



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, August 25, 2015

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	
Brandon Davis	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 reported that 1) Union Pacific Railroad is repairing the tracks at Travis and Independence 2) the Water Department is working on a sink hole at Hwy. 90 near the John Deere facility 3) a public hearing on the proposed ad valorem tax rate will be held on September 1st, and 4) a reception will be held on September 1st for City Attorney Randy Gunter, who recently resigned his position.

III. PRESENTATIONS / REPORTS

1. Information Item (ID # 3338)

Finance Report - N. Herrington, Finance Director

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on the City's financials ending July 31, 2015. Ms. Herrington reviewed the revenues and expenditures of the various funds and reported that the General Fund balance is \$2.7 million. Ms. Herrington stated that sales tax revenues are at 76.5% and property tax collections are at 86.5% of 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.

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

1. **Resolution 2015-5**

Consider a Resolution authorizing the City Manager to enter into agreements with the Texas Department of Transportation for temporary closure of Main Street during the 2015 Trinity Valley Fair and Exposition Parades.

ATTACHMENTS:

- TVE Rd Closure Agreement Baby Parade 2015 (DOC)
- TVE Rd Closure Agreement Opening Day Parade 2015 (DOC)

V. **REGULAR AGENDA**

A. **Regular Session**

1. **Council Action 2015-66**

Consider approval of a contract with HR Green, Inc, for Texas Water Development Board Clean Water Fund Projects.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported on two proposed contracts with HR Green, Inc. Mr. Warner reported that the first contract relates to the recent flood event of May 4-June 19. Costs for repair of various items related to the sanitary sewer system and wastewater treatment plant damage are subject to being reimbursed by FEMA. Cost for the damage assessment and preliminary design services is \$259,090. Addressed will be the sewer treatment plant, manhole/collection line rehabilitation and rehabilitation of numerous lift stations.

Also presented was a contract for supplemental services not related to the flood event (and not reimbursable by FEMA). Those services include CCTV pipe inspection and smoke testing of numerous sanitary sewer lines, at a cost of \$278,000, for a total combined project cost of \$537,090. This project will be paid with funds from the Texas Water Development Board Clean

Water State Revolving Fund Program.

A motion was made to execute both contracts with HR Green, Inc.

ATTACHMENTS:

- HR Green-SS & WWTP (PDF)
- HR Green-SSA & WWTP Effluent (PDF)

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

2. Council Action 2015-67

Consider approval of a contract with O'Malley/Strand Associates, Inc. for Texas Water Development Board Drinking Water Fund Projects.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported on a contract with O'Malley/Strand Associates, Inc. The proposed contract is for engineering and design services, with associated costs, as follows:

One new water well and existing water well rehabilitation -	\$115,000
Two new ground storage tanks -	\$ 90,000
One new elevated storage tank -	\$100,000
Two new booster pump stations -	\$214,000
Approx. 36,000 linear feet of 12" water line extension -	\$212,000

This project will be paid with funds from the Texas Water Development Board Drinking Water State Revolving Fund Program. A motion was made to approve the contract with O'Malley/Strand Associates.

ATTACHMENTS:

- O'Malley Agreement (PDF)

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

3. Public Hearing (ID # 3340)

Public Hearing on the proposed Budget for Fiscal Year 2015-2016.

COMMENTS - Current Meeting:

At 6:29 p.m., Mayor Pickett opened the Public Hearing on the budget for Fiscal Year 2015-2016. Discussed were various revenues and expenditures, transfers to the General Fund, personnel costs, sales tax history, increase to base water and sewer rates which will assist in funding water projects, and other related topics.

At 6:56 p.m., Mayor Pickett closed the Public Hearing.

ATTACHMENTS:

- NOTICE OF PUBLIC HEARING-Budget (DOCX)

4. Council Action 2015-68

Consider postponement of the Final Vote on the Fiscal Year 2015-2016 Budget until September 8, 2015.

COMMENTS - Current Meeting:

A motion was made to postpone the final vote on the Fiscal Year 2015-2016 Budget until September 8, 2015.

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

5. Public Hearing (ID # 3342)

Public Hearing on the proposed Ad Valorem Tax Rate for Fiscal Year 2015-2016.

COMMENTS - Current Meeting:

At 6:57 p.m., Mayor Pickett opened the Public Hearing on the proposed Ad Valorem Tax Rate for Fiscal Year 2015-2016. City Manager Gary Broz reported that the proposed rate is the same as the previous year at \$0.5900 per \$100 valuation. After brief discussion, Mayor Pickett closed the Public Hearing at 7:00 p.m.

At this time, Mayor Pickett re-opened Public Comment to introduce former Councilor Graeme Brighton, from Liberty's sister city, Naracoorte, South Australia. Mr. Brighton addressed the Council giving a brief history of the sister city relationship.

6. Council Action 2015-69

Consider award of proposal for Electric Distribution System Maintenance for the Tree Top Subdivision and approval of upgrades to Beaumont Feeder Number 3, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on reconstruction of the electric distribution system for the Tree Top Terrace Subdivision. Mr. Broz reviewed the related expenses for a project cost of \$168,515. Mr. Broz further detailed a reconstruction estimate for Beaumont Feeder #3 in the amount of \$246,838. These projects will be funded with monies previously distributed to member cities by the Sam Rayburn Municipal Power Agency.

A motion was made to approve the expenditures for reconstruction of the electric distribution system in the Tree Top Terrace Subdivision and reconstruction of Beaumont Feeder #3.

ATTACHMENTS:

- Tree Top and Bmt Feeder (PDF)

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

7. Council Action 2015-70

Consider the sale of unimproved portions of Confederate Ave., Santa Anna St., Washington Ave., Hatfield St., Dallas St., and River St., west of Fort Worth St., and take any action deemed necessary.

COMMENTS - Current Meeting:

Discussion was held regarding the sale of an unimproved portion of Confederate Ave., Santa Anna St., Washington Ave., Hatfield St., Dallas St. And River Street, all west of Fort Worth Street. Based on the current appraisal, the vacant street properties appraised at \$9,730. The streets described are no more than 55 feet wide, with some being partially in the Trinity River. Estimate of the total acreage, not in the river, is 4.372 acres. As Councilperson Jordan submitted a bid for these properties, he was not included in the formal action taken on this agenda item.

After brief discussion, a motion was made to approve the sale of these unimproved properties to Frank M. And Connie L. Jordan.

ATTACHMENTS:

- Property Sale Information (PDF)

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

8. Information Item (ID # 3345)

Discussion of a proposed ordinance regulating garage/occasional sales.

COMMENTS - Current Meeting:

Discussion was held regarding continual garages sales being held in the City. Discussed was a proposed ordinance limiting the number of sales per address in a calendar year, signage, permits, fees for violation and other related topics.

ATTACHMENTS:

- ORD-Garage Sales (PDF)

9. Information Item (ID # 3346)

Discussion of a proposed ordinance regulating the dumping of fats, oils and grease in the City sewer system.

COMMENTS - Current Meeting:

A brief discussion was held regarding the disposal of fats, oil and grease by commercial food service providers. Further discussion included new restaurants and remodels in regard to grease traps and cleaning of these traps on a regular basis. The purpose of the proposed ordinance addressing these issues is to aid in the prevention of sanitary sewer blockages and

obstructions caused by the accumulation of fats, oils, and grease that is discharged into the sanitary sewer system. This item will be brought before Council at a later date.

ATTACHMENTS:

- ORD-Dumping of Fats, Oil & Grease (PDF)

B. Executive Session

Private Consultation with Attorney on all subjects/matters authorized by law.

1. Discussion of contemplated/pending litigation - Humphreys Cultural Center.

At 7:35 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 2015-65

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

COMMENTS - Current Meeting:

A motion was made to authorize the law firm of Thompson & Horton, and the City's Attorney, to proceed with the preparation and filing of litigation, as discussed in the Executive Session, regarding the Humphreys Cultural Center.

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

VI. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:09 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary