



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, October 28, 2014

6:00 PM

City Council Chambers

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Remote	
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. There were no comments from the audience.

Mayor Pickett reported on the following:

- A farewell reception for outgoing Police Chief Billy Tidwell will be held on Wednesday, October 29, 4-6 p.m., in the Liberty Center,
- The City has partnered with the LISD 1000 Club for a Thanksgiving Food Drive to benefit the Spirit of Sharing,
- The November Council Meeting has been rescheduled for Monday, November 10th, due to the Veteran's Day holiday, and
- Students from Liberty High School Interact Club will attend a working field trip on Wednesday, October 29th at the Trinity River National Wildlife Refuge, to assist with the "Crosswalks to Boardwalks" Project.

Councilperson Jordan reported on the recent event "Whispering Tales of the Past", and its success, sponsored by the Liberty Historical Commission.

III. PRESENTATIONS / REPORTS

1. Information Item (ID # 3135)

Proclamation-Liberty Lions Club 75th Anniversary**COMMENTS - Current Meeting:**

Mayor Pickett read, in its entirety, a Proclamation celebrating the Liberty Lions Club 75th Anniversary. At the conclusion of the proclamation, Mayor Pickett reported the Lions Club will be celebrating the event with a dinner and dance at the Elks Lodge on November 8th.

2. Information Item (ID # 3136)**Finance Report - N. Herrington, Finance Director****COMMENTS - Current Meeting:**

Finance Director Naomi Herrington reported on the City's financials for the fiscal year ending September 30, 2014. Ms. Herrington stated that, in the General Fund, there was a 17.5% increase in projected revenues and that expenditures came in under budget at 1.5%. Sales tax revenues and property tax revenues both came in above budgeted amounts. Ms. Herrington further remarked that there are still two outstanding FEMA Project Worksheets under audit, from Hurricane Ike in which the return on funds will be raised from 75% to 90%. Discussion of the General Fund concluded with Ms. Herrington stating that the cash in bank, for this fund, is \$2.6 million.

Ms. Herrington further detailed the revenues and expenditures of the various funds, cash in bank, and other related information regarding these funds. Discussion was held regarding the placement of extra Solid Waste funds into the General Fund. Ms. Herrington concluded her report stating that information is being gathered for the annual audit, which should be presented to Council in January, 2015.

3. Information Item (ID # 3137)**Sam Rayburn Municipal Power Agency - Mayor Pickett****COMMENTS - Current Meeting:**

Mayor Pickett reported that there is sometimes confusion regarding the City's electric rates and how those rates are set. The Sam Rayburn Municipal Power Agency bills the City, once a month, at a rate of 9 cents per kilowatt hour. The City currently charges its customers 10.5 cents per kilowatt hour. The profit margin is used to pay for the expenses to operate the City's electric system, with leftover funds forming the basis of the annual transfer to the General Fund. Mayor Pickett remarked that this rate has been constant for some time and comparable with other electric providers in the area.

4. Information Item (ID # 3138)**Houston-Galveston Area Council - Councilperson Jordan****COMMENTS - Current Meeting:**

Councilperson Jordan reported the following on behalf of his activities with H-GAC:

- There will be a meeting of the Gulf Coast Economic Development District Loan Committee on Monday, Nov. 3rd,
- As a member of the 2015 General Assembly, members will be meeting soon to appoint individuals to the H-GAC Board of Directors,
- The Fire Truck, purchased through the H-GAC Gulf Coast Economic Development District Revolving Loan Program is scheduled for delivery in December, 2014, and

- grants will be sought, on behalf of the City, for the next year.

5. Information Item (ID # 3139)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that the next community recycling event will be held on Saturday, November 1st, from 9 a.m. until Noon. This event is for the shredding of sensitive documents, but to also include e-cycling for various electronic equipment.

IV. WORK SESSION

1. Work Session (ID # 3142)

Work Session regarding various issues related to the regulation of Recreational Vehicle Parks.

COMMENTS - Current Meeting:

Lengthy discussion was held regarding regulations relating to Recreational Vehicle Parks, in which Council heard from Mark & Heather Hopson, proposed RV Park owners, and their contractor. The Hopsons requested a variance to the City's requirements for the minimum number of toilets and showers for each sex, based on the size of the park. Also requested was a variance from the permanent occupancy requirement. This discussion was held in regard to a proposed RV Park to be located, on the rear five acres of a nine acre tract of property on Lakeland Drive, between the Liberty Fire Department and the Wal-Mart Store.

Ms. Shelli Ellerbe, Chairman of the Planning & Zoning Commission, spoke in regard to P&Z's decision to uphold the current requirements and deny the requested variances.

Further discussion included present standards that relate to the number of facilities required, occupancy requirements, distance of restrooms/shower facilities from the nearest RV space (200ft.) and numerous other related issues. The proposed 80-space site would require four toilets, four showers, and no permanent occupancy is allowed in the park. Permanent occupancy is described as a stay of six consecutive months in a twelve month period, in which the RV may not return for a period of sixty (60) days.

V. REGULAR AGENDA

A. Regular Session

1. Ordinance (ID # 3149)

Consider action to amend the City of Liberty Code of Ordinances with respect to the regulation of Recreational Vehicle Parks.

COMMENTS - Current Meeting:

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

"AN ORDINANCE AMENDING THE CODE OF ORDINANCES, SECTION 3.08.122 AND 3.08.129, AMENDING THE NUMBER OF TOILETS AND SHOWERS REQUIRED IN RV PARKS, AMENDING THE DISTANCE RESTROOMS IN RV PARKS MUST BE FROM

SITES, AND AMENDING THE PERMANENT OCCUPANCY PROHIBITIONS; PROVIDING FOR AN EFFECTIVE DATE; 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 explained that if Council desires to alter the RV Park regulations for the proposed park, and all future parks, this would be the avenue in which to amend the ordinance. After lengthy discussion, a motion was made not to adopt the ordinance.

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

2. Council Action 2014-81

Consider possible action to grant a variance as to certain requirements of the City of Liberty Ordinances with respect to the regulation of Recreational Vehicle Parks.

COMMENTS - Current Meeting:

Discussion, was once again held, regarding the RV Park regulations and requested variance from the Hopsons, for the proposed RV Park on Lakeland Drive. If agreed upon, a resolution will be drawn up to reflect the approved changes.

A motion was made to allow 2 toilets/2 showers for the women, and 2 toilets/2 urinals/2 showers for the men, change the distance requirement from 200 feet to 300 feet for these facilities from any RV space, and no change in the occupancy requirements.

ATTACHMENTS:

- Variance RV Park-Resolution (DOCX)

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

3. Council Action 2014-82

Consider ratifying the Liberty Community Development Corporation's action regarding a Bicycle Route Project.

COMMENTS - Current Meeting:

City Manager Gary Broz stated that the Liberty Bicycle Club approached the Liberty Community Development Corporation regarding a project to create bike routes and related signage. Mr. Broz reviewed a map of the route and reported on the cost for signage. Cost is \$4,244.00 for signs, stencils and paint. Mr. Broz proposes that City crews will install and complete the signs and stenciling, as time allows. Maintenance of the routes and signage will be the City's responsibility. After further discussion of the routes and related issues, a motion was made to ratify the Liberty Community Development Corporation's expenditure for the signs, stencils, and paint, at a cost of up to \$4,300.00.

ATTACHMENTS:

- Bicycle Routes (PDF)
- Bicycle Route Signage (PDF)

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

4. Council Action 2014-83

Consider ratifying the Liberty Community Development Corporation's grant to the Trinity River National Wildlife Refuge, "From Crosswalks to Boardwalks" Project.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the Trinity River National Wildlife Refuge is constructing a boardwalk through the refuge to serve as a walking trail. TRNWR biologist Laurie Gonzales has received \$85,000 in funding to complete this "Crosswalks to Boardwalks" Project. However, after believing that the project was 100% funded, it was brought to her attention that soil testing samples would need to be collected. These samples will provide estimated geotechnical soil parameters required for design of the Diamond Pier Pin Foundation system for the boardwalk. Cost of the services for testing, to be provided by Terracon Consultants, is \$3,250.00.

Ms. Gonzales approached the Liberty Community Development Corporation requesting funds for the testing, which was approved in the amount of \$3,250.00.

A motion was made to ratify the LCDC's action to fund the soil testing, in the amount of \$3,250.00.

At this time, Mayor Pickett closed the open meeting for a short break, which was reconvened at 8:16 p.m.

ATTACHMENTS:

- Terracon - Boardwalk (PDF)

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

5. Ordinance (ID # 3140)

Consider action to amend the City of Liberty Code of Ordinances Section 10.02.122 regarding setback lines in the downtown area.

COMMENTS - Current Meeting:

City Manager Gary Broz asked that Council pass on this agenda item.

ATTACHMENTS:

- Agenda Item Form-Setbacks-Downtown (DOCX)

RESULT: NO ACTION TAKEN

6. Council Action 2014-84

Consider quotes received for rehabilitation of the Beaumont Lift Station, and take any action deemed necessary.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported that the Beaumont Lift Station has developed pump and control panel failures. As this lift station was constructed in the 1970's, rehabilitation of the lift station is required. Three quotes were received to install two 3-phase/4 inch 10 HP submersible pumps, a stainless steel control panel and appurtenances. Quotes ranged from \$26,801.00 To \$29,227.50. Mr. Warner stated the recommendation is to award the work to Hahn Equipment Co., the low quote for \$26,801.00.

A motion was made to award rehabilitation of the Beaumont Lift Station to Hahn Equipment Company.

ATTACHMENTS:

- Agenda Item Form- Beaumont Lift Station (DOCX)
- Beaumont Lift Station Quotes (PDF)

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

7. Council Action 2014-85

Consider a process for selection of a police chief, and take any action deemed necessary.

COMMENTS - Current Meeting:

Discussion was held regarding use of an executive search firm as opposed to an in-house process. Numerous issues discussed included cost, objectivity, no disruption in the operation of a department that works well, inclusion of employees and staff as stakeholders in the process, trust in the City Manager to complete this process, and other related issues.

A motion was made to approve employment of a Police Chief through use of an in-house process.

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

8. Council Action 2014-86

Consider a Tax Abatement Agreement between the City of Liberty and Sjolander Aviation, LLC.

COMMENTS - Current Meeting:

City Attorney Randy Gunter explained that this is the last step in the tax abatement process, with Sjolander Aviation, which involves the Sjolander hangar at the Liberty Municipal Airport.

Mr. Gunter continued by stating that Council previously created a reinvestment zone and that proper notification to the various taxing entities has been made seven days prior to this meeting, as required by law.

A motion was made to approve the Tax Abatement Agreement with Sjolander Aviation LLC.

ATTACHMENTS:

- Tax Abatement Agreement (PDF)

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

9. Resolution 2014-14

Consider a Resolution in support of a grant from Texas Parks & Wildlife for construction of a boat ramp on the Trinity River.

COMMENTS - Current Meeting:

City Manager Gary Broz presented a Resolution supporting a grant application for a new boat ramp to be located on the east side of the Trinity River, on the north side of the bridge. Mr. Broz presented a map of the location and a conceptual project budget. This is a 75/25 matching grant, with a proposed project cost of approximately \$666,666.00. Other entities involved in the grant are the LCDC, Port of Liberty, and Chambers-Liberty Counties Navigation District. If the Parks & Wildlife Department awards the bid, in the amount of \$666,666.00, the State's portion will be \$500,000 (75%), and a total of \$166,666 remains for the various entities to fund. Mr. Broz also stated that this property would need to be purchased and the property owner is willing to negotiate, should the grant be received.

A motion was made to support the grant application to Texas Parks and Wildlife for a boating access facility.

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

10. Council Action 2014-87

Discussion of a City-wide clean-up project, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on a City-wide Clean-up Project to take place the week of November 17th. Prior to this time, notification will be provided to the public regarding the proper packaging of debris to assure its pickup. The Street Department will be picking up as much debris as possible. Mr. Broz requested \$8200.00 for roll-offs in which to dispose of the debris. Also mentioned was possibly holding clean-up projects several times per year.

A motion was made to approve the clean-up project and authorized \$10,000 for this project, from the Solid Waste Fund.

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

11. Council Action 2014-88

Discussion regarding allocation of proceeds from the sale of City property on Hwy. 90, and take any action deemed necessary.

COMMENTS - Current Meeting:

Mayor Pickett opened together agenda items #11, #12 and #13. City Manager Gary Broz reported on a handout of Sam Rayburn Municipal Power Agency funds received by the City and how those funds were allocated. Projects funded with these funds were creation of a fixed asset fund, portion for police station construction, fire station AC upgrade, new restrooms and playground equipment for the Liberty Municipal Park. There is approximately \$126,000 remaining from the initial \$1.5 million.

Mr. Broz also discussed \$150,000 of unrestricted funds received from the sale of the City's property on Hwy 90. Finance Director Naomi Herrington made a presentation to Council regarding the need, and costs, for upgrading the City's Christmas decorations. Following discussion of which funds to use for the proposed project, a motion was made to approve an expenditure of \$40,000 on Christmas decorations, from the \$150,000 received from the property sale.

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

12. Council Action 2014-89

Discussion regarding allocation of Sam Rayburn Municipal Power Agency funds, and take any action deemed necessary.

COMMENTS - Current Meeting:

This agenda item was called in conjunction with agenda item #11.

RESULT:	NO ACTION TAKEN
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13. Council Action 2014-90

Consider possible action on the purchase of holiday decorations for the City of Liberty.

COMMENTS - Current Meeting:

This agenda item was called in conjunction with agenda items #11 and #12.

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

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary