



The City of Liberty
City Council
Special Called Meeting
~ Agenda ~

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

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, July 26, 2016

6:00 PM

City Council Chambers

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
Mayor Carl Pickett	☐	☐	☐	
Mayor Pro Tem Diane Huddleston	☐	☐	☐	
Councilperson Dennis Beasley	☐	☐	☐	
Councilperson Louie Potetz	☐	☐	☐	
Councilperson Libby Simonson	☐	☐	☐	
Councilperson David Arnold	☐	☐	☐	
Councilperson Paul Glazener	☐	☐	☐	

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.

III. PRESENTATIONS / REPORTS

1. Information Item (ID # 3563)

Presentation and Recognition - Former Council Member Frank Jordan

2. Information Item (ID # 3564)

Project Updates - City Mgr. G. Broz

3. Information Item (ID # 3565)

Sam Rayburn Municipal Power Agency - Mayor Pickett

4. Information Item (ID # 3566)

Finance Report - Finance Director, N. Herrington

IV. REGULAR AGENDA**A. Regular Session****1. Council Action (ID # 3567)**

Consider award of proposal for sewer line replacement on Lakeside Drive.

2. Ordinance (ID # 3568)

Consider adoption of an Ordinance authorizing the vacating and abandonment of a portion of Sharon Lane.

3. Ordinance (ID # 3569)

Consider adoption of an Ordinance establishing uniform rules and regulations governing the construction and use of public rights-of-way in the City.

4. Resolution (ID # 3570)

Consider a Resolution authorizing Publication of Notice of Intention to Issue Certificates of Obligation to finance the acquisition, construction, and equipping of various public improvement projects.

B. Executive Session

Gov. Code §551.071 - Private Consultation with Attorney Regarding Contemplated/Pending Litigation.

1. Humphreys Cultural Center

Gov. Code §551.074 - Personnel Matters.

2. Discussion of the City Manager's Annual Evaluation.

C. Reconvene into Regular Session**1. Council Action (ID # 3571)**

Consider and take action, if any, regarding the Humphreys Cultural Center, as discussed in the Executive Session.

2. Council Action (ID # 3572)

Consider and take action, if any, on the City Manager's Annual Evaluation, as discussed in the Executive Session.

V. ADJOURNMENT

Motion To: Adjourn

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 21st day of July, 2016 at 4:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.



Dianne Tidwell, City Secretary

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the _____ day of _____, 2016.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.1

Meeting: 07/26/16 06:00 PM

Department: Administration
Category: Presentations

INFORMATION ITEM (ID # 3563)

DOC ID: 3563



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.2

Meeting: 07/26/16 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 3564)

DOC ID: 3564



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.3

Meeting: 07/26/16 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 3565)

DOC ID: 3565



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.4

Meeting: 07/26/16 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 3566)

DOC ID: 3566



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.1

Meeting: 07/26/16 06:00 PM

Department: Administration
Category: Sewer Issues

COUNCIL ACTION (ID # 3567)

DOC ID: 3567



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.2

Meeting: 07/26/16 06:00 PM

Department: Administration
Category: Miscellaneous Issues

ORDINANCE (ID # 3568)

DOC ID: 3568 C

AN ORDINANCE AUTHORIZING THE VACATING AND ABANDONMENT OF A PORTION OF SHARON LANE; AND 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.

WHEREAS, the City of Liberty, Texas, as a city incorporated and operating under the laws of the State of Texas, has the authority under Chapters 282, 253, and 272 of the Local Government Code, as amended, to vacate, abandon and close municipal rights-of-way, or streets, by ordinance, when such action is in the best interest of and serves the public purpose, and

WHEREAS, there exists a sixty foot wide street right-of-way known as Sharon Lane located in the M.G. White Survey of Liberty, Texas; and

WHEREAS, the said Street appears from existing deed records to previously have been dedicated to the City of Liberty; and

WHEREAS, the City of Liberty has received a request from the abutting property owner(s) to consider vacating and abandonment of said Street(s) and/or any Public Rights-of-Way; and,

WHEREAS, the abandonment and vacating of said Street will not affect the traffic flow or pattern in the area, and the City Council finds that it is in the best interest of the City to abandon, vacate and close said Street for public use, since it is no longer used for vehicular traffic; and

WHEREAS, the City Council of the City of Liberty, Texas, finds and declares that it is in the best interest of all of the citizens of the City of Liberty, Texas that said Street be vacated and closed and abandoned, in favor of the request of the abutting property owners.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY THAT:

Section 1. That the unimproved sixty (60) foot Sharon Lane right-of-way from the northern right-of-way line of Briar Drive to the north approximately 294.45 feet, as shown on the map attached as Exhibit "A" and made a part of this Ordinance for all purposes, be, and the same is hereby abandoned, vacated and closed insofar as the right, title or easement of the public is concerned.

Section 2. That said portion of the Streets and/or Public Rights-of-Way are not needed for public roadway purposes and it is in the public interest of the City of Liberty to abandon said described portion of the Streets/rights-of-way for use as a road and roadway.

Section 3. That the abandonment provided for herein shall extend only to the public right and

title in and to the tracts of land described in Section 1 of this Ordinance, and shall be construed only to that interest the governing body of the City of Liberty may legally and lawfully abandon.

Section 4. This Ordinance shall be in full force and effect upon its passage and the obligations required herein of the abutting property owners.

Section 7. The requirement of Section 3.10 of the Home Rule Charter that this Ordinance be read on two separate days is hereby dispensed with.

PASSED AND ADOPTED at a special meeting of the City Council of the City of Liberty, this the ____ day of July, 2016.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 07/26/16 06:00 PM

Department: Administration
Category: Miscellaneous Issues

4.A.3

ORDINANCE (ID # 3569)

DOC ID: 3569 A

AN ORDINANCE TO ESTABLISH UNIFORM RULES AND REGULATIONS GOVERNING THE CONSTRUCTION AND USE OF PUBLIC RIGHTS-OF-WAY IN THE CITY; PROVIDING FOR PERMITTING AND PERMIT FEES FOR INSTALLATION OF FACILITIES IN THE RIGHTS-OF-WAY; ADDRESSING THE RIGHTS AND OBLIGATIONS OF CERTIFICATED TELECOMMUNICATIONS PROVIDERS, ADMINISTRATION AND ENFORCEMENT, CONSTRUCTION OBLIGATIONS, CONDITIONS OF OCCUPANCY OF PUBLIC RIGHTS-OF-WAY; INSURANCE REQUIREMENTS, INDEMNITY, SEVERABILITY, PENALTIES FOR UNAUTHORIZED USE OF PUBLIC RIGHTS-OF-WAY, CONSTRUCTION PERMIT ACCEPTANCE, 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.

WHEREAS, the rights-of-way are a valuable public resource that have required and will continue to require substantial investment by the City of Liberty, Texas ("City"); and

WHEREAS, the City desires to structure and implement a fair and orderly process for the authorizations to occupy and use the rights-of-way in the City to protect the public interest consistent with applicable law; and

WHEREAS, the city desires to minimize inconvenience and disruption to the public, provide for the orderly and efficient use of the rights-of-way now and in the future and preserve adequate capacity of existing and future uses of the rights-of-way; and

WHEREAS, in accordance with applicable federal, including, but not limited to, 47 U.S.C. § 253(c) and state laws, including, but not limited to, Tex. Util. Code §§ 14.008 and 54.205, and Tex. Rev. Civ. Stat., art. 1175; the City seeks to exercise to the fullest extent permitted its historical rights to control and manage its public rights-of-way in a competitively neutral and nondiscriminatory basis; and implement certain police power regulations regarding the use of those public rights-of-way, in accordance with Tex. Loc. Gov't Code § 283.056.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS

SECTION 1 - FINDINGS AND PURPOSE.

The purpose of this Ordinance is to:

- (A) Assist in the management of facilities placed in, on or over the public rights-of-way in order to minimize the congestion, inconvenience, deterioration, visual impact and other adverse effects, and the costs to the citizens resulting from the placement of facilities within the public rights-of-way;

- (B) Govern the use and occupancy of the public rights-of-way;
- (C) Assist the City in its efforts to protect the public health, safety and welfare;
- (D) Conserve the limited physical capacity of the public rights-of-way held in public trust by the City;
- (E) Preserve the physical integrity of the streets and highways;
- (F) Control the orderly flow of vehicles and pedestrians;
- (G) Keep track of the different entities using the public rights-of-way to prevent interference between them;
- (H) Assist in scheduling common trenching and street cuts; and
- (I) Protect the safety, security, appearance, and condition of the public rights-of-way.

This Ordinance may be referred to as the "City Public Rights-of-way Management Ordinance."

SECTION 2 - AUTHORITY; SCOPE.

This Ordinance applies to all persons that place facilities in, on or over public rights-of-way. Compensation for use of the public rights-of-way shall be paid in accordance with all applicable law, including, but not limited to, cable providers, in accordance with the Federal Cable Act, 47 USC § 541, *et seq.*; for certificated telecommunication providers, Chapter 283 of the Texas Local Government Code; for distributors of natural gas or as otherwise applicable, Texas Tax Code § 182.025; and/or in accordance with Tex. Civil Statute, Art. 1175(1), all as applicable.

SECTION 3 - DEFINITIONS.

In this Chapter the following words, terms and phrases shall have the following meanings:

- (A) **Capital Improvement Project** means a construction or improvement activity in a public right-of-way undertaken by or on behalf of the City or in conjunction with another entity for any public purpose other than a construction or improvement project activity undertaken solely for beautification purposes.
- (B) **Certificated Telecommunications Provider** means the same as defined in Tex. Loc. Gov't § 283.002(2) [any entity that has been issued a certificate of convenience and necessity, certificate of operating authority, or service provider certificate of operating authority by the Texas Public Utility Commission to offer local exchange telephone service].
- (C) **City** means The City of Liberty, Texas. As used throughout, the term City also includes the designated agent of the City.

- (D) **City Property** means all City buildings, infrastructure, bridges, parks, golf courses, parking lots and other real property that is not dedicated for utility or street transportation purposes.
- (E) **Direction of the City** means all ordinances, laws, rules, resolutions, and regulations of the City that are not inconsistent with this Ordinance and that are now in force or may hereafter be passed and adopted.
- (F) **Director of Public Works or Director** means the City Director of Public Works Department or such Director's designee.
- (G) **Facilities** means any and all of the wires, cables, fibers, duct spaces, manholes, poles, conduits, pipes, lines, conduits, underground and overhead passageways and other equipment, structures, plant and appurtenances and all associated physical equipment placed in, on or under the public rights-of-way.
- (H) **Franchise** shall mean the initial authorization, or renewal thereof, issued by the franchising authority, whether such authorization is designated as a franchise, ordinance, permit, contract, certificate, or agreement.
- (I) **Person** means a natural person (an individual), corporation, company, association, partnership, firm, limited liability company, joint venture, joint stock company or association, and other such entity.
- (J) **Public rights-of-way** means the same as defined in Tex. Loc. Gov't Code § 283.002(6), [the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest. The term does not include the airwaves above a public right-of-way with regard to wireless telecommunications.] The term does not include City Property.

SECTION 4 - MUNICIPAL AUTHORIZATION REQUIRED.

- (A) (1) Any Person seeking to place facilities on, in or over the public rights-of-way must first obtain a permit from the City. Said person shall pay a construction permit application fee that shall allow the City to recover its costs (except Certificated Telecommunications Providers and their contractors to the extent exempted by Tex. Loc. Gov't Code, Chapter 283), and shall file an application for such construction permit with the Director and shall abide by the terms and provisions of this Ordinance pertaining to use of the public rights-of-way. If there are additional direct costs to the City in processing the applications, the City may recover those from the Applicant prior to the issuance of the construction permit.
- (2) With such application, applicants shall submit to the Director of the Department of Public Works written applications identifying the applicant and all of the applicant's affiliates that may have physical control of facilities within the public rights-of-way, with a map of the proposed installations, general description of the services to be provided, a construction schedule, and a general description of the effect on public rights-of-way, as detailed herein.

- (B) Any person, except a Certificated Telecommunications Provider, prior to placing, reconstructing, or altering facilities in, on or over the public rights-of-way, must obtain separate municipal authorization from the City, such as a license agreement or franchise, as may be applicable. For use of the public rights-of-way, all users of the public rights-of-way shall compensate the City on the value of the rights-of-way used, being typically either on a gross receipts basis or on a linear foot basis, to the fullest extent allowed by law. Additionally, any person, including a Certificated Telecommunications Provider, must first notify the City and obtain approval as to the location within the rights-of-way prior to placing, reconstructing, or altering facilities in, on or over the public rights-of-way.
- (C) Any person with a current, unexpired consent, franchise, agreement or other authorization from the City ("Grant") to use the public rights-of-way that is in effect at the time this Ordinance takes effect shall continue to operate under and comply with that Grant (except to the extent the police power regulations in such Grant are inconsistent with this Ordinance, in which event, this Ordinance will control) until the Grant expires or until it is terminated by mutual agreement of the City and the person, or is terminated as otherwise provided for in law.
- (D) Prerequisites to Issuance of Construction Permit - Each Person Must Register With the City. In order for the City to know who owns or has physical control over facilities in a public right-of-way within the City, each such person who owns or has physical controls over facilities shall register with the City and provide the following information at a minimum: (i) Person's name, address, and telephone number(s) to a contact person(s) with decision-making authority for the person. Each person shall update and keep current his/her registration with the City at all times. For entities with a current franchise or license, the franchise or license shall be evidence of renewal registration.

SECTION 5 - ADMINISTRATION AND ENFORCEMENT.

- (A) The Director shall administer and enforce compliance with this Ordinance.
- (B) A person shall report information related to the use of the public rights-of-way that the Director requires in the form and manner reasonably prescribed by the Director.
- (C) The Director shall report to the City Council upon the determination that a person has failed to comply with this Ordinance.

SECTION 6 - CONSTRUCTION OBLIGATIONS.

A person is subject to reasonable police power regulation of the City to manage its public rights-of-way in connection with the excavation, construction, installation, expansion, reconstruction, relocation, alteration, removal, maintenance or repair of facilities in the public rights-of-way, pursuant to the City's rights as a custodian of public property based upon the City's historic rights under state and federal laws. Such regulations include, but are not limited to, the following:

- (A) At the City's request, a person shall furnish the City accurate and complete information relating to the excavation, construction, installation, expansion, reconstruction, relocation, alteration, removal, maintenance or repair of facilities performed by the

person may be required to place certain facilities within the public rights-of-way underground according to applicable City requirements unless the person makes a compelling demonstration that, in any specific instance, this requirement is not reasonable, feasible or equally applicable to other similar users of the public rights-of-way.

- (1) The undergrounding of facilities is encouraged. In any event, facilities shall be installed underground where existing utilities are already underground. The utility owning the underground facilities shall make a reasonable determination as to whether space is available to accommodate the new facilities. A negative determination shall not relieve the person of the responsibility to underground its facilities in underground utility areas. To the degree reasonably feasible previously installed aerial facilities shall be placed underground in concert, and on a cost-sharing basis, with other utilities when such other utilities convert from aerial to underground construction. All undergrounding of facilities shall be at depth of twenty-four inches (24") or more unless otherwise directed by the City.
 - (2) Underground conduits and ducts shall be installed in the public rights-of-way between the adjacent property line and the curb line unless otherwise directed by the City.
 - (3) Conduits and ducts shall be installed parallel with the curb line and cross the public rights-of-way perpendicular to the public rights-of-way centerline unless otherwise directed by the City.
 - (4) Ducts and conduits shall be installed by trenchless excavation or directional boring when placing these facilities under paved public rights-of-way or a driveway crossings to avoid motor vehicle interruptions, unless otherwise directed by the City.
- (B) A person shall perform excavations and other construction in the public rights-of-way in accordance with all applicable City requirements, including the obligation to use trenchless technology whenever commercially economical and practical and consistent with obligations on other similar users of the public right-of-way. The City shall waive the requirement of trenchless technology if it determines that, based upon information provided to the City by the person, the particular field conditions warrant a waiver. All excavations and other construction in the public rights-of-way shall be conducted so as to minimize interference with the use of public and private property. Overhead facilities shall be installed in such a manner as to follow prescribed industry standards.
- (C) (1) A person must obtain a permit, as reasonably required by applicable City codes. Prior to any excavation, construction, installation, expansion, reconstruction, relocation, alteration, removal, maintenance or repair of the person's facilities.
- (2) Bonding and insurance will be required.
- (3) (a) A construction permit is not required for routine maintenance that does not require excavation of the public rights-of-way or which does not block traffic lanes or sidewalks during peak traffic periods between 7:00 a.m. to 8:30 a.m. and 4:30 p.m. to 6:30 p.m. on weekdays. The failure of the person to request and obtain a permit from the City prior to performing any of the above listed activities in, on or over any public right-of-way, except in an emergency as provided herein, will subject the person to a stop-work order from the City and enforcement action pursuant to the City's Code of

Ordinances. If the person fails to act upon any permit within 90 calendar days of issuance, the permit shall become invalid unless extended by the City upon a showing of good cause. Upon expiration of a permit, a person shall be required to obtain another permit pursuant to the requirements of this Ordinance.

(b) At least ten (10) business days prior to submission of an application for a construction permit for a Capital Improvements Project, a person shall furnish the Director with construction plans and maps using the standard format adopted by the Department of Public Works, showing the location and plans and specifications for the Capital Improvements Project. A person may submit an application for a permit for construction of a Capital Improvements Project until all required plans and drawings have been approved in writing by the City, which approval will not be unreasonably withheld, taking due consideration of the surrounding area and alternative locations for the facilities and routing.

(c) At least three (3) days before beginning excavation, construction, installation, expansion, reconstruction, relocation, alteration, removal, maintenance or repair of facilities for a project that involves an alteration to the surface or subsurface of the public rights-of-way but is not a Capital Improvements Project, a person shall submit an application for a permit for the project and shall furnish the Director with construction plans and maps using the standard format adopted by the Department of Public Works, showing the location and proposed routing of the excavation, construction, installation, expansion, reconstruction, relocation, alteration, removal, maintenance or repair unless otherwise approved by the Director. A person may not begin construction until the location of new facilities and proposed routing of the new construction or reconstruction and all required plans and drawings have been approved in writing by the City and a permit has been issued, which issuance will not be unreasonably withheld, taking due consideration of the surrounding area and alternative locations for the facilities and routing.

(d) The construction permit application shall include the following:

- (1) The name of the User to be working within the Public Rights-of-Way;
- (2) The name, address, and telephone number of the contact person or persons for the User;
- (3) The name of the owner of the facilities;
- (4) The signature of an authorized representative of the User;
- (5) The date of commencement and the estimated completion time for the work ;
- (6) Three sets of construction plans, that include the following:
 - (A) The proposed location and route of all facilities within Public Rights-of-Way to be constructed, installed, expanded,

replaced, removed, or maintained.

- (B) The location of all Public Rights-of-Way boundaries at the proposed facilities.
 - (C) A description of all existing Town utilities that could potentially conflict with applicant's proposed route.
 - (D) A description of the type and size of facilities the applicant proposes to install.
 - (E) A description of any bores or trenches the applicant proposes to dig, and any handholes, manholes, switchgear, transformers, pedestals, etc. the applicant proposes to install, showing the approximate depth of such construction and installations along with any variance from standard City trenching details.
 - (F) A description of plans to remove and replace pavement if such plans differ from the City construction requirements.
 - (G) A typical section of all equipment (pedestals, transformers, etc.) to be set, including pad sizes if required.
 - (H) A traffic control plan, unless demonstrated not applicable.
 - (I) The construction and installation methods to be employed for the protection of existing structures, fixtures, and facilities within or adjacent to the Public Rights-of-Way, and the dates and times work will occur.
 - (J) A complete legend of drawings submitted by applicant.
 - (K) An erosion control plan, to the extent required by the City Department of Public Works
- (7) Certificate of Insurance unless a current certificate is on file with the City
- (e) The Public Works Director or Permittee may request a preconstruction meeting.
 - (f) All details of the construction plans are subject to the approval of the City Inspector.
 - (g) To the extent known, plans for ongoing repair, maintenance, and improvements which involve cutting into paved City roads or streets shall be submitted to the Department of Public Works on an annual basis, no later than April 1 of each year, and updated based upon any changes. This does not require any proprietary information, such as equipment or customer specific information. Such information may be designated confidential, and to the extent allowed by law, will be kept confidential by the City.

Alternatively, a person may meet with the appropriate representative of Public Works each calendar quarter to provide such plans to the extent known.

- (D) (1) Once a permit is issued, the Department of Public Works shall be notified via electronic communication or facsimile at least 24 hours in advance that construction in the Public rights-of-way is ready to proceed by a person or its representative. Information signs (at least 3 ft. x 3 ft. in size) stating the identity of the person doing the work, their telephone number, and the person's identity and telephone number shall be placed at the location where construction is to occur or signage on trucks stating similar criteria.
- (2) Erosion Control: A Person shall be responsible for storm water management erosion control that complies with city, state, and federal guidelines. Requirements shall include, but not be limited to, silt fencing around any excavation that will be left overnight, silt fencing in erosion areas until reasonable vegetation is established, barricade fencing around open holes, and high erosion areas will require backed silt fencing. Upon request, the Permittee may be required to furnish documentation submitted or received from the federal or state government. Erosion control facilities shall be in place prior to commencement of construction.
- (3) Lane closures on major thoroughfares will be limited to between 8:30 a.m. and 4:30 p.m. unless the Department of Public Works grants prior approval. All lane closures shall comply with the Texas Manual on Uniform Traffic Control Devices for Streets and Highways. Excepting emergency conditions, working hours in the Public rights-of-way are limited to the hours between 7:00 a.m. to 6:00 p.m. Monday through Friday, work to be performed on Saturday must be approved by the Departments of Public Works in advance. Directional boring is permitted only Monday through Friday 7:00 a.m. to 6:00 p.m. No work in the Public rights-of-way shall be performed except for emergencies, on Sunday's or on holidays.
- (4) Without affecting the legal relationship between a person and its contractors, a person is responsible for the workmanship and any damages by a contractor or subcontractor.
- (E) Within fourteen (14) days of completion of excavation, construction, installation, expansion, reconstruction, relocation, alteration, removal, maintenance or repair of facilities or other work in the public rights-of-way, a person shall temporarily restore and repair the public rights-of-way in accordance with applicable sections of the Code of Ordinances of the City of Liberty. Within thirty (30) calendar days after completion of work in the public rights-of-way, the person shall permanently restore, replace, relay and/or repair the surface, base, curbs, drainage systems, irrigation systems, landscape treatment or other facilities and infrastructure located on, in or under any Public rights-of-way that have been excavated, altered or damaged by reason of the excavation, construction, installation, expansion, reconstruction, relocation, alteration, removal, maintenance or repair of the person's facilities in accordance with existing standards of the City in effect at the time of the work. Upon a showing of good cause, the City may at its sole discretion extend the time for restoration and repair of the public rights-of-way under this subsection. Unless the person provides a recent dated photograph or a video tape of the public rights-of-way before the construction, the condition of the public rights-of-way before construction should be presumed in good condition, subject only to reasonable wear and tear, as determined by the Director.

Whenever a person shall disturb or destroy any right-of-way markers or monuments, it shall restore the same within thirty (30) days after construction has ceased. A person shall furnish three sets of drawings, blueline or blackline, detailing the restored monuments. State Plane Coordinates shall be shown for all monuments (existing or restored). The drawings shall be signed (original signature), sealed and certified, by a Registered Professional Land Surveyor, and delivered to the Director of Public Works for approval, no later than 30 days after construction has ceased.

- (F) Upon failure of a person to perform any such repair or replacement work after five (5) days written notice has been given by the City to the person, and in the event repairs have not been initiated during such five day period, the City may repair or replace such portion of the public rights-of-way as may have been disturbed by the person, its contractors or agents at the City's costs plus twenty-five percent (25%). The City may, at its discretion, for good cause, alter the five day period. Upon receipt of an invoice from the City, the person shall reimburse the City for the costs so incurred within thirty (30) calendar days from the date of the City invoice.
- (G) Should the Director reasonably determine, within one year from the date of the completion of the repair work, that the surface, base, curbs, drainage systems, irrigation systems, landscape treatment or other City facilities and infrastructure located on, in or under any public rights-of-way requires additional restoration, replacement or repair work to meet existing standards of the City, a person shall perform such additional restoration, replacement or repair work to the satisfaction of the City, subject to all City remedies as provided herein.
- (H) Notwithstanding the foregoing in subsection (G), if the Director determines that the failure of a person to properly repair or restore the public rights-of-way constitutes a safety hazard to the public, the City may undertake emergency repairs and restoration efforts, after emergency notice has been provided, to the extent reasonable under the circumstances. Upon receipt of an invoice from the City, a person shall promptly reimburse the City for all costs incurred by the City within thirty (30) calendar days from the date of the City invoice.
- (I) If the Director declares an emergency with regard to the health and safety of the citizens and requests by written notice the removal or abatement of Facilities, a person shall remove or abate the person's facilities by the deadline provided in the Director's request. The person and the City shall cooperate to the extent possible to assure continuity of service. If the person, after notice, fails or refuses to act, the City may remove or abate the facilities that are hazardous, pose a safety concern to the general public or City personnel, at the sole cost and expense of the Person, without paying compensation to the person and without the City incurring liability for damages.
- (J) Except in the case of customer service interruptions and imminent harm to property or persons ("Emergency Conditions"), a person may not excavate the pavement of a street or Public rights-of-way without first complying with City requirements. The City Department of Public Works, shall be notified via electronic communication or facsimile as promptly as possible regarding work performed under such Emergency Conditions, and the person shall comply with the requirements of City standards and of this Ordinance for the restoration, replacement or repair of the public rights-of-way. Any emergency repairs requiring saw cuts shall be performed in accordance with standards established by the Director.

- (K) Within one hundred twenty (120) days of completion of each new permitted section of a person's facilities, the person shall supply the City with a complete set of "design plans" with any "as built" change drawings for the segment in a format used in the ordinary course of the person's business to the extent they are prepared in the ordinary course of business, but excluding customer specific, proprietary or confidential information and as reasonably prescribed by the City as is described below, and as may be allowed by law. Such "as-built" maps may be corrected and revised construction plans. In the event the facilities were built as specified in the originally submitted plans, the person may certify to the City that there were no changes. The City may, at its discretion, accept in lieu of "as-built" drawings, any reasonable alternative which provides adequate information as to the vertical depth, linear location and size of facilities in the public rights-of-way, which may include direct on-line access to such information.

To the extent the person's customary as-built format will confirm without economic impracticability, a person shall furnish the City "as-built" drawings as follows: Drawings shall show ownership of conduits, ducts, poles, cables, and any other facilities placed within the public rights-of-way. Drawings shall be drawn to a scale of 1in. equals 100 ft.

A person shall provide the Department of Public Works with "Record Drawings" within ninety (90) days of completion of construction. The "Record Drawings" shall be in a format used by the Permittees in their ordinary course of business, but shall exclude customer specific, proprietary or confidential information. If the release of the location of any utility, including water and sewer or of the "Record Drawings" submitted under this section would jeopardize public safety, the information shall be considered confidential. In addition, if "Record Drawings" submitted under this section include information expressly designated by the User as a trade secret or other confidential information protected from disclosure by state law, the City may not disclose the information to the public without the consent of the User, unless otherwise compelled by an opinion of the attorney general pursuant to the Texas Public Information Act, as amended, or by a court having jurisdiction of the matter pursuant to applicable law.

- (L) The Director shall require reasonable bonding requirements of a person, as are required of other entities that place Facilities in the Public rights-of-way. Such bonding amounts will be reasonably determined by the Director depending on several factors as to public safety and risk of harm to persons and property. Such factors include: (1) the nature of the construction project (overhead, trenchless, open trench), (2) type of facility (gas, electric, water, telecommunications, cable, fiber), (3) past construction history of Person in the City as to any damage claims, repairs and timeliness of construction. The City may in a non-discriminatory manner waive or reduce the amount of the bond in the event the Person provides written documentation as to reserves available to compensate the City for damages, and has a two year history of no claims, or damages to City property by the City, or of prompt payment on such claims or is a franchised utility.
- (M) In determining whether any requirement under this Section is unreasonable or unfeasible, the Director or his/her designee shall consider, among other things, whether the requirement would subject the person or persons to an unreasonable increase in risk or service interruption, or to an unreasonable increase in liability for accidents, or to an unreasonable delay in construction or in availability of its services, or to any other unreasonable technical or economic burden.

- (N) A person issued a permit pursuant to this Ordinance shall, at all times, employ the standard of care attendant to the risks involved to prevent actions, failures and accidents which may cause damage, injury or nuisance to persons, the public, the facilities of other persons, or to any City structures or structures owned by other persons located in the public rights-of-way. A person issued a permit pursuant to this Ordinance shall observe all federal and state statutes and regulations and all applicable City Ordinances and Safety Codes. A person issued a permit pursuant to this Ordinance shall keep and maintain its facilities in a safe and suitable condition, and in good order and repair.

SECTION 7 - CONDITIONS OF PUBLIC RIGHTS-OF-WAY OCCUPANCY.

- (A) In the exercise of governmental functions, as lawfully authorized by State and Federal law, the City has first priority over all other Persons in the Public Rights-of-Way. The City reserves the right to construct sewer, gas, water, and other pipe lines or cables and conduits, to do underground and overhead work and or change aerial facilities, in across, along, over or under a public street, alley, or Public Rights-of-Way occupied by a Person, and to change the curb, sidewalks or the grade of the streets in accordance with State and Federal law.
- (B) The City shall assign the location of facilities in or over the Public Rights-of-Way with due consideration to the public health and safety of its citizens in accordance with section 283.056 of the Texas Local Government code, and to the extent the City can demonstrate that there is limited space available for additional facilities, may limit new facilities, as allowed under state or federal law.
- (C) If the City authorizes abutting landowners to occupy space under the surface of any public street, alley, or Public Rights-of-Way, the grant to an abutting landowner shall be subject to the rights of the authorized Person of the Public Rights-of-Way. If the City closes or abandons a Public Rights-of-Way that contains a portion of a Persons' facilities, the City shall close or abandon such Public Rights-of-Way subject to the rights of the Person.
- (D) Subject to applicable state law, whenever the City has determined that removal, relocation, change, or alteration of a Persons' facilities in the Public Rights-of-Way is reasonably necessary for the widening or straightening of a street, upon written notice by the City, a Person shall, at its own expense, temporarily or permanently, remove, relocate, change or alter the position of the Person's facilities that are in the Public Rights-of-Way within one hundred twenty (120) days, except in circumstances that require additional time as reasonably determined by the City based upon information provided by the Person. Prior to relocation, the City shall provide a suitable location within a public right-of-way, property or place for relocated facilities sufficient to maintain service. For projects expected to take longer than one hundred twenty (120) days to remove, change, or relocate, the City will confer with the Person before determining the removal, relocation, change, or alteration is deemed by the User to impose a significant financial hardship, the User shall have the right to present alternative proposals to the Person and the Town shall give due consideration to any such alternative proposals. This section shall not be construed to prevent Persons recovery of the cost of relocation or removal from private third parties who initiate the request for relocation or removal. If the Person fails to relocate facilities in the time allowed by the City in this section, the Person may be subject to legal action by the City or to a liability to the City for such

delay, as may be set forth in the Codes of Ordinance, now or hereinafter enacted. Notwithstanding anything in this Subsection, the City Department of Public Works and a Person may agree in writing to different time frames than those provided above if circumstances reasonably warrant such a change. Such circumstances may include, but are not limited to, weather conditions, emergency conditions, accuracy and completeness of engineering plans or changes in design, relocation, coordination and other criteria which may delay projects.

- (E) A Permittee may trim trees in or over the Public Rights-of-Way for the safe and reliable operation, use and maintenance of its facilities. All tree trimming shall be performed in accordance with standards promulgated by the City including the prohibition of tree topping. Should a Person, its contractor or agent fail to remove such trimmings within twenty-four (24) hours under routine circumstances, or up to 10 business days, or until all service restoration activities have been completed because of emergency conditions, the City may remove the trimmings or have them removed, and upon receipt of a bill from the City, a Person shall promptly reimburse the Town for all costs incurred within thirty (30) working days.
- (F) A person shall temporarily remove, raise or lower its aerial facilities to permit the moving of houses or other bulky structures, if the requesting party provides written notice of no less than ten (10) business days, except for good cause shown. The expense of these temporary rearrangements shall be paid by the party or parties requesting and benefiting from the temporary rearrangements. The person may require prepayment or prior posting of a bond from the party requesting the temporary move.
- (G) In the event a person's use of the facilities is discontinued, the person shall notify the City and thereafter shall forthwith remove its facilities therefrom unless specifically permitted to continue the same, and on the removal thereof shall restore, repair or reconstruct the street area where such removal has occurred, and place the street area where such removal has occurred in the condition prior to the removal, as determined by the City. In the event of failure, neglect or refusal of the person, after thirty (30) days' notice by the Director to repair, improve or maintain such street portion, the City may do such work or cause it to be done, and the reasonable cost thereof as determined by the City shall be paid by the person and collection may be made by court action or otherwise.

SECTION 8 - INSURANCE REQUIREMENTS.

- (A) A person shall obtain and maintain insurance in the amounts reasonably prescribed by the Director with an insurance company licensed to do business in the State of Texas acceptable to the City. A person shall furnish the Director with proof of insurance at the time of the request for construction permits. The Director reserves the right to review the insurance requirements and to reasonably adjust insurance coverage and limits when the Director determines that changes in statutory law, court decisions, or the claims history of the industry or the person require adjustment of the coverage. For purposes of this section, the City will accept certificates of self-insurance issued by the State of Texas or letters written by the Person in those instances where the State does not issue such letters, and in all such instances, the person that self-insures shall provide written documentation as to substantially the same coverage, claims process and defense to the City as would be provided by an insurance carrier as required herein, all as may be detailed in the information provided to the City. However, for the Director to accept such

self-insurance coverage the person must demonstrate by written information that it has adequate financial resources to be a self-insured entity as reasonably determined by the City, based on financial information requested by and furnished to the City.

- (B) A person shall furnish to the Director, at no cost to the City, copies of certificates of insurance evidencing the coverage required by this Section. The City may request the deletion, revision or modification of particular policy terms, conditions, limitations or exclusions, unless the policy provisions are established by a law or regulation binding the City, the Person, or the underwriter. If the City requests a deletion, revision or modification, a person shall exercise reasonable efforts to pay for and to accomplish the change.
- (C) The insurance certificate required under subsection (B) shall:
 - (1) name the City of Liberty and its officers, employees, board members and elected representatives as additional insureds for all applicable coverage;
 - (2) provide for 30 days notice to the City for cancellation, non-renewal, or material change; and
 - (3) provide that notice of claims shall be provided to the Director by certified mail.
- (D) A person shall file and maintain proof of insurance with the Director. An insurance certificate obtained in compliance with this section is subject to City Attorney approval. The City may require the certificate to be changed to reflect changing liability limits. A person shall immediately advise the City Attorney of actual or potential litigation that may develop may affect an existing carrier's obligation to defend and indemnify.
- (E) An insurer has no right of recovery against the City. The required insurance policies shall protect the person and the City. The insurance shall be primary coverage for losses covered by the policies.
- (F) The policy clause "Other Insurance" shall not apply to the City if the City is an insured under the policy.
- (G) A person shall pay premiums and assessments for the insurance required under this section. A company which issues an insurance policy has no recourse against the City for payment of a premium or assessment. Insurance policies obtained by a person must provide that the issuing company waives all right of recovery by way of subrogation against the City in connection with damage covered by the poli

SECTION 9 - INDEMNITY.

- (A) Each person placing facilities in the public rights-of-way shall agree to promptly defend, indemnify and hold the City harmless from and against all damages, costs, losses or expenses (i) for the repair, replacement, or restoration of City's property, equipment, materials, structures and facilities which are damaged, destroyed or found to be defective as a result of the person's acts or omissions, (ii) from and against any and all claims, demands, suits, causes of action, and judgments for (a) damage to or loss of the property of any person (including, but not limited to the person, its agents, officers, employees and subcontractors, City's agents, officers and employees, and third parties);

and/or (b) death, bodily injury, illness, disease, loss of services, or loss of income or wages to any person (including, but not limited to the agents, officers and employees of the person, person's subcontractors and City, and third parties), arising out of, incident to, concerning or resulting from the negligent or willful act or omissions of the person, its agents, employees, and/or subcontractors, in the performance of activities pursuant to or authorized under this Ordinance.

Upon commencement of any suit, proceeding at law or in equity against the City relating to or covering any matter covered by this indemnity, the City shall give the person reasonable notice of such suit or proceeding. The person shall promptly provide a defense to any such suit or suits, including any appellate proceedings brought in connection therewith, and pay as aforesaid, any final judgment or judgments that may be rendered against the City by reason of such damage suit. Upon failure of the person to comply with the provisions of this Ordinance, after reasonable notice to the City, the City shall have the right to defend the same and in addition to being reimbursed for any such judgment that may be rendered against the City, together with all court costs incurred therein, the Person shall promptly reimburse the City for attorney's fees, including those employed by the City in such case or cases, as well as all expenses incurred by the City by reason of undertaking the defense of such suit or suits, whether such suit or suits are successfully defended, settled, compromised, or fully adjudicated against the City.

- (B) This indemnity provision shall not apply to any liability resulting from the negligence of the City, its officers, employees, agents, contractors, or subcontractors.
- (C) The provisions of this indemnity are solely for the benefit of the City and is not intended to create or grant any rights, contractual or otherwise, to any other person or entity;
- (D) To the fullest extent permitted by law, a person shall pay all expenses incurred by the City in defending itself with regard to all damages and penalties provided in this Ordinance. These expenses shall include all out-of-pocket expenses such as attorney's fees, and shall also include the reasonable value of any services rendered by any employees of the City. In the event the City is compelled to undertake the defense of any such suit by reason of a person's failure to perform as hereinabove provided, the City shall have full right and authority to make or enter into any settlement or compromise of such adjudication as the City Council shall deem in the best interest of the City, this without the prior approval or consent of the person with respect to the terms of such compromise or settlement.

SECTION 10 - SEVERABILITY.

The provisions of this ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new or revised provisions in compliance with the authority's decision or enactment.

SECTION 11 - UNAUTHORIZED USE OF PUBLIC RIGHTS-OF-WAY.

The City may institute all appropriate legal action to prohibit any person from using the public rights-of-way unless the person has complied with the terms of this Ordinance. Any person violating any of the provisions or terms of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not exceeding two thousand dollars (\$2,000.00) for each violation, and each day that such violation shall continue to exist constitutes a separate offense.

SECTION 12 - CONSTRUCTION PERMIT ACCEPTANCE.

Each Construction Permit Application to use the public rights-of-way shall contain, or have attached, the following:

"By this application for a construction permit to use the public rights-of-way, I, as the lawful representative of _____ (not the contractor but a representative of the facility owner with authority to bind the owner), hereby agree to use the City's rights-of-way under the terms and conditions approved by the City of Liberty by City Public rights-of-way Management Ordinance (Ordinance No. _____).

Name

Title

Date

SECTION 13

This Ordinance shall be in full force and effect from and after the date of its passage.

SECTION 14

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two days is hereby dispensed with.

PASSED AND ADOPTED at a special meeting of the City Council of the City of Liberty, this _____ day of _____, 2016.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 07/26/16 06:00 PM

Department: Administration
Category: Certificates

4.A.4

RESOLUTION (ID # 3570)

DOC ID: 3570

RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION TO FINANCE THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF VARIOUS PUBLIC IMPROVEMENT PROJECTS

**THE STATE OF TEXAS
COUNTY OF LIBERTY
CITY OF LIBERTY**

WHEREAS, the City Council of the **CITY OF LIBERTY, TEXAS** (the "**City**") hereby determines that it is necessary and desirable to finance all or a portion of the following projects (collectively, the "**Projects**"):

- (I) construct street, curb, and sidewalk improvements in various locations in the City, together with utility relocation and/or drainage improvements related or incidental thereto;
- (ii) construct or make various repairs, extensions, additions and improvements to, and acquire and install equipment related to, the City's combined waterworks and sewer system;
- (iii) construct or make various repairs, extensions, additions and improvements to, and acquire and install equipment related to, the City's Municipal Library; and
- (iv) possibly purchase equipment deemed appropriate to complete the aforementioned projects;

WHEREAS, the City Council of the City intends to finance the Projects from proceeds derived from the sale of one or more series of "*Combination Tax and Revenue Certificates of Obligation*" issued by the City pursuant to Sections 271.041 - 271.064, Texas Local Government Code, as amended; and

WHEREAS, pursuant to Section 271.049, Texas Local Government Code, the City Council deems it advisable to give notice of intention to issue certificates of obligation in an amount not to exceed an aggregate of \$7,750,000 for the purpose of paying, in whole or in part, the Projects, to pay all or a portion of the legal, fiscal and engineering fees in connection with the Projects, and to pay the costs of issuance related to the certificates of obligation; and

WHEREAS, it is hereby officially found and determined that the meeting at which this resolution was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

SECTION 1. APPROVAL OF NOTICE OF INTENTION. Attached hereto is a form of the "Notice of Intention to Issue Combination Tax and Revenue Certificates of Obligation," the form and substance of which is hereby adopted and approved.

SECTION 2. AUTHORIZATION TO PUBLISH NOTICE OF INTENTION. The City Secretary shall cause said notice to be published in substantially the form attached hereto in a newspaper, as defined by Subchapter C, Chapter 2051, Government Code, that is of general circulation in the area of the City, on the same day in each of two consecutive weeks, the date of the first publication thereof to be at least 31 days before the date tentatively set for the passage of the ordinance authorizing the issuance of such certificates of obligation as shown in said notice. The City Manager and Finance Director are each authorized to make changes to said Notice as necessary prior to its publication.

SECTION 3. INCORPORATION OF RECITALS. The City Council hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the City Council hereby incorporates such recitals as a part of this Resolution.

SECTION 4. EFFECTIVE DATE. This Resolution shall become effective immediately upon passage.

[The remainder of this page intentionally left blank]

***PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LIBERTY,
TEXAS AT A SPECIAL MEETING ON THE 26TH DAY OF JULY, 2016.***

Mayor
City of Liberty, Texas

Attest:

City Secretary
City of Liberty, Texas

(City Seal)

Signature Page to Notice of Intention Resolution Relating to the Issuance of
City of Liberty, Texas Combination Tax and Revenue Certificates of Obligation, Series 2016

CITY OF LIBERTY, TEXAS**NOTICE OF INTENTION TO ISSUE
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION**

The City Council of the City of Liberty, Texas (the "City") does hereby give notice of intention to issue one or more series of *City of Liberty, Texas Combination Tax and Revenue Certificates of Obligation* in the maximum aggregate principal amount not to exceed \$7,750,000 for the purpose of paying, in whole or in part, contractual obligations to make various public improvements in the City, including: (I) construct street, curb, and sidewalk improvements in various locations in the City, together with utility relocation and/or drainage improvements related or incidental thereto; (ii) construct or make various repairs, extensions, additions and improvements to, and acquire and install equipment related to, the City's combined waterworks and sewer system; (iii) construct or make various repairs, extensions, additions and improvements to, and acquire and install equipment related to, the City's Municipal Library; and (iv) possibly purchase equipment deemed appropriate to complete the aforementioned projects (collectively, the "Projects"), and paying all or a portion of the legal, fiscal, and engineering fees in connection with the Projects and costs of issuance related to such Certificates of Obligation. The City proposes to provide for the payment of such Certificates of Obligation from the levy and collection of ad valorem taxes in the City as provided by law and from a lien on and pledge of "Surplus Revenues," if any, received by the City from the ownership and operation of the City's waterworks and sewer system. The City Council proposes to authorize the issuance of such Certificates of Obligation at 6:00 p.m. on Tuesday, September 13, 2016, at a Regular Meeting, at the City Hall, City of Liberty, Texas.

/S/ Carl Pickett
Mayor, City of Liberty, Texas

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §
COUNTY OF LIBERTY §
CITY OF LIBERTY §

I, the undersigned City Secretary of the **CITY OF LIBERTY, TEXAS** (the "**City**"), hereby certify as follows:

1. The City Council of the City (the "**City Council**") convened in Regular Meeting on July 26, 2016, at the City Hall (the "**Meeting**"), and the roll was called of the duly constituted officers and members of the City Council, to wit:

Carl Pickett, Mayor
 Diane Huddleston, Mayor Pro Tem
 David Arnold, Council Member
 Dennis Beasley, Council Member
 Libby Simonson, Council Member
 Louie Potetz, Council Member
 Paul Glazener, Council Member

and all of the officers and members of the City Council were present, except the following absentees: _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at the Meeting: a written

**RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION
 TO ISSUE CERTIFICATES OF OBLIGATION TO FINANCE THE
 ACQUISITION, CONSTRUCTION, AND EQUIPPING OF VARIOUS PUBLIC
 IMPROVEMENT PROJECTS**

(the "**Resolution**") was duly introduced for the consideration of the City Council. It was then duly moved and seconded that the Resolution be adopted; and, after due discussion, said motion carrying with it the adoption of the Resolution, prevailed and carried by the following vote:

AYES: _____ NOES: _____ ABSTENTIONS:

2. A true, full and correct copy of the Resolution adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; the Resolution has been duly recorded in the City Council's minutes of the Meeting; the above and foregoing paragraph is a true, full and correct excerpt from the City Council's minutes of the Meeting pertaining to the passage of the Resolution; the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the City Council as indicated therein; each of the officers and members of the City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the Meeting, and that the Resolution would be introduced and considered for passage at the Meeting, and each of the officers and members consented, in advance, to the holding of the Meeting for such purpose, and that the Meeting was open to the public and public notice of the time, place and purpose of the Meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED the 26th day of July, 2016.

Resolution (ID # 3570)
Page 6

City Council Meeting

July 26, 2016

(SEAL)

City Secretary, City of Liberty, Texas



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.C.1

Meeting: 07/26/16 06:00 PM

Department: Administration
Category: Executive Session Items

COUNCIL ACTION (ID # 3571)

DOC ID: 3571



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.C.2

Meeting: 07/26/16 06:00 PM

Department: Administration
Category: Executive Session Items

COUNCIL ACTION (ID # 3572)

DOC ID: 3572