



The City of Liberty
City Council
Regular Meeting
~ Agenda ~

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

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, September 10, 2013

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
Carl Pickett	☐	☐	☐	
Diane Huddleston	☐	☐	☐	
Dennis Beasley	☐	☐	☐	
Frank Jordan	☐	☐	☐	
Louie Potetz	☐	☐	☐	
Libby Simonson	☐	☐	☐	
David Arnold	☐	☐	☐	

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

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.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2808)

Project Updates - City Mgr. Gary Broz

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.

A. Minutes Approval

1. Tuesday, August 13, 2013
2. Tuesday, August 27, 2013
3. Tuesday, September 03, 2013

B. Council Action (ID # 2802)

Consider Approval of the Liberty Municipal Library's Long Range and Technology Plans.

- Long Range Plan 2013 to 2018 (DOCX)
- Liberty Municipal Library Technology Plan 2013 (DOCX)

VII. REGULAR AGENDA**A. Regular Session****1. Council Action (ID # 2807)**

Project Update and Review of Fundraising Efforts by Eagle Scout Drew Dugger, and Take Any Action Deemed Necessary.

- Dugger Request to be on Agenda (PDF)

2. Council Action (ID # 2803)

Consider Appointments to the Liberty Municipal Library Board.

3. Council Action (ID # 2809)

Consider a Nomination for the Vacant Position on the Liberty County Central Appraisal District Board of Directors, Left by the Resignation of Mr. Frank Barnett.

- CAD Nomination Sept 2013 (PDF)

4. Resolution 2013-12

Consider a Resolution Appointing a Representative to the Sam Rayburn Municipal Power Agency Board of Directors.

5. Ordinance 2013-9

Consider an Ordinance Adopting the Budget for Fiscal Year 2013-2014.

6. Council Action (ID # 2812)

Consider Ratification of the Property Tax Revenue Increase Reflected in the Fiscal Year 2013-2014 Budget.

7. Ordinance 2013-10

Consider an Ordinance Adopting the Tax Rate for Fiscal Year 2013-2014.

8. Ordinance 2013-11

Consider Adoption of an Ordinance Regarding Tax Roll Approval and the Tax Levy.

9. Council Action (ID # 2815)

Discussion of the Feral Hog Problem in the City of Liberty, and Take Any Action Deemed Necessary.

- Feral Hog Problem (PDF)

10. Council Action 2013-82

Discussion of the Amendment to the Real Estate Contract with Boomerang Tube Regarding Port of Liberty Property, and Take Any Action Deemed Necessary.

11. Council Action (ID # 2817)

Consider an Interlocal Agreement Between the City of Liberty and the Texas A&M Forest Service, and Take Any Action Deemed Necessary.

- Texas A&M Forest Service (PDF)

12. Council Action (ID # 2818)

Consider Approval of an Amendment Extending the Term of the Waste Management Agreement Until September 30, 2016, and Take Any Action Deemed Necessary.

- WM Amendment 2013 (PDF)

13. Council Action (ID # 2819)

Consider Approval of Waste Management's Option to Increase Garbage Rates for Commercial and Industrial Accounts by 2.56% Representing the Consumer Price Index, and Approval of a Monthly Increase of \$1.30 for Residential Accounts, and Take Any Action Deemed Necessary.

- WM CPI Increase 2013 (PDF)

14. Ordinance 2013-12

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

- Drilling ORD Amend FINAL Sept 2013 (DOCX)

VIII. ADJOURNMENT

A. Motion To: Adjourn

CERTIFICATION

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 6th day of September, 2013 at 5:00 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 _____, 2013.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.A

Meeting: 09/10/13 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2808)

DOC ID: 2808



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

Minutes Acceptance: Minutes of Aug 13, 2013 7:00 PM (Minutes Approval)

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 \$.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 Elecciones 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 Agreement & 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.

Minutes Acceptance: Minutes of Aug 13, 2013 7:00 PM (Minutes Approval)

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.

.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Aug 13, 2013 7:00 PM (Minutes Approval)



The City of Liberty City Council

Special Called Meeting

~ Minutes ~

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

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, August 27, 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	
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Randy Gunter	City Counsel	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.

Police Chief Billy Tidwell reported on National Night Out, a Police Dept. Sponsored event, that will take place at the Liberty Municipal Park on October 1, 2013 from 6-8 p.m.

Mayor Pickett stated the next two meetings of the City Council would be held on September 3rd and September 10th, 2013.

III. PRESENTATIONS / REPORTS

A. Information Item (ID # 2788)

Financial Report - Finance Director N. Herrington

COMMENTS - Current Meeting:

Finance Director Naomi Herrington stated that property tax collections are in excess of budgeted amounts and that the General Fund is doing well. Ms. Herrington reported on each of the various funds, including revenues and expenditures, and the cash balance of each fund.

B. Information Item (ID # 2789)

Minutes Acceptance: Minutes of Aug 27, 2013 7:00 PM (Minutes Approval)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that a "Shred-It" event will take place at the end of September or October. Final details will be reported at a later date.

C. Information Item (ID # 2790)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett stated that there was no SRMPA update at this time, as the most recent scheduled meeting had been cancelled.

D. Information Item (ID # 2791)

Houston-Galveston Area Council - Councilperson Jordan

COMMENTS - Current Meeting:

Councilperson Jordan reported on the Liveable Houston Initiative-Houston Tomorrow which details the framework for growth in the City of Houston and the H-GAC Area. This report provides guidelines on how the area should develop, which will also affect the direction of Houston Galveston Area Council grants.

Councilperson Jordan also reported on the Regional Texas Emissions Reduction Plan which includes \$3 million in grants to reduce nitrogen oxide emissions by heavy duty diesel engines that power equipment owned or operated by local government entities.

IV. REGULAR AGENDA**A. Regular Session****1. Council Action 2013-76**

Consider a Request for Funds from the Executive Director of CASA (Court Appointed Special Advocates).

COMMENTS - Current Meeting:

Ms. Kathy Dagle, Case Manager for CASA (Court Appointed Special Advocates) addressed Council regarding a request for funds. Ms. Dagle detailed the non-profit program and its services, whose main goal is to provide assistance and support for abused and neglected children in Childrens Protective Services custody. Ms. Dagle commented that CASA does receive limited Federal and State funds. Program services include counseling to children and families, advocates for court appearances, permanent or long-term placement for children in foster care, and other necessary benefits for the care of these children.

Council consensus was to research funding options by other local entities, prior to making a decision.

ATTACHMENTS:

- CASA Req for Funds (PDF)

RESULT: NO ACTION TAKEN

2. Council Action 2013-81

Consider Water Infrastructure Improvements as Proposed by Freese and Nichols, Inc., and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on a handout regarding various options for water/wastewater infrastructure improvements. Discussed were seven options with related costs. Mr. Broz stated he would like to choose a plan that includes at least a new water well, while also pursuing a plan with affordable costs. Mr. Broz explained that this topic is due to a grant available from the U.S. Department of Commerce Economic Development Administration, in the amount of \$1 million. Applications may be submitted in mid-September or December, 2013. Items of discussion included a new water well, pumps, storage tank, water tower, water lines, reusable water, and other associated issues. Also discussed was a debt service plan for the remuneration of \$4, \$5, or \$6 million for 20 years, plus an increase in water rates.

After lengthy dialogue, the consensus of Council was to pursue a plan of action for a new water well, pumps, distribution, and locate property for a new well.

RESULT: NO ACTION TAKEN

3. Resolution (ID # 2794)

Consider Approval of a Resolution Authorizing Application for a Public Works and Economic Adjustment Assistance Program Economic Adjustment Grant.

COMMENTS - Current Meeting:

Mr. Broz recommended that no action be taken, as this item will come before Council at a later date for application submission in December, 2013.

RESULT: NO ACTION TAKEN

4. Council Action 2013-77

Consider Award of Bid for Employee Group Dental and Medical Insurance.

COMMENTS - Current Meeting:

Mr. Broz reported that the Texas Municipal League had solicited bids for medical stop loss insurance on behalf of the City and that Mr. Joe Sanchez, TML representative was present to address Council and answer questions regarding this information. Discussed was the City's current plan and comparisons with other quotes received. The proposed cost to move to the TML Intergovernmental Employee Benefits Pool is \$1,256,908.32. Reviewed was the stop loss, prescription costs, employee costs, benefits, and other related topics.

A motion was made to award the bid for group medical insurance to TML-IEBP for an annual premium of \$1,256,908.32, to include dental and vision coverage.

Minutes Acceptance: Minutes of Aug 27, 2013 7:00 PM (Minutes Approval)

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

5. Council Action 2013-78

Consider Action to Evaluate and Select Bids And/Or Proposals to Build New Police Department Building and Such Related Site Work Including Action to Award Bids as Necessary, and to Adopt a Resolution Memorializing Such Selection and Award.

COMMENTS - Current Meeting:

Mr. Broz reviewed with Council the competitive sealed proposal process and the project budget of \$2.5 million for the new Police Department facility. Fourteen proposals were received ranging from \$2.4 - \$3.6 million. Mr. Broz reported that the low bid was N&T Construction, Beaumont, Texas, in the amount of \$2,400,000. Reviewed was the base bid and alternates, for a total bid of \$2,616,000. Discussion was held regarding the Value Engineering Detail and cost reductions to keep the project under budget. Victor Quejada, PGAL, was also present to answer questions regarding this project.

Lengthy discussion was held regarding plumbing changes, assorted building changes, lockers, generator purchase, landscaping, fencing, and related expenditure amounts. Also discussed was additional ways in which to fund necessary items.

City Attorney Randy Gunter explained issues with the environmental review related to grant funds from the General Land Office (GLO). To remedy this, Mr. Gunter recommended a Resolution selecting the contractor and conditioning the award on the use of grant funds from the GLO.

The caption of the Resolution reads as follows:

"A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, SELECTING A GENERAL CONTRACTOR TO CONSTRUCT A NEW POLICE STATION, TO SELECT BIDDING ALTERNATE; MEMORIALIZING VALUE ENGINEERING PLANS; AND CONDITIONING AWARD ON THE CITY'S AUTHORITY TO USE GRANT FUNDS (AUGF) FROM THE TEXAS GENERAL LAND OFFICE."

Motion was made to approve the Resolution awarding the bid to N&T Construction, contingent on grant funds from the General Land Office.

RESULT:	APPROVED [6 TO 1]
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Diane Huddleston, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Simonson, Arnold
NAYS:	Louie Potetz

6. Public Hearing (ID # 2798)

Public Hearing on the Proposed Budget for Fiscal Year 2013-2014.

COMMENTS - Current Meeting:

At 8:00 p.m., Mayor Pickett opened the Public Hearing on the proposed budget for Fiscal Year 2013-2014. Brief discussion was held regarding cost reductions for the new Police Department facility. Mr. Broz stated that funds for salary increases and moving the City's insurance coverage to the TML Pool are included in the new budget. Council consensus was to also increase the salaries of the City Manager, City Engineer/PWD, and Municipal Court Judge, by 3 percent.

At 8:10 p.m., Mayor Pickett closed the Public Hearing.

7. Council Action 2013-79

Consider Postponement of Final Vote on the Fiscal Year 2013-2014 Budget Until September 10, 2013.

COMMENTS - Current Meeting:

A motion was made to postpone the final vote on the proposed tax rate for Fiscal Year 2013-2014 until Tuesday, September 10, 2013.

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

8. Public Hearing (ID # 2800)

Public Hearing on the Proposed Tax Rate for Fiscal Year 2013-2014.

COMMENTS - Current Meeting:

At 8:11 p.m., Mayor Pickett opened the Public Hearing on the proposed tax rate for Fiscal Year 2013-2014. The Mayor reported that the proposed tax rate is the same rate as the current year, at \$.5900 per \$100 valuation. There were no other comments.

At 8:12 p.m., Mayor Pickett closed the Public Hearing.

9. Council Action 2013-80

Consider Approval of an Agreement for Fire Protection Services Between Liberty County and the City of Liberty Fire Department.

COMMENTS - Current Meeting:

Mr. Broz stated that this annual contract is for the term October 1, 2013 - September 30, 2014. Discussed were current rates charged, possible 10% increase in rates for the next year, and collection of funds not received for services previously provided. Council directed Mr. Broz to send a letter to Liberty County Judge Craig McNair requesting rates be increased for 2015. Also discussed was drafting a resolution requesting payment of funds for services previously provided to Liberty County.

Motion was made to approve the agreement for Fire Protection Services with Liberty County.

Minutes Acceptance: Minutes of Aug 27, 2013 7:00 PM (Minutes Approval)

ATTACHMENTS:

- Fire Protection Svs 2013-14 (PDF)

RESULT:	APPROVED [6 TO 1]
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Diane Huddleston, Councilperson
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Arnold
NAYS:	Frank Jordan

V. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:25 p.m.

.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Aug 27, 2013 7:00 PM (Minutes Approval)



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, September 3, 2013

6:00 PM

City Council Chambers

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Absent	
Diane Huddleston	Councilperson	Present	
Dennis Beasley	Councilperson	Present	
Frank Jordan	Councilperson	Present	
Louie Potetz	Councilperson	Present	6:04 PM
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	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 Pro Tem Huddleston welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council. There were no comments.

III. PUBLIC HEARINGS

1. Public Hearing (ID # 2804)

Proposed Tax Rate for Fiscal Year 2013-2014.

COMMENTS - Current Meeting:

At 6:02 p.m., Mayor Pro Tem Huddleston opened the Public Hearing on the proposed tax rate for FY 2013-2014. Brief discussion was held, with Mr. Broz recommending the tax rate remain the same as the current year, at \$0.5900 per \$100 valuation. There being no other discussion, Mayor Pro Tem Huddleston closed the Public Hearing at 6:04 p.m.

IV. REGULAR AGENDA

A. Regular Session

1. Work Session (ID # 2805)

Discussion of the Proposed Budget for Fiscal Year 2013-2014.

Minutes Acceptance: Minutes of Sep 3, 2013 7:00 PM (Minutes Approval)

COMMENTS - Current Meeting:

City Manager Gary Broz discussed with Council the recent request for funds from CASA (Court Appointed Special Advocates). Council Consensus was that no funds would be added to the budget for this request. Mr. Broz reported that there have been no changes made to the proposed budget from the most recent budget discussion of August 27th.

2. Resolution 2013-11

Consider a Resolution to Request Compensation for Services Rendered by the City of Liberty to Liberty County.

COMMENTS - Current Meeting:

Mayor Pro Tem Huddleston read the caption of the Resolution into the record as follows:

"A RESOLUTION BY THE CITY COUNCIL OF LIBERTY, TEXAS SEEKING PAYMENT FROM LIBERTY COUNTY FOR SERVICES RENDERED BY THE CITY OF LIBERTY FIRE DEPARTMENT TO LIBERTY COUNTY".

A motion was made to approve the Resolution.

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

V. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pro Tem Huddleston adjourned the meeting at 6:07 p.m.

.

Carl Pickett, Mayor

ATTEST:

Minutes Acceptance: Minutes of Sep 3, 2013 7:00 PM (Minutes Approval)

Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Sep 3, 2013 7:00 PM (Minutes Approval)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

6.B

Meeting: 09/10/13 06:00 PM

Department: Library
Category: Library Misc.

COUNCIL ACTION (ID # 2802)

DOC ID: 2802

EXPLANATION:

The Liberty Municipal Library is required by the Texas State Library and Archives Commission to develop long range and technology plans that are approved by the library's governing body. The long range plan must be updated every seven years, the technology plan every five years. The submitted plans were approved by the Library Board at its July 25, 2013 meeting.

SUMMARY: The library director recommends the approval of the long range and technology plans to satisfy the requirements of the TSLAC.

Liberty Municipal Library Long Range Plan 2013-2018

Our Vision

The Liberty Municipal Library is a vital part of the community it serves, providing access to reliable and current information, a wide range of materials and programs for personal enjoyment, a comfortable, inviting meeting place for organizations and individuals, and a source of up-to-date technology for patrons and staff.

Our Mission

The mission of the Liberty Municipal Library is to promote and encourage lifelong learning and the joy of reading in a welcoming environment, giving the entire, diverse community the opportunity for personal enrichment by providing a broad range of library materials in a variety of formats that will entertain, inform, and educate. The library provides the technology needed for patrons and staff to access information electronically.

Roles of the Library

The primary role of the Liberty Municipal Library is to serve area residents of all ages as a popular materials library for reading, listening, and viewing pleasure. The secondary role is to provide materials and technology resources for independent learning to help residents obtain information to meet their personal, educational, reference, and professional needs, and to promote reading readiness for preschool children with a variety of materials, services and formats.

Our Goals

1. Provide the community with materials necessary to entertain, inform and educate.
2. Provide a trained and motivated staff with excellent customer service skills.
3. Identify the needs of the Liberty service area and provide programs of service to support the educational, civic, and cultural activities of individuals, groups and organizations.
4. Provide up-to-date technology for patrons and staff.
5. Maintain the Cultural Center so that it is a safe, inviting facility that the community takes pride in and feels welcome to enter and explore.
6. Collaborate with local educational institutions to provide resources and services for students.
7. Promote the library with cooperation of the local news media and improve public relations efforts.

Objectives

Goal 1: Provide the community with up-to-date materials in various formats to entertain, inform and educate.

Objectives:

- Purchase best sellers and popular works to meet demand
- Continuously update and weed the collection, especially medical and legal information
- Study circulation patterns and turnover rate to determine areas in most demand
- Provide assistance to patrons in accessing information found online and in TSLAC databases
- Provide up-to-date information for school children for school reports

- Increase collection of very easy books such as board books for babies by 10% by FY 2014/15
- Provide materials in multiple formats including audio books, DVDs, large print books, periodicals, and electronic books
- Support home school students with materials within the limits of our budget

Goal 2: Provide a trained and motivated staff with excellent customer service skills

Objectives:

- Hire staff with good people skills and the desire to serve the public
- Develop staff to support the library's mission and values
- Provide staff with customer service skills training to effectively deal with patron complaints and concerns
- Hire staff with computer skills and provide in-house training for computer technology
- Strive to provide at least one Spanish speaking staff member and encourage staff to learn some Spanish
- Staff will participate in webinars related to their job descriptions
- Cross-train staff to back up other positions
- Conduct policy orientation program for new staff, volunteers, and refreshers for existing staff
- Conduct weekly staff meetings to encourage good communication
- Seek motivated volunteers from the community

Goal 3: Identify the needs of the Liberty service area and provide programs of service to meet such needs; support the educational, civic and cultural activities of groups and organizations

Objectives:

- Continue to provide programs for children including Story Time, Babies and Books, and the Summer Reading Program
- Increase opportunities for young adults to participate in library activities
- Plan a survey to determine our strengths and weakness in what we provide
- Assemble a focus group to listen to needs of the community and suggest ways to meet those needs; determine what we are doing right and how we can improve and enhance those services
- Provide programs for adults on various interesting topics
- Form a Young Adult Advisory Board to help develop a young adult program based on the interests and needs of that age group
- Advertise availability and provide information about our upstairs meeting room to local organizations to increase usage
- Re-establish English as a Second Language program and literacy program

Goal 4: Provide up-to-date technology for patrons and staff

Objectives:

- Provide staff with the technology needed to effectively and efficiently run the library
- Provide the public with sufficient up-to-date computers to meet demand
- Begin three to five year replacement plan for staff and public access computers
- Update and upgrade access to internet as new technology becomes available
- Continue to provide wireless access for public and upgrade equipment as needed

- Acquire time management software to assist staff with signing in computer patrons and monitoring usage
- Acquire time management software for managing and tracking wireless usage
- Investigate and purchase new, more robust library automation system designed specifically for public libraries
- Continue to lease multifunction machine to provide printing, copying, scanning and fax service to patrons and upgrade as needed
- Continue to lease coin operated vending machine for printing, copying, scanning, and fax service and upgrade when necessary
- Upgrade to Voice Over IP telephone service
- Participate in City of Liberty's future server backup system
- Keep up with emerging technology and purchase if appropriate and applicable to the library setting

Goal 5: Maintain the Geraldine D. Humphreys Cultural Center so that it is a safe, comfortable, inviting facility that the community takes pride in.

Objectives:

- Continue to employ a custodian with building maintenance and custodial background and a desire to keep the building clean and safe
- Provide equipment and products necessary for proper cleaning and upkeep
- Staff will watch for dangerous activities such as fighting or bringing weapons of any kind onto the property and will immediately notify the police if necessary
- Staff will help keep the facility neat and orderly and will pay particular attention to potential safety hazards
- Continue with maintenance service agreement for HVAC system
- Continue contract for lawn care with a reputable and productive vendor
- Purchase parts needed for repair of outside concrete picnic tables and benches
- Purchase new benches for the entrance to the Cultural Center in FY 2013/14
- Purchase new benches for shady areas of the Cultural Center lawn in FY 2013/14
- Install additional lighting for dark areas inside the library in FY 2013/14
- Install new, attractive outdoor signage in FY 2013/14

Goal 6: Collaborate with local educational institutions to provide resources and services for students

Objectives:

- Continue to partner with Liberty ISD to provide space for after school tutoring/mentoring programs
- Continue to partner with Lee College to provide office space in the Cultural Center
- Continue to partner with the Lee College Educational Opportunity Center to provide information on the college enrollment process to local citizens.
- Continue to communicate with local schools and survey them to discover ways we can better meet the needs of students
- Coordinate with educational institutions to provide assistance with programs such as GED and English as a second language
- Continue to provide tours and special programs for school students and Met Head Start Programs

Goal 7: Promote the library with increased publicity and public relations efforts to better educate the public on what we do and what we offer

Objectives:

- Increase promotion of library programs and services with more frequent news releases to the local media
- Continue to participate in KSHN's Party Line Program to promote the library
- Seek new outlets to distribute library informational brochures and newsletters
- Participate in community events to promote the library
- Continue to update and improve the library's website
- Continue Story Time and Babies and Books newsletters
- Create a library Facebook and Twitter presence
- Improve signage throughout the library
- Provide welcome packets for new babies with a library card, information on our children's programs, information on how to develop a reader from an early age, and a small gift
- Develop a new resident welcome packet with community information needed by new residents and information about the library

Comprehensive Collection Development, Material Selection and Maintenance Policy and Procedures

The librarian, in conjunction with the staff, will develop the collection to provide the best possible response to its mission statement. The primary role of the library is to serve as a popular materials library. The secondary role is to provide materials for independent learning and to promote reading readiness for preschool children. Collections for children, teens, young adults, and adults are developed and maintained.

In the adult collection works of fiction and non-fiction are purchased according to public demand while adhering to the selection criteria noted below. Library patrons provide the greatest input on purchase and retention in this collection. A wide variety of genres are available including general fiction, science fiction, westerns, mysteries, romance, inspirational and thrillers. The reference section is maintained to provide up-to-date information for the general reader as well as high school and college students. The library does not purchase some reference books that can be accessed online through the Texas State Library and Archives Commission's TexShare Databases.

The library will work in cooperation with area school and college libraries to provide the best research materials for students, but cannot perform the functions of school or other institutional libraries which are designed for curricular needs.

The library promotes reading readiness through its children's programs and offers books designed for the youngest patrons. VE prefix, Very Easy, is used for board books and extremely simple nonfiction and fiction concept books. The E prefix is for Easy, and includes picture books, wordless books, phonics and basic readers for early readers through second grade. The emphasis is on strong illustrative matter and in the case of the nonfiction, clear concept definition. For older children, early readers, picture books, beginning chapter books, and accelerated readers are purchased, as well as award winning books including Texas Bluebonnet selections, Caldecott Award and Newbery Award winners.

The juvenile collection, with the J prefix, focuses on third through sixth grade children. Like the adult fiction collection, reader demand for current authors and timely subject matter are prime considerations in purchasing. Read-alongs, especially award winning books, are purchased.

The young adult collection includes books of interest to teens in both fiction and non-fiction. The YA collection is designed for young people ages thirteen through nineteen. The YA collection is located in the new wing of the expanded library.

Other languages

Spanish language materials are acquired, but in a limited way due to financial considerations and the size of the library population using these materials. The same guidelines used for selecting English language materials will be used as much as possible for Spanish language selections. Bilingual books are purchased for children.

Formats

Materials are added to the collections in a variety of formats in response to the interests of the public. The library collection includes graphic novels, audiovisuals, electronic materials, large print books, and periodicals.

Graphic novels

Graphic novels are a format and can be classified in the adult, young adult, or children's collections depending on content appropriateness. The term graphic novel is generally used to describe any book in a comic format that resembles a novel in length and narrative development.

Audio books (books on tape and CD)

There is great demand for adult audio books and abridged titles seem to meet the needs of our patrons. Works by bestselling and popular authors are purchased. We have a small collection of nonfiction titles. The prime emphasis on audio books will remain with the adult fiction collection.

Younger children's audio books are available on cassette or CD format with most including a read-along book. Older children's CD read-alongs are acquired to develop a quality literary collection including Newbery and other award winners. Accelerated readers on CD with an accompanying paperback book are also purchased. Books on cassette will be retained as long as there is demand but are no longer purchased.

Videotapes and DVDs

The video and DVD collection contains adult and children's titles. A varied selection of feature films, documentary works, educational materials, and children's entertainment and learning videos are purchased. Closed captioned materials are provided whenever possible. Public performance rights are generally not acquired.

New purchases are in DVD format. The emphasis is on acquisition of high interest and classic movies, and quality entertainment programs for children. Deciding factors in the purchase of DVDs include expected long term use and factors compatible with selection criteria in other areas of the library.

Compact disks

We have a small collection of music on CD format. This collection focuses on works of lasting interest. Purchasing is patron driven; new works are purchased where and when demand is noted.

E-books

The library is a member of the OverDrive Piney Woods Digital Library Consortium (PWDL) and through this affiliation provides access to electronic books (e-books), videos, and audiobooks. Patrons in good standing have free access to electronic media through this consortium. Patrons' library card numbers must be activated by the library staff to gain access to the PWDL. Patrons may connect to the PWDL via the internet to download materials to their electronic devices or computer.

Periodicals

Periodicals of interest to the general reader are purchased. The library's collection concentrates on the magazines that are indexed in *The Reader's Guide to Periodical Literature* but are not limited by that selection tool. Generally, titles are kept for the current year and four previous years. Most local newspapers are made available. The county newspapers are sent to the Sam Houston Regional Library and Research Center after six months.

Microfilm

The library's collection of *The Liberty Vindicator* and U.S. Census materials on microfilm is small, but significant.

Selection aids

Standard library aids are employed in the choice of materials for the collection. These library aids include professional publications such as *Booklist*, popular publications such as reviews in the *Houston Chronicle*, materials from publishers, and reference tools such as *Public Library Catalog*. The library welcomes patron recommendations and will seriously consider each request. Every library on a limited budget must use a policy of selectivity in acquisitions. The most diverse collection possible is provided.

The following are guidelines for collection development:

- A. Appropriateness to the collection
- B. Timeliness
- C. Quality
- D. Professional judgment
- E. Patron demand
- F. Expense
- G. Format
- H. Availability

Withdrawal and weeding of materials

To remain fresh, up-to-date and useful the library staff continuously evaluates the collection and removes materials that no longer meet the needs of patrons. Materials may be removed for the following reasons: the information is inaccurate or out-of-date; there is a newer revised edition available; poor physical condition; lack of use; and multiple copies are no longer needed. Worn materials that are still valuable to the collection will be replaced if possible. Guidelines for weeding and evaluating the collection are based on the most current CREW Method (developed by the Texas State Library and Archives Commission) and the professional judgment of the library director and staff.

Those materials that are in special demand and cannot be duplicated, including rare and fragile items, are offered to the Sam Houston Regional Library and Research Center. Controversial materials will not be removed without a full formal review. (Please refer to Challenged Materials section.)

Challenged materials

The library does not attempt to promote beliefs or points of view, but recognizes its responsibility to provide materials representing all points of view on public questions, as much as possible. Materials chosen by these principles will not be prohibited or removed from the shelves because of partisan or doctrinal disapproval by groups of individuals. It is not the library's role to decide which ideas are appropriate for the individual family and its members.

The library is not a judicial body. Laws governing obscenity, subversive materials, and other questionable materials are subject to interpretation by the courts. Consequently, no challenged materials will be removed from the library for complaints of obscenity, pornography, or any other category covered by law until an independent determination is made by a judicial officer in a court of competent jurisdiction. Conversely, no materials will knowingly be selected which have previously been judged to be in non-compliance with the law.

Library users who believe that certain materials are inappropriate for the public library collection may submit a Request for Reconsideration of Library Materials form in person to the library director. Upon receipt of a written request for reconsideration of material, the library director will meet with the patron submitting the request. The library director will provide copies of reviews of the item in question, information on patron usage of the material, and other pertinent details for the discussion.

If the matter cannot be settled to the satisfaction of the complainant and the library director, the complaint will be presented to the Library Board in writing, where it will be given full consideration. If the library position is upheld by the Board and the recommendation is to retain the challenged material, the patron has the right to present his or her concerns to the Liberty City Council through a public presentation.

Please refer to the Request for Reconsideration form found in the appendix of the complete library policies and procedures manual.

Gifts and donations policy

Gifts or donations of materials will be accepted by the Liberty Municipal Library within the following guidelines:

- Materials obtained as gifts become the property of the Liberty Municipal Library. Materials may be added or discarded without consulting the original donor. The library cannot accept materials which are not outright gifts.
- The library staff reserves the right to add only selected items from any donation.
- All items not added to the library collection become the property of the Friends of the Liberty Municipal Library, for disposition as they determine best benefits the library.
- The library will provide an acknowledgement of the donated items but cannot assign a monetary value.

We cannot accept:

- Books in poor condition (yellowing pages, broken bindings, musty smelling, moldy, etc.)
- Textbooks older than 3 years
- Reader's Digest condensed books
- Old encyclopedias

- Books that have been written in or have highlighter marks

Memorial and honorarium donations

The library accepts monetary gifts to purchase memorials and honorariums. Donors may suggest areas of interest for their monetary gift. The librarian will consider the interests of the person being remembered or honored and if possible will select materials accordingly. We cannot accept physical materials unless they are new, (two years or newer copyright date) unused, and meet the same standards as those stated in the Library Collection Development policy. We cannot accept VCR tapes. DVDs must be in the original packaging.

Approved by the Liberty Municipal Library Board on January 26, 2012

Approved by the Liberty City Council on

Approved by the Liberty Municipal Library Board on July 25, 2013

Approved by the Liberty City Council on

Liberty Municipal Library Technology Plan 2013-2016

Library Technology Vision Statement

The Liberty Municipal Library provides reliable, up-to-date technology that will enhance and expand library services to meet the needs of the staff and public. The library offers computers and high speed internet access to connect the community it serves to the vast world of electronic resources, and trained staff to provide assistance and guidance. The library maintains a web presence to keep the community informed of library activities and opportunities. The library strives to deliver first rate service for all.

Goal 1: Provide up-to-date technology for patrons and staff

- Establish and budget for a three- to four-year replacement cycle for staff and public computers
- Software will be provided to ensure the public has the tools they need to search for jobs, take online tests, communicate with others, and to provide entertainment
- Adequate funding must be available to keep the library's equipment up-to-date and reliable
- Budget for replacement printers every five years or as needed
- Upgrade and renegotiate lease agreement for public printer/scanner/copier/fax machine every five years and budget for possible increase in lease cost
- Upgrade routers, switches, internet providers/service, etc. as needed
- The library will be networked to city hall's virtual server (when it's available) for backing up data
- Provide up-to-date computers to act as servers for printing and security software

Goal 2: Purchase new automation software that will meet the needs of a small public library

- Research various library automation systems and determine which will best suit our needs
- Desirable functions will include: thorough reporting capabilities; ability to grow with the library; more reliable output; excellent technical support; capable of being integrated with other library software such as the web site; and hosted offsite
- Purchase new scanners and receipt printers if what we have presently cannot be used with the new system

Goal 3: Provide computer trained staff to assist the public

- Require staff to develop technology skills by participating in webinars and onsite training opportunities
- Hire staff with prior computer training and experience
- Budget for enhanced training

Goal 4: Automate patron computer access, registration and time management to save staff time

- Purchase **Cassie and Spot** software.
- **Cassie** will provide time and print management capabilities and will relieve staff from this time consuming and tedious chore; Cassie will provide reporting capabilities that are now done manually by staff; Cassie will require users to sign an acceptable use agreement that will make adherence to computer use rules enforceable
- **Spot** will manage the library's wireless access and require all users to agree to the library's acceptable use computer policy; Spot will record hits on the wireless and provide statistical reporting capabilities
- Friends of the Library will pay for this software

Goal 5: Promote the library through social media

- Develop a Facebook presence for the library
- Investigate using Twitter
- Keep websites updated and interesting
- Participate in webinars to learn new programs and tools for enhancing and getting information out to the public

Goal 6: Provide access to digital resources

- Continue participation in the OverDrive Piney Woods Digital Library Consortium to provide patrons with access to electronic books on their portable devices
- Investigate purchasing wireless e-book readers to check out to patrons for short term use

Goal 7: Provide additional computers and equipment for patrons

- Purchase all-in-ones or laptop computers to install on the bar side of the adult computer island. The laptops will be secured with lockdown software. Cat 6 data cabling and electrical outlets are already in place
- An additional switch and patch panel may have to be installed to accommodate these additions
- The library will provide up-to-date equipment such as data projectors for public checkout

Goal 8: Provide wheelchair access to registration/release computers

- Purchase either adjustable keyboard trays or lift assisted wall mounts for registration, print release and catalog search computers so that patrons in wheelchairs have easy access
- Consider purchasing a touch screen computer that will eliminate the need for keyboard and mouse

Goal 9: Upgrade telephone system

- Participate with the City of Liberty to install a Voice Over IP telephone system

Technology Replacement Timeline:**FY 2013/14:****New computers to be purchased:**

1. One print server/print release station for the public
2. One small unit to run and allow monitoring of the library's security software on public machines
3. One replacement and an additional computer to be used by public to search the automated catalog
4. Five new public computers for the teen area with Adobe Acrobat included
5. New professional quality wireless access point

Other:

1. New staff printer if not purchased in FY 2012/13
2. Evaluate internet providers and upgrade service if necessary
3. Computer adjustable lift assist station for handicapped access
4. Require staff to participate in technology training webinars
5. Work with volunteers to provide computer training for public
6. Acquire Cassie and Spot software to automate public computer use, track statistics, manage patron usage and scheduling, and manage wireless access (funding is available)
7. Develop Facebook page for the library
8. Keep the library's websites up-to-date and interesting
9. Investigate music listening system such as an egg chair in the adult computer area and purchase (funding is available)

10. Investigate feasibility of providing electronic media devices for public checkout
11. Investigate feasibility of providing electronic games for public checkout
12. Continue providing public access to electronic media through Piney Woods Digital Library Consortium
13. Connect to city central server for backups, etc. if new server is in place

FY 2014/15:

New computers to be purchased:

1. 10 new public computers for the adult computer area
2. 3 laptops or all-in-one computers for bar area in adult computer island
3. Replace laptop for mobile presentations and as a backup staff computer
4. Replace 5 computers in teen area

Other:

1. Purchase new automation system
2. Purchase new scanners and receipt printers if needed with new automation program
3. Evaluate internet providers and upgrade service if necessary
4. Upgrade telephone system
5. Replace multimedia projector for public use
6. Require staff to participate in technology training webinars
7. Continue providing public access to electronic media through Piney Woods Digital Library Consortium
8. Evaluate internet providers and upgrade service if necessary
9. Evaluate fax machine and replace if necessary
10. Work with volunteers to provide computer training for public
11. Connect to city central server for backups, etc. if new server is in place
12. Keep the library's websites and Facebook site up-to-date and interesting

FY 2015/16:

New computers to be purchased:

1. Replace oldest staff computers
2. 3 laptops or all-in-one computers for bar area in adult computer island
3. Replace 5 very old computers in upstairs training lab and connect wirelessly to internet

Other:

1. Replace oldest staff printer
2. Require staff to participate in technology training webinars
3. Continue providing public access to electronic media through Piney Woods Digital Library Consortium
4. Evaluate internet providers and upgrade service if necessary
5. Evaluate staff area fax machine and replace if necessary if not done in FY 2014/15
6. Keep the library's websites and Facebook site up-to-date and interesting
7. Provide wireless access point to connect upstairs training lab computers to internet

Present technology:

In the 2009/2010 library expansion and renovation the library's data cabling was upgraded to Cat 6. There is no central server. Computers connect to printers via IP address and computer connections to internet service and to printers are through routers and switches. The library has AT&T Uverse internet access for staff and public. The wireless access is from Internet Management Services and is broadcast from a wireless access point.

The library automation program is called Destiny and is a Follett product. The program is hosted offsite by Follett. All maintenance, backups, and updates are handled by Follett. The program has limited reporting capabilities.

In 2013 all staff members have new or one-year-old computers. At the circulation desk there are two new computers for checking out patrons and a third staff computer is also used for checkout. All new computers have Windows 7 operating

systems. There is one Lenovo ThinkCentre at circulation desk and the others are Liberty Systems machines. All staff computers have APC uninterruptable power supplies, some of which are 10 years old or older.

Other staff computers include a Dell Latitude 520 laptop WXP used for mobile presentations; Optiplex GX520 WXP used for printing catalog cards on an Apex dot matrix printer and patron registration cards on a 13 year old HP Laserjet 6P printer.

Public computers

We have 23 computers used by the public. Each has an APC uninterruptable power supply.

Adult area: 8 three-year-old Liberty Systems machines, Windows 7 OS.; 2 four-year-old Dell Optiplex 360, Windows XP.

Teen area: 5 four-year-old Dell Optiplex 360, Windows XP.

Children's area: 8 Lenovo machines with Windows 7, installed in 2013. One LISD computer and printer for students.

Other:

An HP Compaq t5000 thin client W CE is used to run registration software to allow patrons to use the coin op and printer/copier.

A Dell Optiplex GX520 WXP is used as a public catalog search station.

A Liberty Systems Minuet WXP of unknown age is used to run the Centurion security software.

Three circulation desk computers are used to check out patrons and all have Adaptus 3800 laser scanners and Star TSP 100 receipt printers.

Two staff computers in the staff work area have Adaptus 3800 laser scanners.

We have several multimedia projectors: one NEC XGA projector, one Eiki DLP projector and one Sanyo PLICXP18N projector.

Printer: In 2012 we entered into a lease agreement with Star Graphics for a Sharp MX AMX3 combination printer, copier, scanner and fax machine. An ACD Inc. EX 2000 coin vending machine is paired with the multifunction machine. An older computer with Windows Server installed as the OS serves as the print server and print release station. The age and limitations of this machine cause problems for patrons using the coin op and printer.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.1

Meeting: 09/10/13 06:00 PM

Department: Administration
Category: Misc.

COUNCIL ACTION (ID # 2807)

DOC ID: 2807



REQUEST FOR PLACEMENT OF AN ISSUE ON A CITY COUNCIL AGENDA

Regular called meetings of the City Council are held on the second Tuesday of each month at 6:00 p.m.

Special called meetings are normally held on the fourth Tuesday of each month at 6:00 p.m., or on other dates as time allows.

The deadline for an issue to be placed on the next council agenda is the Wednesday prior to the council meeting. This form must be turned in by 5:00 p.m. on this day.

Date of Submission of Request 09/5/13

Date of Council Meeting 09/10/13

Name

Drew Glenn Dugger

Street Address

5005 Lakeside Drive

TX

77575

City

936-336-9441

State

None

Zip Code

Telephone No.

Fax No.

Please list below the issue that you wish to be brought before the Council.

Trinity River Signs for Drew Dugger's Eagle Scout Project Update on current status and changes, also for fundraising for project.

This request will be reviewed by the City Manager and the requestor will be notified regarding the above-mentioned topic being placed on an agenda.

For City Use Only

Date this form given to the City Manager

Date requestor was notified

Comments



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.2

Meeting: 09/10/13 06:00 PM

Department: Library
Category: Board Appointments

COUNCIL ACTION (ID # 2803)

DOC ID: 2803

EXPLANATION:

The Liberty Municipal Library Board is a nine-member advisory board comprised of residents of the City of Liberty, appointed for two-year terms. These members may serve three consecutive two-year terms.

Board members whose terms expire on September 30, 2013 are Margaret Gardzina and Paul Henry, and both have reached their term limits. The Library Board recommends the appointment of Bruce Wright and Dr. Cody Abshier to fill these positions. The current terms of Board Members Tinya Griffin and Beverly Davis are also expiring, and each is eligible to serve another two-year term. Beverly Davis was appointed to fill an unexpired position in September 2012. Both have agreed to serve again, if appointed.

Summary: The Library Director recommends the following appointments:

Bruce Wright, Dr. Cody Abshier, Beverly Davis, and Tinya Griffin.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.3

Meeting: 09/10/13 06:00 PM

Department: Administration
Category: Board Appointments

COUNCIL ACTION (ID # 2809)

DOC ID: 2809

Liberty County Central Appraisal District

P. O. Box 10016 -- 2030 Sam Houston -- Liberty, TX 77575-2916

www.libertycad.com

MEMBERS OF THE BOARD

Ronnie Danner -- Chair.
Bob Pickle -- Vice Chair.
Frank Barnett -- Sec.
Bob Edwards
John Hebert, Jr.
Richard L. Brown -- Ex-Officio



CHIEF ADMINISTRATOR

Alan D. Conner

MAIN OFFICE -- LIBERTY

Phone (936) 336-5722

CLEVELAND BRANCH OFFICE

Phone (281) 593-1605

DAYTON BRANCH OFFICE

Phone (936) 257-8395

July 25, 2013

Attn: Carl Pickett
City of Liberty
1829 Sam Houston
Liberty, TX 77575

Re: Appraisal District Board Vacancy

Dear Sir;

At the District's July 25, 2013 board meeting, Director Frank Barnett resigned effective July 31, 2013. Mr. Barnett is relocating his residence to the Dripping Springs Area. Property Tax Code Section 6.03(b) describes the procedure for filling the vacancy. Please see attached section of the Property Tax Code.

The Board of Directors is requesting nominations to fill the Director's position be submitted by September 20, 2013. The Board will elect by majority vote, at their September 26, 2013 regular scheduled board meeting, someone from the list of nominees to fill the position through December 31, 2013. In addition, within the next few weeks, we will be mailing request for nominations for the Board of Directors election for the 2014 through 2015 calendar years.

If you have any questions, please feel free to contact me at (936) 336-5722.

Sincerely,

Alan Conner RPA, RTA, CTA
Chief Administrator

§ 6.02

PROPERTY TAX CODE

1983; Acts 1991, 72nd Leg., ch. 20, § 14, eff. Aug. 26, 1991; Acts 1991, 72nd Leg., ch. 391, § 13, eff. Aug. 26, 1991; Acts 1993, 73rd Leg., ch. 347, § 4.05, eff. May 31, 1993; Acts 1997, 75th Leg., ch. 165, § 6.72, eff. Sept. 1, 1997; Acts 2007, 80th Leg., ch. 648, §§ 1, 5(2), eff. Jan. 1, 2008.

§ 6.025. Repealed by Acts 2007, 80th Leg., ch. 648, § 5(3), eff. Jan. 1, 2008

→ § 6.03. Board of Directors

(a) The appraisal district is governed by a board of directors. Five directors are appointed by the taxing units that participate in the district as provided by this section. If the county assessor-collector is not appointed to the board, the county assessor-collector serves as a nonvoting director. The county assessor-collector is ineligible to serve if the board enters into a contract under Section 6.05(b) or if the commissioners court of the county enters into a contract under Section 6.24(b). To be eligible to serve on the board of directors, an individual other than a county assessor-collector serving as a nonvoting director must be a resident of the district and must have resided in the district for at least two years immediately preceding the date the individual takes office. An individual who is otherwise eligible to serve on the board is not ineligible because of membership on the governing body of a taxing unit. An employee of a taxing unit that participates in the district is not eligible to serve on the board unless the individual is also a member of the governing body or an elected official of a taxing unit that participates in the district.

(b) Members of the board of directors other than a county assessor-collector serving as a nonvoting director serve two-year terms beginning on January 1 of even-numbered years.

(c) Members of the board of directors other than a county assessor-collector serving as a nonvoting director are appointed by vote of the governing bodies of the incorporated cities and towns, the school districts, and, if entitled to vote, the conservation and reclamation districts that participate in the district and of the county. A governing body may cast all its votes for one candidate or distribute them among candidates for any number of directorships. Conservation and reclamation districts are not entitled to vote unless at least one conservation and reclamation district in the district delivers to the chief appraiser a written request to nominate and vote on the board of directors by June 1 of each odd-numbered year. On receipt of a request, the chief appraiser shall certify a list by June 15 of all eligible conservation and reclamation districts that are imposing taxes and that participate in the district.

(d) The voting entitlement of a taxing unit that is entitled to vote for directors is determined by dividing the total dollar amount of property taxes imposed in the district by the taxing unit for the preceding tax year by the sum of the total dollar amount of property taxes imposed in the district for that year by each taxing unit that is entitled to vote, by multiplying the quotient by 1,000, and by rounding the product to the nearest whole number. That number is multiplied by the number of directorships to be filled. A taxing unit participating in two or more districts is entitled to vote in each district in which it participates, but only the taxes imposed in a district are used to calculate voting entitlement in that district.

(e) The chief appraiser shall calculate the number of votes to which each taxing unit other than a conservation and reclamation district is entitled and shall deliver written notice to each of those units of its voting entitlement before October 1 of each odd-numbered year. The chief appraiser shall deliver the notice:

(1) to the county judge and each commissioner of the county served by the appraisal district;

(2) to the presiding officer of the governing body of each city or town participating in the appraisal district, to the city manager of each city or town having a city manager, and to the city secretary or clerk, if there is one, of each city or town that does not have a city manager; and

(3) to the presiding officer of the governing body of each school district participating in the district and to the superintendent of those school districts.

(f) The chief appraiser shall calculate the number of votes to which each conservation and reclamation district entitled to vote for district directors is entitled and shall deliver written notice to the presiding officer of each conservation and reclamation district of its voting

PROPERTY TAX ADMINISTRATION

§ 6.03

entitlement and right to nominate a person to serve as a director of the district before July 1 of each odd-numbered year.

(g) Each taxing unit other than a conservation and reclamation district that is entitled to vote may nominate by resolution adopted by its governing body one candidate for each position to be filled on the board of directors. The presiding officer of the governing body of the unit shall submit the names of the unit's nominees to the chief appraiser before October 15.

(h) Each conservation and reclamation district entitled to vote may nominate by resolution adopted by its governing body one candidate for the district's board of directors. The presiding officer of the conservation and reclamation district's governing body shall submit the name of the district's nominee to the chief appraiser before July 15 of each odd-numbered year. Before August 1, the chief appraiser shall prepare a nominating ballot, listing all the nominees of conservation and reclamation districts alphabetically by surname, and shall deliver a copy of the nominating ballot to the presiding officer of the board of directors of each district. The board of directors of each district shall determine its vote by resolution and submit it to the chief appraiser before August 15. The nominee on the ballot with the most votes is the nominee of the conservation and reclamation districts in the appraisal district if the nominee received more than 10 percent of the votes entitled to be cast by all of the conservation and reclamation districts in the appraisal district, and shall be named on the ballot with the candidates nominated by the other taxing units. The chief appraiser shall resolve a tie vote by any method of chance.

(i) If no nominee of the conservation and reclamation districts receives more than 10 percent of the votes entitled to be cast under Subsection (h), the chief appraiser, before September 1, shall notify the presiding officer of the board of directors of each conservation and reclamation district of the failure to select a nominee. Each conservation and reclamation district may submit a nominee by September 15 to the chief appraiser as provided by Subsection (h). The chief appraiser shall submit a second nominating ballot by October 1 to the conservation and reclamation districts as provided by Subsection (h). The conservation and reclamation districts shall submit their votes for nomination before October 15 as provided by Subsection (h). The nominee on the second nominating ballot with the most votes is the nominee of the conservation and reclamation districts in the appraisal district and shall be named on the ballot with the candidates nominated by the other taxing units. The chief appraiser shall resolve a tie vote by any method of chance.

(j) Before October 30, the chief appraiser shall prepare a ballot, listing the candidates whose names were timely submitted under Subsections (g) and, if applicable, (h) or (i) alphabetically according to the first letter in each candidate's surname, and shall deliver a copy of the ballot to the presiding officer of the governing body of each taxing unit that is entitled to vote.

(k) The governing body of each taxing unit entitled to vote shall determine its vote by resolution and submit it to the chief appraiser before December 15. The chief appraiser shall count the votes, declare the five candidates who receive the largest cumulative vote totals elected, and submit the results before December 31 to the governing body of each taxing unit in the district and to the candidates. For purposes of determining the number of votes received by the candidates, the candidate receiving the most votes of the conservation and reclamation districts is considered to have received all of the votes cast by conservation and reclamation districts and the other candidates are considered not to have received any votes of the conservation and reclamation districts. The chief appraiser shall resolve a tie vote by any method of chance.

(l) If a vacancy occurs on the board of directors other than a vacancy in the position held by a county assessor-collector serving as a nonvoting director, each taxing unit that is entitled to vote by this section may nominate by resolution adopted by its governing body a candidate to fill the vacancy. The unit shall submit the name of its nominee to the chief appraiser within 45 days after notification from the board of directors of the existence of the vacancy, and the chief appraiser shall prepare and deliver to the board of directors within the next five days a list of the nominees. The board of directors shall elect by majority vote of its members one of the nominees to fill the vacancy.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/10/13 06:00 PM

Department: Administration
Category: SRMPA Appointments

7.A.4

RESOLUTION 2013-12

DOC ID: 2810

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LIBERTY, TEXAS, APPOINTING A REPRESENTATIVE TO
THE SAM RAYBURN MUNICIPAL POWER AGENCY
BOARD OF DIRECTORS**

WHEREAS, on October 31, 1979, the City of Liberty, Texas, enacted the concurrent ordinance, establishing Sam Rayburn Municipal Power Agency with the City of Jasper, Texas and the City of Livingston, Texas; and,

WHEREAS, said concurrent ordinance provides that each of the three (3) cities involved in the Sam Rayburn Municipal Power Agency, each appoint Directors to serve with the Agency for a period of two (2) years.

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

That _____ be appointed to serve as Director for the Agency for the City of Liberty, Texas, for a period of two (2) years, said term ending September, 2015.

PASSED AND APPROVED THIS 10TH DAY OF SEPTEMBER, 2013.

Carl Pickett
Mayor

ATTEST:

Dianne Tidwell
City Secretary

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



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.5

Meeting: 09/10/13 06:00 PM

Department: Administration
Category: Budget Adoption

ORDINANCE 2013-9

DOC ID: 2811 A

**AN ORDINANCE OF THE CITY COUNCIL OF LIBERTY, TEXAS ADOPTING THE
ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND
ENDING SEPTEMBER 30, 2014**

WHEREAS, The City of Liberty, in accordance with the City Charter and the laws of the State of Texas, and acting by and through its City Council has received the proposed budget and financial plan for the fiscal year beginning October 1, 2013 and ending September 30, 2014; and

WHEREAS, The City Council of the City of Liberty, Texas, finds that the proposed budget and financial plan for Fiscal Year 2014 is a balanced budget in keeping with the City Charter; and

WHEREAS, The total expenditures for all funds for Fiscal Year 2014 are \$32,507,822.00

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

That the budget and plan for Fiscal Year 2014 be established at \$32,507,822.00 as a combined total budget for the City of Liberty's operations for said fiscal year.

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 (2) separate days is hereby dispensed with and all Council Members present vote affirmatively for the adoption of this Ordinance.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Liberty, Texas on the 10th day of September, 2013.

Carl Pickett
Mayor

ATTEST:

Dianne Tidwell

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



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.6

Meeting: 09/10/13 06:00 PM

Department: Administration
Category: Tax Issues

COUNCIL ACTION (ID # 2812)

DOC ID: 2812

EXPLANATION:

"Adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget. A vote under this subsection is in addition to and separate from the vote to adopt the budget or a vote to set the tax rate." LGC §102.007



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.7

Meeting: 09/10/13 06:00 PM

Department: Administration
Category: Tax Rate

ORDINANCE 2013-10

DOC ID: 2813 A

AN ORDINANCE OF THE CITY COUNCIL OF LIBERTY, TEXAS ADOPTING A TAX RATE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014

WHEREAS, A tax rate of \$0.3502 for maintenance and operations and a tax rate of \$0.2398 for the debt service fund for a total tax rate of \$0.5900 is necessary and appropriate for the funding of the FY 2013/2014 City of Liberty budget; and

WHEREAS, Said budget has been heretofore regularly adopted by the City Council of the City of Liberty; and

WHEREAS, All other things required by law to be done have been done properly by the appropriate officials.

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

That the 2013/2014 maintenance and operations tax rate in the amount of \$0.3502 per \$100.00 and the debt service tax rate of \$0.2398 per \$100.00 for a total tax rate of \$0.5900 per \$100.00 is set and adopted.

“THE CITY OF LIBERTY TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR’S TAX RATE.”

“THE TAX RATE WILL EFFECTIVELY BE RAISED BY 6.83 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$1.50.

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 (2) separate days is hereby dispensed with and all Council Members present vote affirmatively for the adoption of this Ordinance.

PASSED AND ADOPTED at a regular called meeting of the City Council of the City of Liberty, Texas on the 10th day of September, 2013.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

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



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.8

Meeting: 09/10/13 06:00 PM

Department: Administration
Category: Tax Issues

ORDINANCE 2013-11

DOC ID: 2814 A

TAX ROLL APPROVAL AND TAX LEVY

WHEREAS, A tax rate of \$0.3502 for maintenance and operations and a tax rate of \$0.2398 for the debt service fund for a total tax rate of \$0.5900 were adopted for the tax year 2013-2014 by the City Council of the City of Liberty, Texas; and

WHEREAS, All other things required by law to be done have been done properly by the appropriate officials.

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

That the 2013 appraisal roll with tax amounts entered is hereby approved as the tax roll for 2013 and the taxes for said year are hereby levied in the amounts shown on said tax roll.

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 (2) separate days is hereby dispensed with and all Council Members present vote affirmatively for the adoption of this Ordinance.

PASSED AND ADOPTED at a regular called meeting of the City Council of the City of Liberty, Texas on the 10th day of September, 2013.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

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



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.9

Meeting: 09/10/13 06:00 PM

Department: Administration
Category: Misc.

COUNCIL ACTION (ID # 2815)

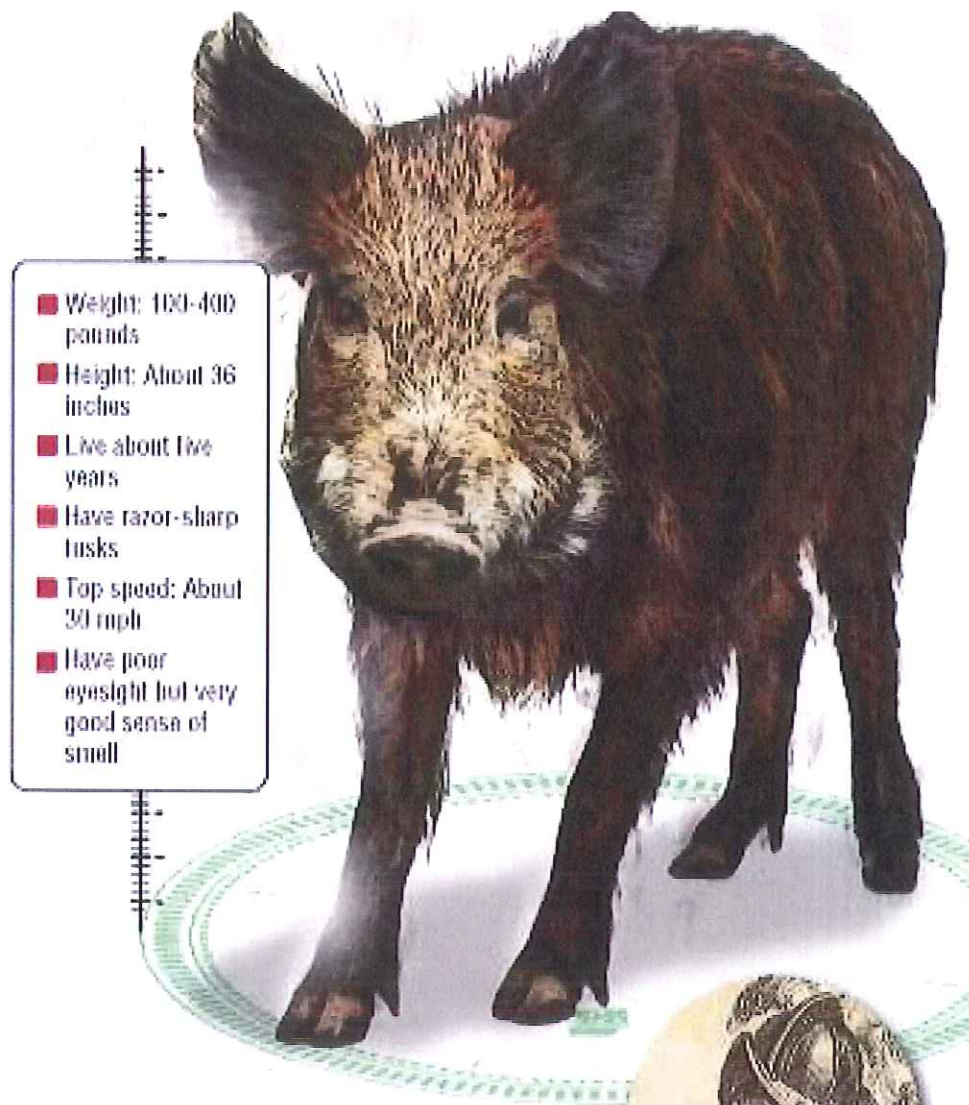
DOC ID: 2815

Gary Broz

From: Libby Simonson <libbysimonson@hotmail.com>
Sent: Tuesday, September 03, 2013 12:16 PM
To: Gary Broz; Dianne Tidwell
Subject: Feral Hogs

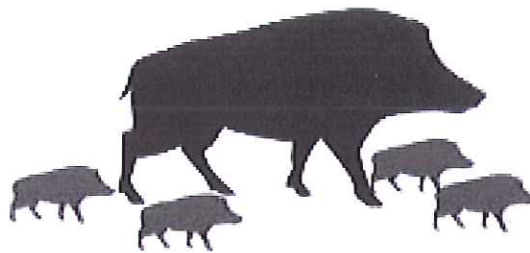
I would like to see the feral hog problem in our city placed on one of our upcoming agendas. We have to do something.

Libby Simonson
713-899-3740
Sent from my iPhone



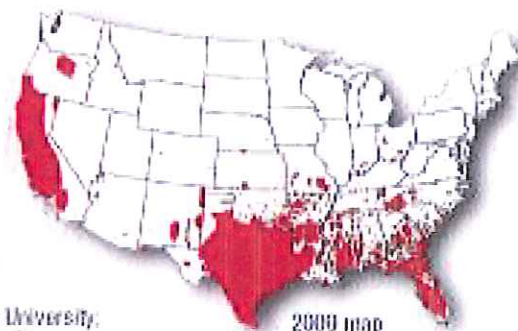
- Weight: 100-400 pounds
- Height: About 36 inches
- Live about five years
- Have razor-sharp tusks
- Top speed: About 30 mph
- Have poor eyesight but very good sense of smell

- First brought to U.S. by Spanish explorers in the 1500s



- Most prolific large mammals on Earth
- Have about 2.5 litters per year
- Average of six pigs per litter
- Begin breeding at 6 months old

- Population reported in about 45 states
- About 2.6 million in Texas as of 2011
- With current growth, Texas population could double in five years



2009 map

Sources: Mississippi State University; Peter McGill, Victoria County extension agent with the Texas A&M AgriLife Extension service; Texas Parks and Wildlife

ROBERT ZAVALA/RZAVALA@VICAD.COM



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.10

Meeting: 09/10/13 06:00 PM

Department: Administration
Category: Contracts

COUNCIL ACTION 2013-82

DOC ID: 2816

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



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.11

Meeting: 09/10/13 06:00 PM

Department: Administration
Category: Agreements

COUNCIL ACTION (ID # 2817)

DOC ID: 2817

INTER-LOCAL AGREEMENT
TEXAS A&M FOREST SERVICE and CITY OF LIBERTY

THE STATE OF TEXAS §

COUNTY OF LIBERTY §

This agreement is between Texas A&M Forest Service, hereinafter called "TA&MFS," and the City of Liberty, hereinafter called "City."

WITNESSETH

WHEREAS, the legislative purpose and intent of the Interlocal Cooperation Act, Section 791.001, Texas Government Code, is to improve the efficiency and effectiveness of local government by authorizing the fullest possible range of inter-governmental contracting authority at the local level, including contracts between counties and other political subdivisions and agencies of the state; and

WHEREAS, the TA&MFS and City are authorized to enter into contracts and agreements for the performance of governmental functions; and

WHEREAS, the City has streets, roads, ditches and recreational areas which require maintenance which at times exceed temporarily the ability of the City to promptly supply; and

WHEREAS, the TA&MFS has the ability to provide technical expertise in regard to tree and vegetation maintenance; and

WHEREAS, the TA&MFS has manpower, equipment and other resources to maintain trees and vegetation; and

WHEREAS, the City has an area available for parking TA&MFS equipment at the Service Center on Main Street; and

WHEREAS, the parties recognize that cooperation between the governmental agencies will provide better service to the public at reduced expense by avoiding costly duplication of manpower, equipment and other resources; and

NOW THEREFORE, the TA&MFS and City in consideration of the mutual covenants and conditions contained herein and in recognition of the benefits to be gained by citizens of the City, promise and agree to the following:

1. The TA&MFS agrees to provide technical expertise in regards to tree and vegetation maintenance and provide, as necessary, manpower, equipment and other resources to assist the City in the maintenance of trees and vegetation.
2. The City agrees to provide an area within the Service Center for the parking of TA&MFS equipment.

Executed on this the _____ day of _____, 2013, on behalf of Liberty Texas A&M Forest Service.

Executed on this the _____ day of _____, 2013, by the City Manager, on behalf of the City of Liberty, Texas, after approval by City Council.

TEXAS A&M FOREST SERVICE

CITY OF LIBERTY

Gary Broz, Liberty City Manager

ATTEST:

Dianne Tidwell, City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.12

Meeting: 09/10/13 06:00 PM

Department: Administration
Category: Agreements

COUNCIL ACTION (ID # 2818)

DOC ID: 2818



August 30, 2013

Gary Broz
City Manager
City of Liberty
1829 Sam Houston Street
Liberty, TX 77575

Ref: Contract Amendment 10-1-2013

Dear Mr. Broz and Council;

Please see the attached amendment that has been prepared per the council vote a few months ago. Once it has been approved please have two copies signed and return both to me, and I will in turn have both copies executed and return one original to the city for your records.

Please feel free to contact me with any questions or comments at 713-423-1762 or twoodson@wm.com. It is a pleasure to work with the City of Liberty and I look forward to the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Terry R. Woodson', written over the printed name.

Terry R Woodson
Public Sector Solutions Manager
Waste Management of Texas, Inc.

FIRST AMENDMENT TO MUNICIPAL SOLID WASTE COLLECTION AND TRANSPORTATION AGREEMENT

This **FIRST AMENDMENT TO MUNICIPAL SOLID WASTE COLLECTION AND TRANSPORTATION AGREEMENT** (this "Amendment") is entered into as of the ____ day of _____, 2013, by and between the **CITY OF LIBERTY, TEXAS** ("City"), and **WASTE MANAGEMENT OF TEXAS, INC.** ("Contractor"), a Texas corporation.

W I T N E S S E T H:

WHEREAS, the City and Contractor have previously entered into a certain Municipal Solid Waste Collection and Transportation Agreement, dated on or about October 1, 2010 (the "Agreement"), whereby Contractor was granted the exclusive right to provide residential waste collection and disposal within the City, as more particularly set forth in the Agreement; and

WHEREAS, the City and Contractor desire to modify the Agreement, as more particularly set forth below.

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The term of the Agreement is hereby extended through September 30, 2016.
2. The language in Section 3 of the Agreement is hereby replaced by the following language: The term of this Agreement has been extended to September 30, 2016. The term shall automatically extend without further action of the parties for additional terms of one (1) year each, unless, not less than sixty (60) days before the termination of the then current term, one party advises the other in writing of its desire to terminate this Agreement at the conclusion of the then current term of the Agreement.
3. The Base Rates in effect as of October 1, 2013 are set forth in the attached Schedule, which is incorporated herein by reference. The Base Rates in the attached Schedule shall remain in effect through June 30, 2014.
4. Nothing contained herein shall be deemed to amend or modify the Agreement, except as expressly set forth herein. In the event of a conflict between the terms of the Agreement and this Amendment, the terms of this Amendment shall control.

{Signatures follow on the next page}

IN WITNESS WHEREOF, this Amendment has been executed as of the date first set forth above.

CITY:

CONTRACTOR:

CITY OF LIBERTY, TEXAS

**WASTE MANAGEMENT OF TEXAS,
INC.**

By: _____

By: _____

Its: _____

Its: _____

City of Liberty

Effective 10-1-2013

Related MAS Account #'s: 791-23701 Res & 791-23625 CHL

RESIDENTIAL RATES

RESIDENTIAL RATES	\$13.48
Rate 2 (Please Describe)	\$0.00
Rate 3 (Please Describe)	\$0.00
Rate 4 (Please Describe)	\$0.00
Rate 5 (Please Describe)	\$0.00

COMMERCIAL RATES

Container Size / Type	FREQUENCY PER WEEK							
	1XWK	2XWK	3XWK	4XWK	5XWK	6XWK	7XWK	EXTRA PU
Commercial Hand-PU (1-5 Bags)	N/A	\$25.32	N/A	N/A	N/A			N/A
Commercial Hand-PU (6-10 Bags)	N/A	\$29.60	N/A	N/A	N/A			N/A
2 Yard FEL Container	\$48.43	\$95.79	\$140.98	\$156.07	\$186.08	\$233.56	N/A	\$48.43
3 Yard FEL Container	\$72.65	\$135.61	\$168.97	\$188.35	\$234.34	\$296.58	N/A	\$53.82
4 Yard FEL Container	\$93.64	\$166.82	\$192.65	\$213.66	\$263.30	\$323.31	N/A	\$59.20
6 Yard FEL Container	\$108.67	\$189.42	\$221.71	\$269.07	\$349.79	\$403.60	N/A	\$64.57
8 Yard FEL Container	\$122.07	\$239.03	\$296.25	\$408.99	\$484.32	\$564.16	N/A	\$69.95
Swap Out Fee	\$26.90							
Locking Dumpster	\$10.77							

ROLL-OFF RATES

Container Size / Type	Delivery Rate	Rental Rate	BY Month or Day Rate	Hauling Charge (Per Pull Total or Haul + Disp)	Haul Rate per Pull	Disposal Rate per ton
20 Yard (Open-Top)	\$139.86	\$4.85	DAY RATE		\$349.49	N/A
30 Yard (Open-Top)	\$139.91	\$4.85	DAY RATE		\$442.28	N/A
40 Yard (Open-Top)	\$139.91	\$4.85	DAY RATE		\$531.46	N/A

TRIP CHARGE RATE: 1/2 haul rate

NOTES / FREE SERVICES

City of Liberty Rates : City Use ONLY		No rental	
20 yard	306.73	Delivery	107.65
30 yard	312.98	Delivery	107.65
40 yard	425.48	Delivery	107.65

Community Investment Program
City Facility's NO CHARGE

Education Program:

\$500.00 Scholarship - each school year-application due each March 15-Award at May Council meeting annually

Community Program:

City sponsored Event-4-40 yards and 35 POL and service at no charge (Oct to Sept) annually
20 boxes and liners and \$1,500.00 sponsorship for the Fireworks Display
1-Event- Sponsored-Liberty Chamber of Commerce - (exp-2- Units POL or 1 30 RO annually)

Beautifcation & Sustainability & Recycling

Recycling-Education Grant 1,000.00 Annually-cash or service
Beautifcation Project 1,000.00 annually- cash or services
Partnership-Grant- 1000.00 cash or services: Set & Reach Sustainability Goals and Projects



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.13

Meeting: 09/10/13 06:00 PM

Department: Administration
Category: Garabage Issues & Fees

COUNCIL ACTION (ID # 2819)

DOC ID: 2819



August 30, 2013

Gary Broz
City Manager
City of Liberty
1829 Sam Houston Street
Liberty, TX 77575

Ref: Contract- Price Adjustment-"2013 Annual Review and Adjustment"

Dear Mr. Broz and Council;

We have now completed another year of our agreement. Waste Management has completed the annual review, and as per our previous request on the residential rates the rate increase is limited to the approved \$1.30 only, however Waste Management will exercise the option for a price adjustment on the commercial and industrial accounts per the terms of the agreement.

Contained within is the rate adjustment data outlined under ARTICLE 9- MODIFICATION TO RATES. This information specifies the scheduled for the First Adjustment Date for Consumer Price Index adjustment and Fuel Adjustment is for beginning of the year October 1, 2013 and effective October 1, 2013.

Presented herein are the Department of Labors US City Average All Urban area consumer price index numbers, along with a review for Department of Energy-Gulf Coast Diesel Hwy fuel cost increases over the last year.

I trust that the 2013 rate calculation provided herein for your review simplifies the adjustments in fees which would be effective October 1, 2013.

Residential – 2013 rate increase from 12.18 to 13.48 per home per month.

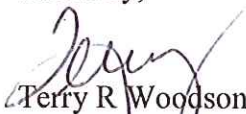
CPI-U July 2012 –406.505 to July 2013 – 416.505 = Inc. 2.526% (Commercial and Industrial ONLY)

Fuel Trigger \$4.00- Jun 2013 Fuel was \$3.75 per gallon = 0% - no fuel adjustment required.

2013 Price Adjustment of = 2.526% Commercial and Industrial Accounts.

Attached are copies of the terms of the agreement and the WEB Sites for your review. Please feel free to contact me with any questions or comments to the request at twoodson@wm.com or 713-423-1762.

Sincerely,


Terry R Woodson
Public Sector Solutions Manager
Waste Management of Texas, Inc.

- 6.09. **Protection From Scattering:** Each vehicle shall be equipped with a cover which may be net with mesh not greater than one and one-half (1-1/2) inches, or tarpaulin, or fully enclosed metal top to prevent leakage, blowing or scattering of refuse onto public or private property. Such cover shall be kept in good order and used to cover the load going to and from the Disposal Site, during loading operations, or when parked if contents are likely to be scattered. Vehicles shall not be overloaded so as to scatter Refuse.
- 6.10. **Point of Contact.** All dealings and contacts between Contractor and the City shall be directed between the Municipal Marketing Department of Contractor, or such other individual identified by Contractor, and the Contract Administrator designated by the City.

7. **LICENSE AND TAXES:**

Contractor shall obtain at its sole expense all licenses and permits required by the City and the State, and shall maintain same in full force and effect.

8. **BILLING:**

(a) City shall provide billing and bill collection services for Residential Units, Commercial Hand Loads Units, and Services during the term of this Agreement. Within thirty (30) days of the end of each month during which collection services are provided by Contractor hereunder, Contractor shall submit to the City an invoice setting forth sums due by the City to Contractor for services rendered under this Agreement for the prior month. City shall remit to Contractor payment for such services within thirty (30) days after receipt of invoice. Past due invoices shall bear interest at the highest rate permitted by law.

(b) The City shall notify Contractor in writing of any Customer that has failed to pay the City for waste collection services, and Contractor, upon written direction from City, shall cease servicing such delinquent Customer until notified by the City.

(c) The Contractor shall provide billing and bill collection services for Commercial Units and Industrial Units during the term of this Agreement. Industrial Units shall pay Contractor's invoices within thirty (30) days after receipt of such invoices. Contractor shall cease providing service to any units for non-payment and impose reasonable fees for reconnection. Past due invoices shall bear interest at the highest rate permitted by law.

9. **MODIFICATION TO RATES:**

9.01 **CPI / Fuel Adjustment.** Base Rates charged by Contractor for services will remain fixed as set forth in Section 4 above and will not be adjusted for changes in the CPI (as hereinafter defined), until September 30, 2011. Commencing on October 1, 2011, and continuing annually on each anniversary date of the Commencement Date of this Agreement, upon thirty (30) days' notice to the City, the Base Rates for services shall be adjusted by the same percentage as the Consumer

Price Index for All Urban Consumers (published by the United States Bureau of Labor Statistics, Consumer Price Index, U.S. City Average, All Urban Consumers, Garbage and Trash Collection, Not Seasonally Adjusted, Base Period December 1983 = 100) (the "C.P.I.") shall have increased during the preceding twelve months. In the event the U.S. Department of Labor, Bureau of Labor Statistics ceases to publish the C.P.I., the parties hereto agree to substitute another equally authoritative measure of change in the purchasing power of the U.S. dollar as may be then available so as to carry out the intent of this provision.

9.02 Fuel Adjustment. Every calendar quarter, the Base Rates shall be subject to a fuel surcharge as follows: an additional one percent (1%) for every twenty five cent (\$0.25) increase in the price of diesel fuel above and including \$4.00 per gallon (with a 1% surcharge beginning at \$4.25 per gallon and a 2% surcharge at \$4.50 per gallon, etc.). The diesel fuel price shall be as determined by reference to the Energy Information Administration of the US Department of Energy ("EIA/DOE")'s Weekly Retail On Highway Diesel Prices for the Gulf Coast. The EIA/DOE currently publishes these prices on their website at the following location: <http://tonto.eia.doe.gov/oog/info/wohdp/diesel.asp>. The determination of the average price of diesel fuel from the aforesaid website shall be made on the first Monday prior to the end of the quarter (or the first business day thereafter if such Monday is a Federal Holiday).

9.03 Additional Adjustments. Contractor shall also be entitled to request an increase in Base Rates from time to time during the term of this Agreement, and upon thirty (30) days' written notice to the City, to offset any change in conditions which increase the Contractor's costs, including but not limited to, increases in disposal costs, increases in landfill fees, changes in the ordinances under which the Contractor is to operate, or changes in federal, state or local laws, rules or regulations. Documentation of such increases shall be submitted to the City at its request. The City has the right to reject Contractor's request for an increase during the thirty day notice period. If the City rejects Contractor's request for an increase, Contractor has the right to accept City's rejection or terminate this Agreement upon thirty (30) days written notice to the City.

9.04 Franchise Fee: Contractor shall pay the City of Liberty a 6% franchise fee on all gross collections of all residential and commercial and industrial services provided within the city. Such payments will be paid to the city each calendar quarter with in thirty (30) days from the end of the quarter.

10. CITY'S OBLIGATIONS:

The City agrees to perform all obligations required of the City pursuant to the terms of this Agreement, including, but not limited, the following:

- (a) The City shall designate the Contract Administrator, who shall communicate City decisions to Contractor on a timely basis from time to time as required

City of Liberty

Effective 10-1-2013

Related MAS Account #'s: 791-23701 Res & 791-23625 CHL

RESIDENTIAL RATES

RESIDENTIAL RATES	\$13.48
Rate 2 (Please Describe)	\$0.00
Rate 3 (Please Describe)	\$0.00
Rate 4 (Please Describe)	\$0.00
Rate 5 (Please Describe)	\$0.00

COMMERCIAL RATES

Container Size / Type	FREQUENCY PER WEEK							EXTRA PU
	1XWK	2XWK	3XWK	4XWK	5XWK	6XWK	7XWK	
Commercial Hand-PU (1-5 Bags)	N/A	\$25.32	N/A	N/A	N/A			N/A
Commercial Hand-PU (6-10 Bags)	N/A	\$29.60	N/A	N/A	N/A			N/A
2 Yard FEL Container	\$48.43	\$95.79	\$140.98	\$156.07	\$186.08	\$233.56	N/A	\$48.43
3 Yard FEL Container	\$72.65	\$135.61	\$168.97	\$188.35	\$234.34	\$296.58	N/A	\$53.82
4 Yard FEL Container	\$93.64	\$166.82	\$192.65	\$213.66	\$263.30	\$323.31	N/A	\$59.20
6 Yard FEL Container	\$108.67	\$189.42	\$221.71	\$269.07	\$349.79	\$403.60	N/A	\$64.57
8 Yard FEL Container	\$122.07	\$239.03	\$296.25	\$408.99	\$484.32	\$564.16	N/A	\$69.95
Swap Out Fee	\$26.90							
Locking Dumpster	\$10.77							

ROLL-OFF RATES

Container Size / Type	Delivery Rate	Rental Rate	BY Month or Day Rate	Hauling Charge (Per Pull Total or Haul + Disp)	Haul Rate per Pull	Disposal Rate per ton
20 Yard (Open-Top)	\$139.86	\$4.85	DAY RATE		\$349.49	N/A
30 Yard (Open-Top)	\$139.91	\$4.85	DAY RATE		\$442.28	N/A
40 Yard (Open-Top)	\$139.91	\$4.85	DAY RATE		\$531.46	N/A

TRIP CHARGE RATE: 1/2 haul rate

NOTES / FREE SERVICES

City of Liberty Rates : City Use ONLY		No rental	
20 yard	306.73	Delivery	107.65
30 yard	312.98	Delivery	107.65
40 yard	425.48	Delivery	107.65

Community Investment Program
City Facility's NO CHARGE

Education Program:

\$500.00 Scholarship - each school year-application due each March 15-Award at May Council meeting annually

Community Program:

City sponsored Event--4-40 yards and 35 POL and service at no charge (Oct to Sept) annually
20 boxes and liners and \$1,500.00 sponsorship for the Fireworks Display
1-Event- Sponsored-Liberty Chamber of Commerce - (exp-2- Units POL or 1 30 RO annually)

Beautification & Sustainability & Recycling

Recycling-Education Grant 1,000.00 Annually-cash or service
Beautification Project 1,000.00 annually- cash or services
Partnership-Grant- 1000.00 cash or services: Set & Reach Sustainability Goals and Projects

Consumer Price Index - All Urban Consumers

Original Data Value

Series Id: CUUR0000SEHG02
 : Seasonally Adjusted
 a: U.S. city average
 n: Garbage and trash collection
 Base Period: DECEMBER 1983=100
 Units: 2003 to 2013

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1
3	286.2	287.3	288.4	290.3	291.0	291.2	292.0	293.4	293.8	294.8	297.0	297.4	291.9	
4	299.4	300.8	301.2	301.1	301.7	302.4	303.5	304.2	305.2	305.9	306.7	307.4	303.3	
5	307.4	308.8	309.6	310.2	311.7	312.5	314.3	315.4	317.3	319.1	320.6	320.6	314.0	
6	323.0	324.6	325.3	326.8	327.3	328.8	329.6	331.9	334.3	335.9	336.9	337.2	330.1	
7	340.087	340.898	342.033	343.286	343.198	343.836	345.081	347.168	347.949	348.684	351.136	353.439	345.566	
8	356.901	358.059	358.550	359.586	361.533	363.159	366.043	368.960	369.651	371.155	371.648	371.093	364.695	
9	371.828	372.503	373.241	375.392	375.599	376.582	377.494	377.879	378.285	379.560	379.208	379.248	376.402	
0	380.036	382.490	383.362	383.615	383.405	383.749	383.832	385.010	385.920	385.909	387.216	387.884	384.369	
1	389.727	391.854	391.855	392.754	395.477	395.329	395.723	396.605	397.028	397.106	398.910	398.720	395.091	
2	398.880	400.381	401.692	400.913	401.067	402.793	406.243	406.823	407.594	409.495	410.155	410.416	404.704	
3	411.126	411.805	412.305	413.675	414.511	414.802	416.505							

Jul 2013 416.505
 Jul 2012 406.243
 Difference 10.262
 Percentage Difference 2.526%

Attachment: WM CPI Increase 2013 (2819 : WM Increase 2013)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/10/13 06:00 PM

Department: Administration
Category: Drilling Issues

7.A.14

ORDINANCE 2013-12

DOC ID: 2820 A

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 4, ARTICLE 4.07, REGARDING OIL AND GAS WELL DRILLING PERMITS AND CREATING A SEISMIC TESTING DIVISION WITHIN THE SECTION; 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, by adoption of previous ordinances, The City Council of the City of Liberty, Texas approved an ordinance governing oil and gas well drilling permits; and

WHEREAS, the City Council of the City of Liberty, Texas, finds that some sections of the ordinance need to be amended in order to better regulate drilling operations within the City of Liberty; and

WHEREAS, the City Council of the City of Liberty, Texas understands that special regulations need to be adopted regarding Seismic Testing.

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

Section 1: Section 4.07.031 (a) of the Code of Ordinances of the City of Liberty is amended to read as follows:

Sec. 4.07.031 Required

(a) It shall be unlawful for any person acting either for himself or acting as agent, employee, independent contractor, or servant for any person to drill any well, assist in any way in the site preparation, reworking, completion or operation of any such well or to conduct any activity related to the production of oil and/or gas within the city or its extraterritorial jurisdiction without first obtaining an oil and/or gas well permit issued by the city in accordance with this article. Activities include, but are not limited to reworking, initial site preparation, drilling, operation, construction of rigs or tank batteries, and fracturing. A permit shall be required for seismic surveys performed within the city limits, and a fee for said permit must be paid as set by City Council. Written notice must be given to the inspector no less than ten (10) days before the activities begin.

Section 2: Section 4.07.061(A)(26)(C) of the Code of Ordinances of the City of Liberty is amended to read as follows:

Sec. 4.07.061(A)(26)(C)

(C) Meters, storage tanks, separation facilities, and other aboveground facilities including the well head and flow lines, may be placed in a floodway or the 100-year floodplain provided that

all other necessary permits are obtained from all other controlling governmental agencies including, but not limited to the Environmental Protection Agency, TCEQ, the Texas Railroad Commission, and all others as required by law.

Section 3: Section 4.07.061(B)(2)(E) of the Code of Ordinances of the City of Liberty is amended to read as follows:

Sec. 4.07.061(B)(2)(E)

(E) Within five hundred (500) feet to any fresh water well. The measurement shall be in a direct line from the closest well bore to the fresh water well bore. The reduction of the distance requirement for fresh water wells is subject to the railroad commission regulations and any other state or federal requirements.

Section 4: Section 4.07.061(G) of the Code of Ordinances of the City of Liberty is amended to read as follows:

Sec. 4.07.061(g) Noise restrictions for oil or gas well permit.

(1) No well shall be drilled, redrilled or any equipment operated so as to create any noise which causes the exterior noise level, when measured at the well setback required by this article, to exceed the ambient noise level by more than five (5) decibels during daytime hours and more than three (3) decibels during nighttime hours. Fracture stimulation (fracing) operations shall not exceed the ambient noise level by more than seven (7) decibels. Backflow operations shall not exceed the ambient noise level by more than five (5) decibels during nighttime hours. Production operations shall not exceed the established pre-drilling ambient noise level.

(2) The operator shall be responsible for establishing and reporting to the city the pre-drilling ambient noise level prior to the issuance of an oil or gas well permit. Once the drilling is complete, the operator shall be required to establish a new ambient noise level prior to the installation of any new noise generation equipment.

(3) The exterior noise level generated by the drilling, redrilling or other operations of all oil or gas wells located within six hundred (600) feet of a protected use shall be continuously monitored to ensure compliance. The cost of such monitoring shall be borne by the operator.

(4) Acoustical blankets, sound walls, mufflers or other alternative methods may be used to ensure compliance. All soundproofing shall comply with accepted industry standards and are subject to approval by the inspector.

(5) The sound level meter used in conducting noise evaluations shall meet the American National Standards Institute's standard for sound meters.

Section 5: Section 4.07 of the Code of Ordinances of the City of Liberty is amended to add Division 4 regulating Seismic Testing and shall read as follows:

Division 4. Seismic Testing

Section 4.07.080 Permit required; fees

It shall be unlawful for any person to conduct seismographic testing within the city without obtaining a permit. A seismographic testing permit fee must be paid when filing the application. The seismographic testing permit fee shall be set by the City Council.

Section 4.07.081 Review and action on permit application; approval or disapproval of operations

(a) It shall be the responsibility of the City Manager or his designee to review impartially and to approve or disapprove all applications for seismic testing permits. The City Manager or his designee, based upon the criteria established herein, may require the applicant for a permit hereunder to do those things necessary to insure the health, safety, and welfare of the citizens of the city. Items required shall be clearly stated in the permit issued hereunder. The building official is hereby authorized to approve or disapprove the actions of the permittee not otherwise covered by the permit application during the seismic testing and post-testing operations in accordance with the terms of this article only. The building official shall issue or deny a permit within thirty (30) days of receipt of a properly completed application for seismic testing.

(b) If the City Manager or his designee denies a seismic testing permit, he shall notify the applicant in writing of such denial and the reasons therefor.

(c) If the City Manager or his designee grants a seismic testing permit, the permit, in a form as deterred by the City Manager or his designee, shall be mailed to the applicant.

Section 4.07.082 Form of permit application

Each application for a seismic testing permit shall be made in writing to the City Manager or his designee and shall include the following:

(1) A map at a scale of 1:200 showing the location of the proposed seismic survey, including cable routes and points of impulse, when applicable. This map shall clearly show city limits, streets and parcel boundaries.

(2) A statement of what property the applicant has the right, by reason of ownership or permission of the owner, to pass through and enter for seismic testing purposes.

(3) The proposed location, type, kinds, size, and amount of major equipment and a general description and the method of operation of the proposed testing.

(4) A statement from a licensed professional engineer who will act as the third-party engineer, stating that they will be on the job site during the entire period of testing to monitor peak particle velocity levels and to mitigate any potential damage to public or private property.

(5) Each application shall state the depth to which the applicant desires to drill and the size and type of charges that will be used during the course of testing.

(6) All required explosive permits issued by the City fire marshal.

(7) Any other permits required by any other governmental entity.

Section 4.07.083 Testing Requirements and Restrictions

Each seismic testing operation shall be limited to the following restrictions:

(1) No point of impulse using an explosive charge shall occur within five hundred (500) feet of any above-ground or below-ground structure.

(2) No point of impulse using an explosive charge shall occur within five hundred (500) feet of any pipeline without written consent of the pipeline or facility owner.

(3) No point of impulse using mechanical vibration (vibratory trucks) shall occur within thirty-five (35) feet of any structure and shall occur only on private property with the expressed written consent of the property owner of the property containing the mechanical point of impulse.

(4) Mechanical vibration (vibratory trucks) may be used on the city streets with the consent of the City Manager or his designee in addition to or in place of mechanical vibration on private property in accordance with subsection (3) of this section and only if the distance, peak particle velocity of ground motion and time of operation requirements in this section are adhered to. No mechanical vibration (vibratory trucks) shall be allowed on concrete city streets.

(5) No point of impulse shall be used on city property without written permission from the City Manager or his designee and only if the distance requirements outlined in this section are adhered to.

(6) The applicant shall obtain written permission from property owners before entering upon or crossing their property.

(7) Utilizing third-party engineers for monitoring, no structure shall be subject to any peak particle velocity of ground motion in excess of 0.25 inches per second.

(8) Testing and associated drilling shall occur on weekdays (Monday through Friday) between the hours of 8:00 a.m. and 5:00 p.m. Emergency line maintenance is allowed to occur on any day only between the hours of 8:00 a.m. and 5:00 p.m. Testing and associated drilling may occur in non-urbanized areas of the city on any day between the hours of 8:00 a.m. and 5:00 p.m. as approved by the City Manager or his designee. No testing, drilling or hauling of equipment shall be allowed on holidays recognized as such by the city.

(9) The permittee shall immediately notify the city of any and all complaints of damage.

Section 4.07.084 Representative operations supervisor

The applicant or permittee shall designate a competent representative who shall be responsible for the supervision of the seismic testing operations and the carrying out of the conditions of any permit. Such representative shall be available at all times during seismic testing operations and shall be the responsible contact agent of the applicant or the permittee whom the City Manager or his designee may require to carry out the provisions of the permit.

Section 4.07.085 Notification requirements

(a) The permittee shall publish notices in the local newspaper for two consecutive weeks prior to testing.

(b) The aforementioned notices shall appear in the classified section under legal notices. The notice shall indicate the scope of operations to be performed and will detail the approximate dates and time (starting and ending) and general location of work to be performed. The City Manager or his designee shall be notified when the notice has been placed with the newspaper and what dates it will be published.

(c) The permittee is required to notify the following entities twenty-four (24) hours prior to the start of seismic testing:

- (1) Fire Department
- (2) Engineering Division; and
- (3) All residents abutting test route.

If more than three (3) consecutive working days of nonproduction occur, the permittee must contact the fire department twenty-four (24) hours in advance of any blasting to be done after a period of intermittent work. In addition, the permittee is required to notify any and all other entities, directly or indirectly, involved through other permits or agreements.

Section 4.07.086 Bond required; amount; conditions

Prior to the issuance of any seismic permit hereunder, the applicant shall furnish the City Manager or his designee with a performance bond in the principal sum of one hundred thousand dollars (\$100,000.00). The bond shall be payable to the city for the use and benefit of any person entitled thereto and conditioned that the principal and bond will pay all damages to any person caused by, or arising from, or growing out of any violation of the terms of this permit. Such bond shall be executed by an insurance company authorized to do business in the state, as surety, and with the applicant as principal, naming the city for the benefit of the city conditioned that the permittee will comply with the terms and conditions of this article. In addition, the bond will be conditioned that the applicant will promptly pay fines, penalties and other assessments imposed upon the applicant by reason of the breach of any of the terms, provisions and conditions of this article, and that the applicant will promptly restore to their former condition streets, sidewalks, and other public property which may be damaged in seismic operations. If at any time the building official should find the applicant's bond to be insufficient for any reason, he may require the applicant to file a new bond.

Section 4.07.087 Insurance required; types; amounts

Prior to the issuance of any seismic permit hereunder, the applicant shall furnish the City Manager or his designee with a certificate of insurance showing a valid policy or policies of public liability insurance, covering bodily injuries and property damage. Said insurance shall be written by a company authorized to do business in this state. The applicant shall provide at least fifteen (15) days' written notice of any cancellation or modification of such insurance. Such policies shall provide for the following minimum coverage:

- (1) Bodily injuries: \$300,000.00 per person, \$1,000,000.00 per incident.
- (2) Property damage: \$1,000,000.00

Section 4.07.088 Transfer of Permit

All seismic permits granted under this article shall be transferable upon approval of the City Manager or his designee, after a determination that all requirements of this article are met by the transferee.

Section 4.07.089 Lapse of Permit

The seismic permit shall become null and void unless the permit is accepted by the applicant in its entirety in writing, filed with the building official within thirty (30) days from the effective date thereof, and no work on such drill site shall be commenced until such permit is issued and accepted. The seismic permit shall become null and void unless seismic testing is commenced within one hundred eighty (180) days of the effective date of the permit.

Section 4.07.090 Indemnification of city for damages

The permittee shall indemnify and save harmless the city, its officers, agents and employees from any and all claims, causes of action and damages of every kind, for injury to or death to any person and damages to property arising out of the operation under any seismic testing permit and including acts or omissions of the city, its officers, agents, and employees in connection with said seismic permit.

Section 6: 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.

Section 7: This Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Liberty, this 10th day of September, 2013.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

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

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 4, ARTICLE 4.07, REGARDING OIL AND GAS WELL DRILLING PERMITS AND CREATING A SEISMIC TESTING DIVISION WITHIN THE SECTION; 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.

Deleted: ;

WHEREAS, by adoption of previous ordinances, The City Council of the City of Liberty, Texas approved an ordinance governing oil and gas well drilling permits; and

WHEREAS, the City Council of the City of Liberty, Texas, finds that some sections of the ordinance need to be amended in order to better regulate drilling operations within the City of Liberty; and

Deleted: WHEREAS

WHEREAS, the City Council of the City of Liberty, Texas understands that special regulations need to be adopted regarding Seismic Testing.

Formatted: Indent: First line: 0.5"

Deleted: .

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

Section 1: Section 4.07.031 (a) of the Code of Ordinances of the City of Liberty is amended to read as follows:

Sec. 4.07.031 Required

(a) It shall be unlawful for any person acting either for himself or acting as agent, employee, independent contractor, or servant for any person to drill any well, assist in any way in the site preparation, reworking, completion or operation of any such well or to conduct any activity related to the production of oil and/or gas within the city or its extraterritorial jurisdiction without first obtaining an oil and/or gas well permit issued by the city in accordance with this article. Activities include, but are not limited to reworking, initial site preparation, drilling, operation, construction of rigs or tank batteries, and fracturing. A permit shall be required for seismic surveys performed within the city limits, and a fee for said permit must be paid as set by City Council. Written notice must be given to the inspector no less than ten (10) days before the activities begin.

Section 2: Section 4.07.061(A)(26)(C) of the Code of Ordinances of the City of Liberty is amended to read as follows:

Formatted: Underline

Sec. 4.07.061(A)(26)(C)

Formatted: Font: Bold

(C) Meters, storage tanks, separation facilities, and other aboveground facilities including the well head and flow lines, may be placed in a floodway or the 100-year floodplain provided that all other necessary permits are obtained from all other controlling governmental agencies including, but not limited to the Environmental Protection Agency, TCEQ, the Texas Railroad Commission, and all others as required by law.

Section 3: Section 4.07.061(B)(2)(E) of the Code of Ordinances of the City of Liberty is amended to read as follows:

Formatted: Underline

Sec. 4.07.061(B)(2)(E)

Formatted: Font: Bold

(E) Within five hundred (500) feet to any fresh water well. The measurement shall be in a direct line from the closest well bore to the fresh water well bore. The reduction of the distance requirement for fresh water wells is subject to the railroad commission regulations and any other state or federal requirements.

Formatted: Normal, Space Before: Au
After: Auto

Section 4: Section 4.07.061(G) of the Code of Ordinances of the City of Liberty is amended to read as follows:

Formatted: Underline

Sec. 4.07.061(g) Noise restrictions for oil or gas well permit.

Formatted: Font: Bold

(1) No well shall be drilled, redrilled or any equipment operated so as to create any noise which causes the exterior noise level, when measured at the well setback required by this article, to exceed the ambient noise level by more than five (5) decibels during daytime hours and more than three (3) decibels during nighttime hours. Fracture stimulation (fracing) operations shall not exceed the ambient noise level by more than seven (7) decibels. Backflow operations shall not exceed the ambient noise level by more than five (5) decibels during nighttime hours. Production operations shall not exceed the established pre-drilling ambient noise level.

Formatted: Font: Bold, No underline

Formatted: Font: Bold

Formatted: Indent: Left: 0"

(2) The operator shall be responsible for establishing and reporting to the city the pre-drilling ambient noise level prior to the issuance of an oil or gas well permit. Once the drilling is complete, the operator shall be required to establish a new ambient noise level prior to the installation of any new noise generation equipment.

(3) The exterior noise level generated by the drilling, redrilling or other operations of all oil or gas wells located within six hundred (600) feet of a protected use shall be continuously monitored to ensure compliance. The cost of such monitoring shall be borne by the operator.

(4) Acoustical blankets, sound walls, mufflers or other alternative methods may be used to ensure compliance. All soundproofing shall comply with accepted industry standards and are subject to approval by the inspector.

(5) The sound level meter used in conducting noise evaluations shall meet the American National Standards Institute's standard for sound meters.

Formatted: Normal, Space Before: Au
After: Auto

Section 5: Section 4.07 of the Code of Ordinances of the City of Liberty is amended to add Division 4 regulating Seismic Testing and shall read as follows:

Division 4. Seismic Testing

Section 4.07.080 Permit required; fees

It shall be unlawful for any person to conduct seismographic testing within the city without obtaining a permit. A seismographic testing permit fee must be paid when filing the application. The seismographic testing permit fee shall be set by the City Council.

Section 4.07.081 Review and action on permit application; approval or disapproval of operations

Formatted: Font: Bold

(a) It shall be the responsibility of the City Manager or his designee to review impartially and to approve or disapprove all applications for seismic testing permits. The City Manager or his designee, based upon the criteria established herein, may require the applicant for a permit hereunder to do those things necessary to insure the health, safety, and welfare of the citizens of the city. Items required shall be clearly stated in the permit issued hereunder. The building official is hereby authorized to approve or disapprove the actions of the permittee not otherwise covered by the permit application during the seismic testing and post-testing operations in accordance with the terms of this article only. The building official shall issue or deny a permit within thirty (30) days of receipt of a properly completed application for seismic testing.

(b) If the City Manager or his designee denies a seismic testing permit, he shall notify the applicant in writing of such denial and the reasons therefor.

(c) If the City Manager or his designee grants a seismic testing permit, the permit, in a form as deterred by the City Manager or his designee, shall be mailed to the applicant.

Section 4.07.082 Form of permit application

Formatted: Font: Bold

Each application for a seismic testing permit shall be made in writing to the City Manager or his designee and shall include the following:

(1) A map at a scale of 1:200 showing the location of the proposed seismic survey, including cable routes and points of impulse, when applicable. This map shall clearly show city limits, streets and parcel boundaries.

(2) A statement of what property the applicant has the right, by reason of ownership or permission of the owner, to pass through and enter for seismic testing purposes.

(3) The proposed location, type, kinds, size, and amount of major equipment and a general description and the method of operation of the proposed testing.

(4) A statement from a licensed professional engineer who will act as the third-party engineer, stating that they will be on the job site during the entire period of testing to monitor peak particle velocity levels and to mitigate any potential damage to public or private property.

(5) Each application shall state the depth to which the applicant desires to drill and the size and type of charges that will be used during the course of testing.

(6) All required explosive permits issued by the City fire marshal.

(7) Any other permits required by any other governmental entity.

Section 4.07.083 Testing Requirements and Restrictions

Formatted: Font: Bold

Each seismic testing operation shall be limited to the following restrictions:

(1) No point of impulse using an explosive charge shall occur within five hundred (500) feet of any above-ground or below-ground structure.

(2) No point of impulse using an explosive charge shall occur within five hundred (500) feet of any pipeline without written consent of the pipeline or facility owner.

(3) No point of impulse using mechanical vibration (vibratory trucks) shall occur within thirty-five (35) feet of any structure and shall occur only on private property with the expressed written consent of the property owner of the property containing the mechanical point of impulse.

(4) Mechanical vibration (vibratory trucks) may be used on the city streets with the consent of the City Manager or his designee in addition to or in place of mechanical vibration on private property in accordance with subsection (3) of this section and only if the distance, peak particle velocity of ground motion and time of operation requirements in this section are adhered to. No mechanical vibration (vibratory trucks) shall be allowed on concrete city streets.

(5) No point of impulse shall be used on city property without written permission from the City Manager or his designee and only if the distance requirements outlined in this section are adhered to.

(6) The applicant shall obtain written permission from property owners before entering upon or crossing their property.

(7) Utilizing third-party engineers for monitoring, no structure shall be subject to any peak particle velocity of ground motion in excess of 0.25 inches per second.

(8) Testing and associated drilling shall occur on weekdays (Monday through Friday) between the hours of 8:00 a.m. and 5:00 p.m. Emergency line maintenance is allowed to occur on any day only between the hours of 8:00 a.m. and 5:00 p.m. Testing and associated drilling may occur in non-urbanized areas of the city on any day between the hours of 8:00 a.m. and 5:00 p.m. as approved by the City Manager or his designee. No testing, drilling or hauling of equipment shall be allowed on holidays recognized as such by the city.

(9) The permittee shall immediately notify the city of any and all complaints of damage.

Section 4.07.084 Representative operations supervisor

Formatted: Font: Bold

The applicant or permittee shall designate a competent representative who shall be responsible for the supervision of the seismic testing operations and the carrying out of the conditions of any

permit. Such representative shall be available at all times during seismic testing operations and shall be the responsible contact agent of the applicant or the permittee whom the City Manager or his designee may require to carry out the provisions of the permit.

Section 4.07.085 Notification requirements

Formatted: Font: Bold

(a) The permittee shall publish notices in the local newspaper for two consecutive weeks prior to testing.

(b) The aforementioned notices shall appear in the classified section under legal notices. The notice shall indicate the scope of operations to be performed and will detail the approximate dates and time (starting and ending) and general location of work to be performed. The City Manager or his designee shall be notified when the notice has been placed with the newspaper and what dates it will be published.

(c) The permittee is required to notify the following entities twenty-four (24) hours prior to the start of seismic testing:

(1) Fire Department

(2) Engineering Division; and

(3) All residents abutting test route.

If more than three (3) consecutive working days of nonproduction occur, the permittee must contact the fire department twenty-four (24) hours in advance of any blasting to be done after a period of intermittent work. In addition, the permittee is required to notify any and all other entities, directly or indirectly, involved through other permits or agreements.

Section 4.07.086 Bond required; amount; conditions

Formatted: Font: Bold

Prior to the issuance of any seismic permit hereunder, the applicant shall furnish the City Manager or his designee with a performance bond in the principal sum of one hundred thousand dollars (\$100,000.00). The bond shall be payable to the city for the use and benefit of any person entitled thereto and conditioned that the principal and bond will pay all damages to any person caused by, or arising from, or growing out of any violation of the terms of this permit. Such bond shall be executed by an insurance company authorized to do business in the state, as surety, and with the applicant as principal, naming the city for the benefit of the city conditioned that the permittee will comply with the terms and conditions of this article. In addition, the bond will be conditioned that the applicant will promptly pay fines, penalties and other assessments imposed upon the applicant by reason of the breach of any of the terms, provisions and conditions of this article, and that the applicant will promptly restore to their former condition streets, sidewalks, and other public property which may be damaged in seismic operations. If at any time the building official should find the applicant's bond to be insufficient for any reason, he may require the applicant to file a new bond.

Section 4.07.087 Insurance required; types; amounts

Prior to the issuance of any seismic permit hereunder, the applicant shall furnish the City Manager or his designee with a certificate of insurance showing a valid policy or policies of public liability insurance, covering bodily injuries and property damage. Said insurance shall be written by a company authorized to do business in this state. The applicant shall provide at least fifteen (15) days' written notice of any cancellation or modification of such insurance. Such policies shall provide for the following minimum coverage:

(1) Bodily injuries: \$300,000.00 per person, \$1,000,000.00 per incident.

(2) Property damage: \$1,000,000.00

Section 4.07.088 Transfer of Permit

All seismic permits granted under this article shall be transferable upon approval of the City Manager or his designee, after a determination that all requirements of this article are met by the transferee.

Section 4.07.089 Lapse of Permit

The seismic permit shall become null and void unless the permit is accepted by the applicant in its entirety in writing, filed with the building official within thirty (30) days from the effective date thereof, and no work on such drill site shall be commenced until such permit is issued and accepted. The seismic permit shall become null and void unless seismic testing is commenced within one hundred eighty (180) days of the effective date of the permit.

Section 4.07.090 Indemnification of city for damages

The permittee shall indemnify and save harmless the city, its officers, agents and employees from any and all claims, causes of action and damages of every kind, for injury to or death to any person and damages to property arising out of the operation under any seismic testing permit and including acts or omissions of the city, its officers, agents, and employees in connection with said seismic permit.

Section 6: 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.

Section 7: This Ordinance shall be in full force and effect from and after the date of its passage.

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Not Bold

Deleted: ARTICLE 4.07 OIL AND GAS WELLS**Division 1. Generally****Sec. 4.07.001 Short title**

This article shall be known and cited as the gas drilling and production article.

Sec. 4.07.002 Purpose

(a) The exploration, development, and production of oil and gas in the city is an activity which necessitates reasonable regulation to ensure property owners, mineral and otherwise, have the right to peaceably enjoy their property and its benefits and revenues. It is hereby declared the purpose of this article to establish reasonable uniform limitations, safeguards and regulations for present and future operations on private and public property that will serve as minimum standards for the exploring, drilling, developing, producing, transporting and storing of oil and/or gas and substances produced in association with oil and gas within the city to protect the health, safety and general welfare of the public; minimize the impact to private and public property and the rights of owners, protect the quality of the environment and encourage the orderly production of available mineral resources.

(b) This article will be considered minimum standards for private and public property. The council may approve permits, leases and other documents pertaining to private and public property that contain provisions that modify the minimum standards in this article to further protect the health and safety of the public.

(c) To the extent that any provision of this article might be inconsistent or in conflict with the provisions of any other ordinance of the city, this article shall control with regard to the conflict.

Sec. 4.07.003 Definitions

All technical industry words or phrases relating to the drilling and production of oil and gas wells specifically defined in this article shall have the meanings customarily attributable thereto by the oil and gas industry operating in this area. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Abandonment. "Abandonment" as defined by the state railroad commission and includes the abandonment of the well and the restoration of any well so required by this article.

Ambient noise level. The all encompassing noise level associated with a given environment, including the composite of sounds from all sources at the location constituting the normal or existing level of environmental noise at a given location.

Blowout preventer. A mechanical, hydraulic, pneumatic or other device or combination of devices designed to prevent the escape of oil or gas from a wellbore.

Deleted: 2**Deleted: 3**

PASSED AND ADOPTED at a regular meeting of the City Council of the City of
Liberty, this _____ day of _____, 2013.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

Attachment: Drilling ORD Amend FINAL Sept 2013 (ORD-2013-12 : Oil & Gas Ordinance Amendment)