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, August 13, 2013 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Diane Huddleston	Councilperson	Present	
Dennis Beasley	Councilperson	Present	
Frank Jordan	Councilperson	Present	
Louie Potetz	Councilperson	Present	6:06 PM
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

The Invocation was given by Mr. Neal Thornton, member of the Liberty Masonic Lodge.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Liberty Resident Mark McClelland, former Liberty County Tax Assessor/Collector.

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.

Councilperson Huddleston stated that a recycling event will take place in the next 4-5 weeks for the shredding of sensitive documents.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2771)

Recognition-Former Sam Rayburn Municipal Power Agency President Bruce Halstead

COMMENTS - Current Meeting:

Mayor Pickett presented a plaque to Mr. Bruce Halstead in recognition of his service on the Sam Rayburn Municipal Power Agency Board of Directors. Mr. Halstead served as a representative of the City of Liberty from 1998 - 2013. Mr. Halstead also served as President of the Agency from 1999 until his resignation in April, 2013.

B. Information Item (ID # 2772)

Project Updates - City Mgr. Gary Broz

COMMENTS - Current Meeting:

Mr. Broz commented on a handout regarding the status of various City projects. Mr. Broz answered questions regarding airport hangar leases, environmental review of the new police department site, and employment of a new code enforcement official. Mr. Broz also commented on the sales tax revenue report and the Texas Municipal League Annual Conference to be held in Austin, in early October.

C. Information Item (ID # 2773)

Sam Rayburn Municipal Power Agency Update - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported on repair issues with the T3 transformer located south of Hwy. 90. During the repair process it was discovered to have other additional damages. The new repair completion date is February 1, 2014 at which time the transformer will be placed back in service. Mayor Pickett explained that the transformer is owned by the Sam Rayburn Municipal Power Agency and is being repaired at the Agency's expense. Also mentioned was consideration of other alternatives for providing redundancy in the electric system, however at this time those considerations are very costly.

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:	Dennis Beasley, Councilperson
SECONDER:	Diane Huddleston, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold

A. Minutes Approval

1. Tuesday, July 09, 2013

2. Wednesday, July 10, 2013

3. Tuesday, July 23, 2013

4. Thursday, July 25, 2013

5. Resolution 2013-9

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 Trinity Valley Fair & Exposition Parades.

ATTACHMENTS:

- TVE Rd Closure Agreement Baby Parade 2013 (DOC)
- TVE Rd Closure Agreement Opening Day Parade 2013 (DOC)

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2013-66

Request by Mr. Byron Kuhl to Discuss Speeders on North Main Street, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mr. Byron Kuhl addressed Council regarding speeders on N. Main Street. Mr. Kuhl discussed the noise on the street in front of his home and asked that some relief be provided. Discussed were various vehicles, speeders, the speed limit, and approaching the Texas Department of Transportation to lower the speed limit on that particular portion of State Highway 146, from North Main Baptist Church headed south towards the Bypass.

ATTACHMENTS:

- Kuhl Request (PDF)

RESULT:	**NO ACTION TAKEN**

2. Council Action 2013-67

Consider a Request for Variance, as Reviewed and Approved by the Planning and Zoning Commission, for Property Located at 2516 N. Main, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported that an application for a directional sign to the Consignor's Corner, had been submitted by Ms. Susan Potetz. The proposed location is 2516 N. Main Street on Potetz Home Center property. The placement of the sign was originally denied by the Inspection Department as the sign ordinance prohibits off-premise signs. Mr. Warner stated that Ms. Potetz requested a variance and this issue was taken before the Planning and Zoning Commission. P&Z approved the variance, which is now subject to City Council's consideration. After further discussion of the sign, the location, and the ordinance, a motion was made to approve the variance for the proposed sign to be located at 2516 N. Main Street.

ATTACHMENTS:

- Variance Request 2516 Main (PDF)
- Variance Request 2516 Main-Pics & Map (PDF)

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Libby Simonson, Councilperson
SECONDER:	Frank Jordan, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Simonson, Arnold
ABSTAIN:	Louie Potetz

3. Council Action 2013-68

Consider Award of Bid for the Texas Community Development Block Grant Sanitary Sewer Rehabilitation Program, Layl Sewer Project.

COMMENTS - Current Meeting:

PW Director Tom Warner reported on bids received for the TCDBG Sanitary Sewer Rehabilitation Program, Layl Sewer Project. Mr. Warner reported that this project is for replacement of the manholes and sanitary sewer lines on Layl Drive and that the City had received two bids; 1) Horseshoe Construction, La Porte, Texas and 2) PM Construction & Rehab, Pasadena, Texas. Mr. Warner further explained that bid amounts were $240,920 + Alt. Bid A of $20,725 = $261,645 and $300,820 + Alt. Bid A of $29,780 = $330,600, respectively. Mr. Warner further explained that the grant amount is $300,000 and that management recommends the award to the low bidder.

After discussion of the project and related bid information, a motion was made to award the Base Bid + Alternate Bid "A" to Horseshoe Construction, in the amount presented.

ATTACHMENTS:

- CDBG Sewer Rehab Ltr. (PDF)
- CDBG Sewer Rehab-Layl Bid Tab (PDF)

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

4. Council Action 2013-69

Consider Award of Bid for the Texas Water Development Board Project, Phase 3.

COMMENTS - Current Meeting:

Mr. Rick Bourque, Schaumburg & Polk, Inc. was present to report on the bid tabulation for the Wastewater Treatment Plant Improvement Project, CWSRF No. 72124. Mr. Bourque reported that three bids were received, with the low bidder being JTR Constructors, Inc., in the base bid amount of $990,900. Mr. Bourque explained that the City has completed several clean water projects in the last few years, and this project would utilize the remaining clean water funds, leaving a balance of approximately $105,000 for contingencies or change orders. This project consists of rehabilitation of the clarifiers and the troughs at the Wastewater Treatment Plant and complete the installation of the SCADA System.

After brief discussion of the project, a motion was made to award the bid to JTR Constructors, Houston, Texas.

ATTACHMENTS:

- TWDB Sewer Rehab Phase 3 Ltr. (PDF)

- TWDB Sewer Rehab Phase 3 Bid Tab (PDF)

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

5. Council Action 2013-70

Consider Award of Proposal for Employee Group Life Insurance.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the Mr. Jim Hall, Hall Rader Insurance, received six proposals for the City's group life insurance. Mr. Broz stated that all six proposals were similar, however Mr. Hall recommended Standard Life for a monthly premium of $1519, with this rate guaranteed for two years. The City currently pays $1740 to Mutual of Omaha. Mr. Broz further reported that the City pays 100% of the cost, and the benefit is two times the employee's annual salary, $5000 for the spouse, $2000 for a child, and $5000 for retirees.

A motion was made to accept and award the proposal from Standard Life.

ATTACHMENTS:

- Life Ins Bid Tab 2013 (PDF)
- Life Ins Proposal and Costs (PDF)

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

6. Council Action 2013-71

Consider Setting the Date, Time and Location for a Public Hearing on the Proposed Budget for Fiscal Year 2013-2014.

COMMENTS - Current Meeting:

Motion was made that the public hearing on the proposed Fiscal Year 2013-2014 Budget be held on Tuesday, August 27 at 6:00 p.m. in the Council Chambers.

ATTACHMENTS:

- 2013 BUDGET AND TAX RATE SCHEDULE (DOC)

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

7. Council Action 2013-72

Consider Approval of the Proposed Tax Rate for Fiscal Year 2013-2014.

COMMENTS - Current Meeting:

After brief discussion, Mr. Broz recommended keeping the tax rate the same as the current year at $.5900, per $100 valuation. Motion was made to approve the proposed tax rate of $0.5900.

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

8. Council Action 2013-73

Consider Setting the Date, Time and Location for Public Hearings on the Proposed Tax Rate for Fiscal Year 2013-2014.

COMMENTS - Current Meeting:

Motion was made that the public hearings on the proposed Fiscal Year 2013-2014 Tax Rate be held on Tuesday, August 27 and Tuesday, September 3 at 6:00 p.m., in the Council Chambers.

ATTACHMENTS:

- 2013 BUDGET AND TAX RATE SCHEDULE (DOC)

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

9. Resolution 2013-10

Consider Approval of a Resolution to Determine the Outcome of a Petition for a Local Option Election to Legalize the Sale of All Alcoholic Beverages, Including Mixed Beverages, in the City of Liberty. Considere De Aprobación a La Resolución Para Determiner El Resultado De Una Petición Para Elección De Opción Local Para Legalizer La Venta Legal De Todas Bebidas Alcohólicas Incluyendo Bebidas Mixtas En La Ciudad De Liberty.

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported to Council that she had received, from the Liberty Committee for Economic Growth, an application for a petition to "legalize the sale of all alcoholic beverages, including mixed beverages" in the City of Liberty. The petition was issued on June 4, 2013. Ms. Tidwell stated that all provisions for the application and the petition process had been met in a timely manner as required by State law. Ms. Tidwell further reported that the required number of valid signatures needed to place this issue before the voters was 455, and that number was exceeded by 101, for a total of 723 valid signatures. Brief discussion was held regarding election costs and Council's non-discretionary duty to hold the election.

A motion was made to approve the Resolution that determined the outcome of the petition for a local option election.

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

10. Ordinance 2013-7

Consider Adoption of an Ordinance Ordering a Special Election/Local Option Election to be Held on Tuesday, November 5, 2013 for the Purpose of Submitting to the Voters a Proposition to Vote "FOR" or "AGAINST" the Legal Sale of All Alcoholic Beverages, Including Mixed Beverages, in the City of Liberty; and Authorizing a Joint Election Agreement and Election Services Contract by and Between the City of Liberty and the Liberty County Clerk. Considere Una Posibilidad De Aprobación a La Ordenanza Que Manda a Una Elección Especial/Elección De Opcion Local Que Tendra Lugar El Martes, El Dia 5 De Noviembre, 2013; Para El Proposito De Someter a Los Votantes La Proposición Para Votar ”A FAVOR” O “EN CONTRA” La Venta Legal De Todas Bebidas Alcohólicas Incluyendo Bebidas Mixtas En La Ciudad De Liberty; Que Autoriza Un Acuerdo De Elecciónes Conjuntas Y Un Contrato De Los Servicios De Elección Por Y Entre La Ciudad De Liberty Y La Secretario Del Condado De Liberty.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 5, 2013 FOR THE PURPOSE OF SUBMITTING TO THE VOTERS A PROPOSITION RELATING TO LEGALIZING THE SALE OF ALL ALCOHOLIC BEVERAGES, INCLUDING MIXED BEVERAGES IN THE CITY OF LIBERTY; AUTHORIZING A JOINT ELECTION AGREEMENT AND ELECTION SERVICES CONTRACT BY AND BETWEEN THE CITY OF LIBERTY AND THE LIBERTY COUNTY CLERK'S OFFICE; PROVIDING FOR NOTICES; PROVIDING A SEVERABILITY CLAUSE; 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".

Motion was made to adopt the Ordinance ordering the Special Election, to also include approval of the Resolution authorizing a Joint Election Contract with Liberty County Clerk.

ATTACHMENTS:

- Joint Elec Agrement & Elec Svs Contract Nov 2013 (DOCX)

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

11. Ordinance 2013-8

Consider Adoption of an Ordinance Amending the Code of Ordinances, Chapter 4, Article 4.07 Regarding Oil and Gas Wells, and Establishing Related Fees.

COMMENTS - Current Meeting:

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

"AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 4, ARTICLE 4.07, REGARDING OIL AND GAS WELL DRILLING PERMITS; 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".

Discussion was held regarding the revisions to the ordinance including drilling in the wetlands/flood plain, changing permitting person to City Manager's designee, a change in signage, and a sentence added that states the appeal fee is due at the time the appeal is filed.

Further discussion centered on foul odors, Railroad Commission permits, disposal of drilling fluids and a possible separate ordinance, and other related issues.

Related fees discussed were as follows:

Electronic Conversion Fee - Cost plus Employee Time

Road Damage Fee - Replacement Cost

Permit Fee - $2000

Application Fee - $100

Inspection Fee - $100 per well per year

Annual Administrative Fee - $25

Non-refundable Amended Permit Fee - $2000

Appeal Fee - $250

Administrative Fee - $200

Technical Advisor Fee - Cost

Motion was made to adopt the Ordinance with the revisions as discussed, to include the fee schedule.

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

12. Council Action 2013-74

Discussion of Revisions to Chapter 3 of the Code of Ordinances Regarding Manufactured/Mobile Homes, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

City Attorney Randy Gunter explained that, as a result of a citizen concern that City legislation exceeded the State's requirements, the Council adopted revisions to the Manufactured Home Ordinance to address these issues. However, the State is silent on regulating the age of manufactured homes and Mr. Gunter requested guidance on the topic of the one-time replacement and related age of the home. Previously, homes within the restricted area could be no older than three years, but was recently changed to ten years. Brief discussion was held with the Council's consensus being that the City should keep uniformity within and without the restricted zone, leaving the age no older than ten years.

RESULT:	**NO ACTION TAKEN**

B. Executive Session

Government Code §551.071
Consultation with Attorney-Closed Session. Contemplated Litigation - Equipment Warranty Issues.

At 7:17 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 7:47 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2013-75

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

RESULT:	**NO ACTION TAKEN**

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 7:47 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary