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, September 10, 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	
Brandon Davis	City Counsel	Present	

II. INVOCATION

The Invocation was passed on.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Fire Chief Fred Collins.

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 reported that the date had been finalized for the next "Shred-It" Event, which will be held on Saturday, October 26, 2013. This event is for the shredding of sensitive documents and will be held in the City Hall parking lot from 9 a.m. until Noon.

Mayor Pickett reported on the following:

- upcoming appointments to the Houston-Galveston Area Council 2014 General Assembly,
- thanked The Vindicator Editor, Carol Skewes, for her informative presentation at the Liberty Rotary Club, and
- the next day's date being Sept.11th and the significance of the 2001 event.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2808)

Project Updates - City Mgr. Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reviewed a handout of the City's ongoing projects to include:

1) permit was issued for cabins on the Trinity River,

2) working on specific costs for a new water well on the east side of the City,

3) Boomerang Substation Project moving forward,

4) waiting on the environmental review to move forward with construction of the new Police Station,

5) new City employee, Cassandra Gill, Building Inspector and Code Enforcement Officer, will work in conjunction with the current Building Inspector,

6) delivery of the new street sweeper is one month behind schedule,

7) fiscal year audit will begin soon,

8) and discussion of other current projects.

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

A. Minutes Approval

1. Tuesday, August 13, 2013

2. Tuesday, August 27, 2013

3. Tuesday, September 03, 2013

B. Council Action 2013-83

Consider Approval of the Liberty Municipal Librarys Long Range and Technology Plans.

ATTACHMENTS:

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

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2013-90

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

COMMENTS - Current Meeting:

Scout Drew Dugger was present to update the Council on his project to place signs acknowledging the dangers of swimming in the Trinity River, due to its strong currents. Scout Dugger originally addressed Council in January, 2013. Mr. Dugger reviewed the project to include his efforts to receive permission from property owners for placement of the signs, the sign dimensions, locations, and materials necessary to complete the project. Mr. Dugger also reported on other activities related to the project to include clearing trees and picking up trash.

Consensus of Council was to allocate up to $1250.00 for completion of this project. The City Manager will use Liberty Community Development Corporation funds, at which time the LCDC will ratify this action.

ATTACHMENTS:

- Dugger Requet to be on Agenda (PDF)

2. Council Action 2013-84

Consider Appointments to the Liberty Municipal Library Board.

COMMENTS - Current Meeting:

Library Director Dana Abshier reported that the Liberty Municipal Library Board is a nine-member advisory board comprised of residents of the City, appointed for two-year terms. After brief discussion, a motion was made to re-appoint Tinya Griffin and Beverly Davis to the Liberty Municipal Library Board, along with the new appointments of Bruce Wright and Dr. Cody Abshier.

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

3. Council Action 2013-85

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.

COMMENTS - Current Meeting:

Mayor Pickett reported that the Liberty County CAD has requested a nomination to the Board of Directors, to fill a vacancy left by the resignation of Mr. Frank Barnett. After brief discussion of the representation on the board, a motion was made to nominate Councilperson Frank Jordan to fill the vacancy ending December 31, 2013.

ATTACHMENTS:

- CAD Nomination Sept 2013 (PDF)

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

4. Resolution 2013-12

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

COMMENTS - Current Meeting:

Mayor Pickett reported that City Manager Gary Broz had previously been appointed to fill the unexpired term of Bruce Halsted on the Sam Rayburn Municipal Power Agency Board of Directors. A motion was made to appoint Mr. Broz to a full term on the Sam Rayburn Municipal Power Agency Board of Directors, expiring September, 2015.

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

5. Ordinance 2013-9

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

COMMENTS - Current Meeting:

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

"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."

Mayor Pickett reported that the proposed ordinance establishes $32,507,822.00 as a total balanced budget for the new fiscal year operations. A motion was made to adopt the Ordinance setting and establishing the Fiscal Year 2013-2014 operating budget, as presented.

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

6. Council Action 2013-86

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

COMMENTS - Current Meeting:

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).

After lengthy discussion of this issue, Council found this topic and the required voting language to be confusing and misleading. Council consensus was to publish an additional notice in the newspaper, along with the notice required by State law, explaining that there was no increase in the tax rate and that the current rate of $.5900 has been the same since Fiscal Year 2008-2009.

A motion was made by Councilperson Simonson stating "I move that the property tax rate be increased by the adoption of a tax rate of $.5900, which is effectively a 6.38 percent increase in the tax rate".

RESULT:	**APPROVED [5 TO 2]**
MOVER:	Libby Simonson, Councilperson
SECONDER:	Diane Huddleston, Councilperson
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold
NAYS:	Frank Jordan, Louie Potetz

7. Ordinance 2013-10

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

COMMENTS - Current Meeting:

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

"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."

A motion was made to adopt the Ordinance setting a tax rate of $0.5900 per $100 valuation, for Fiscal Year 2013-2014.

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

8. Ordinance 2013-11

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

COMMENTS - Current Meeting:

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

"TAX ROLL APPROVAL AND TAX LEVY".

A motion was made to approve the Ordinance regarding the tax roll for 2013.

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

9. Council Action (ID # 2815)

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

COMMENTS - Current Meeting:

Lengthy discussion was held regarding feral hogs and the negative impact they have had in various neighborhoods in the City. Discussed were damaged landscapes, fear for children and domestic animals, hogs attracted to deer feeders, and ways in which to eliminate the hogs as the discharge of firearms is not allowed in the City. Further discussion of this problem included the proliferation of the hogs, and control efforts to include fencing, trapping with box or multi-catch traps, and bow hunting.

ATTACHMENTS:

- 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.

COMMENTS - Current Meeting:

Attorney Brandon Davis explained that the proposed document is an amendment to the Real Estate Sales Contract with Boomerang Tube, LLC, regarding property located at the Port of Liberty. Mr. Davis reported that there is only one change to the original document. The original contract stipulates that the seller deliver a Special Warranty Deed to Boomerang Tube. However, Boomerang has requested that the seller deliver a General Warranty Deed rather than the Special Warranty Deed.

Motion was made to approve the Resolution changing the contract language from a Special Warranty Deed to a General Warranty Deed and authorize the Mayor to execute all related documents.

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

11. Council Action 2013-87

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

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported that the Texas A&M Forest Service will be relocating an office from Kountze, Texas to the City of Liberty. They will office in the Liberty County Courthouse Annex and have requested permission to park their equipment at the City's Public Works Service Center. Mr. Warner explained that there is sufficient space in which to

park their vehicles and in return, the Forest Service will provide their technical expertise in regard to tree and vegetation and maintenance and can also provide manpower and equipment to assist the City in the maintenance of these areas.

A motion was made to approve the Interlocal Agreement with the Texas A&M Forest Service.

ATTACHMENTS:

- Texas A&M Forest Service (PDF)

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

12. Council Action 2013-88

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

COMMENTS - Current Meeting:

City Manager Gary Broz explained that the amendment to the Waste Management Contract is for modifying the terms of the agreement, by extending the contract to September 30, 2016.

After brief discussion, a motion was made to approve the amendment to the Waste Management Contract

ATTACHMENTS:

- WM Amendment 2013(PDF)

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

13. Council Action 2013-89

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.

COMMENTS - Current Meeting:

Mr. Broz explained that the Waste Management (WM) $1.30 increase in collection rates is for solid waste grinding, for residential accounts only. WM has also exercised their right to the Consumer Price Index Adjustment and Fuel Adjustment beginning October 1, 2013. This 2.526% adjustment is for commercial and industrial accounts only.

After discussion of this topic, a motion was made to approve the amendment to the Waste Management Contract.

ATTACHMENTS:

- WM CPI Increase 2013 (PDF)

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

14. Ordinance 2013-12

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

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 AND CREATING A SEISMIC TESTING DIVISION WITHIN THE SECTION; AMENDING THE MASTER FEE SCHEDULE TO ESTABLISH AND INCLUDE PERMIT FEES AND OTHER RELATED FEES; 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."

Public Works Director Tom Warner reviewed several changes to the City's Oil and Gas Ordinance, to also include a section on seismic testing and permit fees. After further discussion, a motion was made to adopt the Ordinance amending Chapter 4, Article 4.07 regarding Oil and Gas Well Drilling and to set a Seismic Testing Fee of $2000.00.

ATTACHMENTS:

- Drilling ORD Amend FINAL Sept 2013 (DOCX)

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

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 7:41 p.m.

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary