Cultural Center.

At 7:32 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:23 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2014-71

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

RESULT:	NO ACTION TAKEN
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V. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 8:23 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary