



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, July 26, 2016

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	Absent	
Louie Potetz	Councilperson	Present	6:01 PM
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Present	
Paul Glazener	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.

Mayor Pickett commented on the success of the recent blood drive held in the Liberty Center and sponsored by the City of Liberty.

City Manager Gary Broz remarked that the next meeting of the City Council would include the topics of annexation and budget. The budget will not be adopted until September 13th.

III. PRESENTATIONS / REPORTS

1. Information Item (ID # 3563)

Presentation and Recognition - Former Council Member Frank Jordan

COMMENTS - Current Meeting:

Mayor Carl Pickett presented former Council Member Frank Jordan with a set of bookends engraved with the City logo and Mr. Jordan's service dates. Mayor Pickett expressed appreciation, on behalf of the Council and City Staff for all that Council Member Jordan accomplished during his tenure.

Mr. Jordan thanked the Mayor and expressed his gratitude for his time served and his love for the City of Liberty.

2. Information Item (ID # 3564)

Project Updates - City Mgr. G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reviewed a list of eight (8) current sinkholes in the City and the repair status of each. Mr. Broz also made comment regarding a new sinkhole on Oklahoma Street, located around the manhole.

3. Information Item (ID # 3565)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported on the SRMPA lawsuit with its former legal counsel. Mayor Pickett commented that the trial could possibly continue for another week.

4. Information Item (ID # 3566)

Finance Report - Finance Director, N. Herrington

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on the City's financials ending June 30, 2016. Ms. Herrington reported that the General Fund has a \$2.6 million fund balance, sales tax revenues are in line with budgeted amounts, and property tax revenues are over 100%. Ms. Herrington further reported that no transfers have been made from the water & sewer fund or electric fund to the General Fund, but anticipates that taking place within the next sixty days.

Ms. Herrington concluded by reporting on the other funds and the financial status of each.

IV. REGULAR AGENDA**A. Regular Session****1. Council Action 2016-65**

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

COMMENTS - Current Meeting:

City Manager Gary Broz reported on an emergency repair project on Lakeside Drive, from Park Street to the Daniel Lift Station, to rehabilitate a 6" sewer line to an 8" sewer line by the process of pipe bursting. Mr. Broz reviewed two quotes: 1) IPR-South Central through HGAC contract for \$257,570 and 2) Lopez Construction for \$136,313.25.

After brief discussion of the project to include paving of the street, after repair completion, and the project funding to come from unrestricted funds from the Cambridge Project, a motion was made to accept the proposal from Lopez Construction in the amount of \$136,313.25.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Pickett, Huddleston, Potetz, Simonson, Arnold, Glazener
ABSENT:	Dennis Beasley

2. Ordinance 2016-10

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

COMMENTS - Current Meeting:

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

"AN ORDINANCE AUTHORIZING THE VACATING AND ABANDONMENT OF A PORTION OF SHARON LANE; 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 Brandon Davis reported that the Council previously approved a request to abandon an unimproved right-of-way on Sharon Lane, north of Briar Drive and near Smart Materials. The Ordinance provides an avenue for recordation in the property records at the Liberty County Courthouse. A motion was made to adopt the Ordinance authorizing the vacating and abandonment of a portion of Sharon Lane.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Paul Glazener, Councilperson
SECONDER:	Libby Simonson, Councilperson
AYES:	Pickett, Huddleston, Potetz, Simonson, Arnold, Glazener
ABSENT:	Dennis Beasley

3. Ordinance 2016-11

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

COMMENTS - Current Meeting:

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

"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”.

City Attorney Brandon Davis reported that this ordinance will regulate placement of items in the City's rights-of-way. Brief discussion was held regarding right-of-way issues. A motion was made to adopt the Ordinance as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Libby Simonson, Councilperson
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Pickett, Huddleston, Potetz, Simonson, Arnold, Glazener
ABSENT:	Dennis Beasley

4. Resolution 2016-3

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.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the proposed Notice of Intention to Issue Certificates of Obligation is the beginning step of this process. Mr. Broz stated that some debt will be paid off to keep the tax rate low and new debt will be issued. The proposed new debt is to be authorized in an amount not to exceed \$7,750,000 and for the purpose of financing the acquisition, construction and equipping of various public improvement projects.

A motion was made to authorize the publication of the Notice of Intention to Issue Certificates of Obligation.

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

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.

At 6:31 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:28 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2016-66

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

COMMENTS - Current Meeting:

A motion was made to accept the proposal for Professional Engineering Services from WJE (original building enclosure), a proposal for Litigation Support Services from WJE and another proposal for engineering services (survey update & repair documents) from WJE, a proposal from B.K. Mechanical for air conditioner upgrades, and a proposal from Ash Automated Control Systems to install Johnson Controls and analyze the building automation system, in an amount not to exceed \$400,000.

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

2. Council Action 2016-64

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

RESULT:	NO ACTION TAKEN
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V. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:30 p.m.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary