The City of Liberty
City Council

Regular Meeting

~ Minutes ~

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

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, July 9, 2013 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Diane Huddleston	Councilperson	Absent	
Dennis Beasley	Councilperson	Absent	
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. INVOCATION

Mayor Pickett passed on the Invocation.

III. PLEDGE OF ALLEGIANCE

Mr. Tom Warner, City Engineer/Public Works Director led the pledge to the American and Texas flags.

IV. 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 thanked city employees and volunteers that worked or participated as a part of the City's Independence Day celebration. Mayor Pickett also read a thank you letter from one of the veterans that was honored at this event. In conclusion, Mayor Pickett commented that he and City Manager Gary Broz would be attending a meeting sponsored by the City of Dayton regarding the Hospital District and hospital concerns.

City Manager Gary Broz reported that a Budget Work Session would be held on Wednesday, July 10th at 6:00 p.m.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2740)

Project Updates - City Mgr. G. Broz

COMMENTS - Current Meeting:

Mr. Broz reported on various City projects to include the following:

- Environmental issues related to the new Police Department Project,
- Specifications ready to bid the Layl Sewer Project,
- Five of the six AC units are installed at the Cultural Center,
- Boomerang Substation Project is coming together,
- Three water main breaks due to ground shifting and a contractor boring a hole in a 14" pipe, and
- Street Extension Project to begin soon.

VI. 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:	Libby Simonson, Councilperson
SECONDER:	Frank Jordan, Councilperson
AYES:	Pickett, Jordan, Potetz, Simonson, Arnold
ABSENT:	Diane Huddleston, Dennis Beasley

A. Minutes Approval

1. Wednesday, June 12, 2013

VII. REGULAR AGENDA

A. Regular Session

1. Information Item (ID # 2741)

Public Hearing on the 2012 Drinking Water Quality Report.

COMMENTS - Current Meeting:

At 6:20 p.m., Mayor Pickett opened the Public Hearing on the 2012 Drinking Water Quality Report. Tom Warner, City Engineer, stated that it is a requirement of the Texas Commission on Environmental Quality that the City's water be sampled and the results be reported to the citizens. Mr. Warner explained that there were no violations and the City's water exceeds EPA drinking water standards. Mr. Warner further explained that the City's water is obtained from a ground water source, the Gulf Coast Aquifer.

After brief discussion of related issues, Mayor Pickett closed the Public Hearing at 6:32 p.m.

ATTACHMENTS:

- CCR Rpt Pg 1 (PDF)
- CCR Rpt Pg 2 (PDF)

2. Ordinance 2013-6

Consider Adoption of an Ordinance Amending the Code of Ordinances, Chapter 3, Amending Location Restrictions for Mobile/Manufactured Homes.

COMMENTS - Current Meeting:

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

"AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 3, AMENDING LOCATION RESTRICTIONS, 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 previous discussion was held regarding the City's manufactured home ordinance, with several issues not being aligned with State law. Mr. Gunter explained that the two issues were:

1. The City's current ordinance requires that for the one-time replacement clause, a manufactured home must be a double-wide. That is not a State statute, and

2. Also regarding the one-time replacement, State law provides that replacing a manufactured home in the case of fire or natural disaster, does not count as the one-time replacement. Mr. Gunter explained that this was also the intent of the current ordinance, but has provided clarification on this matter in the amended ordinance.

After further discussion, a motion was made to adopt the amended ordinance.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Frank Jordan, Libby Simonson
AYES:	Pickett, Jordan, Potetz, Simonson, Arnold
ABSENT:	Diane Huddleston, Dennis Beasley

3. Council Action 2013-51

Consider Award of Bid for Two Vehicles for the Water/Wastewater Department.

COMMENTS - Current Meeting:

Mr. Broz reported that the City had let bids for two vehicles (pole digger and small bucket truck) for the Water & Wastewater Department. Two bids were received, with the low bid from BJ Ford. Bid amounts were $19,561 for the 1/2 Ton truck and $25,987 for the 3/4 Ton truck. Mr. Broz requested that the budgeted amounts of $19,000 and $25,000 be transferred to the Fixed

Asset Fund, with the vehicles to be paid for from that fund. The bid amounts are $1539.00 over budget.

Motion was made to transfer the budgeted funds to the Fixed Asset Fund and award the bid to BJ Ford.

ATTACHMENTS:

- Bid Tab-Vehicles 2013 (PDF)

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

4. Council Action 2013-52

Consider Award of Bid for Power Line Right-Of-Way Clearance and Tree Trimming.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported on the process of applications for pre-qualification and bidding on power line right-of-way clearance and tree trimming. Mr. Warner stated that two bids were received; ABC Tree Service and Asplundh. After hourly rates and equipment rates were reviewed, Asplundh was the low bidder and within the $60,000 budget for this service. Mr. Warner reported that the goal is to trim the feeders on a regular basis and address every service line, every three years. Mr. Warner further stated that Management's recommendation is to award the bid to Asplundh, with a contract start date of August 1.

After discussion of related topics, a motion was made to award the bid to Asplundh for an annual contract price of $23,013.00.

At 7:13 p.m.,, Mayor Pickett recessed the meeting for a short break. At 7:18 p.m., Mayor Pickett reconvened the meeting.

ATTACHMENTS:

- Tree Trimming July 2013 (PDF)

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

5. Council Action 2013-54

Consider Award of Bid for Installation of Poles and Overhead Wires at the New Boomerang Substation.

COMMENTS - Current Meeting:

Mr. Broz reported that this agenda item is related to pole placement and construction of the 138KV Overhead Line for the Boomerang Substation Project. Mr. Broz stated that Nowlin & Associates received a quote from E.P. Breaux, in the amount of $124,170, also receiving

another vendor quote for $250,000. Mr. Broz recommends the proposal from E.P. Breaux to complete this project. This work will include taking the wire from the Liberty Substation across the driveway and into the Boomerang Substation. Further discussion included review of the project construction budget and information on the circuit breaker that was built in Germany, and is currently in transit.

Mr. Broz stated that he recently learned there will be two change orders for Council's consideration, and if approved, would leave approximately $21,000 in the project budget at the time of completion.

A motion was made to approve the expenditure of $124,170.00 for pole placement and construction of the overhead line, by E.P. Breaux.

ATTACHMENTS:

- Bid Tab Material Install Boomerang (PDF)

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

6. Council Action 2013-53

Consider Voluntary Annexation for the Property Described as 000330 WM Phelps. Tract 1, Acres 355.063, CAD Prop ID: 26889 and CAD Geo ID: 000330-000000-011, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Councilperson Jordan reported that the City's Community Development Advisory Board has been working diligently on annexation. Councilperson Jordan stated that the property of discussion is owned by Mr. John DeLoach and is described as 000330 WM Phelps, Tract 1, Acres 355.063, CAD Prop ID 26889 and CAD Geo ID 000330-000000-011. A portion of the property is currently located inside the City limits, and that the proper documents have been executed to for this property to be voluntarily annexed into the City. Councilperson Jordan stated that the proposed 355 acre tract is to be developed into an industrial park, and that the formal designation of such will come before Council at a later date.

A motion was made to accept the voluntary annexation of the John DeLoach property as described.

ATTACHMENTS:

- Voluntary Annexation 2013 (PDF)

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

7. Council Action 2013-56

Reconsider Sale of Property Located at 430 Melonson Street, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

City Attorney Randy Gunter explained that the property described as 430 Melonson Street was city-owned property that was recently put out for bid. An adjoining property owner bid $2400 and was awarded the property. However, the bidder was unable to obtain title insurance, as the survey records were conflicting, and no clear title would be issued. The bidder states that it is their desire to no longer acquire the property if it is uninsurable. No deed has been released to the bidder.

A motion was made to permit the bidder to withdraw the bid and return the $2400.00.

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

8. Information Item (ID # 2750)

Discussion of a "No Smoking in Public Buildings" Ordinance for the City of Liberty.

COMMENTS - Current Meeting:

Mayor Pickett reported that this issue had previously been discussed, and that he has a preference for adopting an ordinance addressing this issue. After brief discussion, it was decided that City Attorney Randy Gunter will research this issue and return to Council with samples of ordinances from other municipalities.

9. Information Item (ID # 2751)

Discussion of an Ordinance Prohibiting Texting and Cell Phone Usage While Operating a Motor Vehicle in the City of Liberty.

COMMENTS - Current Meeting:

Mayor Pickett reported that the issue of texting and cell phone usage had also previously been discussed, and that the Legislature had taken no action. However, Mayor Pickett stated that does negate the fact that action could be taken on the local level. Brief discussion was held regarding the issue of distracted driving, with the consensus that City Attorney Randy Gunter will research this issue and return to Council with samples of ordinances from other municipalities

B. Executive Session

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

1. Consider legal advice regarding items specifically listed on the agenda.

Government Code §551.072- Deliberation Regarding Real Property.
Government Code §551.071 - Private Consultation with Attorney on all subjects or matters authorized by law.

2. Discussion to deliberate the purchase, exchange, lease, or value of real property.

At 7:48 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:30 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Resolution (ID # 2748)

Consider a Resolution to Revoke Prior Authorization, If Any, for the Railroad to Pass through the City of Liberty.

RESULT:	**NO ACTION TAKEN**

2. Ordinance (ID # 2749)

Consider Adoption of an Ordinance Amending Chapter 12 of the City's Code of Ordinances Granting the City Authority to Charge a Toll for Railroads that Cross City Owned Streets.

RESULT:	**NO ACTION TAKEN**

3. Council Action 2013-55

Consider and Take Action, If Any, on the Items as Discussed in the Executive Session.

COMMENTS - Current Meeting:

A motion was made to accept the offer of Fair Market Value for the sale of property located on Sam Houston Street.

RESULT:	**APPROVED [3 TO 1]**
MOVER:	Libby Simonson, Councilperson
SECONDER:	Louie Potetz, Councilperson
AYES:	Louie Potetz, Libby Simonson, David Arnold
NAYS:	Frank Jordan
ABSTAIN:	Carl Pickett
ABSENT:	Diane Huddleston, Dennis Beasley

VIII. ADJOURNMENT

A. Motion To: Adjourn

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary