



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, October 8, 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	Arrival
Mayor Carl Pickett	☐	☐	☐	
Councilperson Diane Huddleston	☐	☐	☐	
Councilperson Dennis Beasley	☐	☐	☐	
Councilperson Frank Jordan	☐	☐	☐	
Councilperson Louie Potetz	☐	☐	☐	
Councilperson Libby Simonson	☐	☐	☐	
Councilperson 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 # 2840)

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, September 10, 2013
2. Tuesday, September 24, 2013

VII. REGULAR AGENDA**A. Regular Session****1. Ordinance (ID # 2841)**

Consider adoption of an Ordinance authorizing the suspension of the effective date for an additional ninety days beyond the October 30, 2013 effective date, proposed by Entergy Texas, Inc., in connection with Entergy's rate increase filed with the City on September 25, 2013.

- Entergy Susp Info Oct 2013 (PDF)

2. Public Hearing (ID # 2847)

Public Hearing on an Application for a Drilling Permit from Joy Resources, Inc.

- Drilling Appl-Joy Resources Sept 2013 (PDF)

3. Council Action (ID # 2848)

Consider issuance of a drilling permit to Joy Resources Inc., for two oil wells to be drilled in the South Liberty Oilfield.

4. Resolution (ID # 2842)

Consider a Resolution making a nomination/s to the Liberty County Central Appraisal District Board of Directors.

- CAD Nom Info Board of Directors 2013 (PDF)

5. Council Action (ID # 2843)

Consider ratifying the Liberty Community Development Corporation's award of proposal for building upgrades to the hangars located on the south end of the runway, at the Liberty Municipal Airport.

6. Council Action (ID # 2844)

Consider ratifying the Liberty Community Development Corporation's authorization to proceed with eminent domain on acreage for the Street Extension Project.

7. Council Action (ID # 2845)

Consider award of lease for City property located on Hwy. 90, formerly know as Key Energy Service.

8. Council Action (ID # 2846)

Consider award of bid for sale of real property located on Trinity Street, known as the Trinity Street Complex.

9. Council Action (ID # 2849)

Consider a vehicle lease for the City Manager, and take any action deemed necessary.

10. Ordinance (ID # 2850)

Consider and act on an Ordinance regarding placement of a lien on real property for failure to pay utilities.

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 4th day of October, 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

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.

Minutes Acceptance: Minutes of Sep 10, 2013 6:00 PM (Minutes Approval)

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 Library's Long Range and Technology Plans.

ATTACHMENTS:

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

Minutes Acceptance: Minutes of Sep 10, 2013 6:00 PM (Minutes Approval)

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 Request 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 Director, 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.

Minutes Acceptance: Minutes of Sep 10, 2013 6:00 PM (Minutes Approval)

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 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:

Minutes Acceptance: Minutes of Sep 10, 2013 6:00 PM (Minutes Approval)

Dianne Tidwell, City Secretary



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 24, 2013

6:00 PM

City Council Chambers

I. CALL TO ORDER

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

II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

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Mayor Pickett welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council. Lt. Chip Fairchild, Liberty Police Department, reported on National Night Out activities to be held on Tuesday, October 1st from 6-8 p.m., at the Liberty Municipal Park.

Mayor Pickett reported that the next meeting of the City Council would be held on Tuesday, October 8th, and also complimented the "Pals of the Pound" organization on their animal adoption efforts. Mayor Pickett thanked Pals of the Pound member Tracy Willaims for her informative presentation to the Liberty Rotary Club.

III. PRESENTATIONS / REPORTS

A. Information Item (ID # 2821)

Financial Report - N. Herrington, Finance Director

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on fiscal year-to-date financials through August 31, 2013. Ms. Herrington stated that the General Fund revenues and expenditures are \$5,980,000 and \$6,039,000, respectively. Ms. Herrington explained that the transfer of funds in the amount of \$1,000,000, from the Electric Fund to the General Fund, will be made in the next few days.

Minutes Acceptance: Minutes of Sep 24, 2013 6:00 PM (Minutes Approval)

Ms. Herrington continued by reviewing the revenues and expenditures of the various funds and the cash in bank for each, and stating that sales tax revenue for the fiscal year has exceeded the budgeted amount by 4 percent.

B. Information Item (ID # 2822)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Mayor Pickett reported that the next mobile "Shred-It" event for sensitive documents has been scheduled for Saturday, October 26, from 9 a.m. until Noon in the City Hall parking lot.

C. Information Item (ID # 2823)

SRMPA Report - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported on the following topics of discussion at a recent meeting of the Sam Rayburn Municipal Power Agency:

- the Agency is working on creating a website,
- FY 2014 Agency operating budget, which is approximately \$30 million,
- FY 2014 Cambridge Project budget, which is approximately \$250 million,
- discussion regarding dispersing approximately \$5 million in Cambridge unencumbered funds.

D. Information Item (ID # 2824)

Houston-Galveston Area Council Report - Councilperson Jordan

COMMENTS - Current Meeting:

This agenda item was passed on.

E. Information Item (ID # 2825)

Central Appraisal District Board of Directors Nomination.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that Council has until October 15th to make a nomination/s to the Liberty County Central Appraisal District Board of Directors. This Board consists of five members who serve two-year terms, which begin January 1, 2014. Mr. Broz reported on those individuals nominated by other taxing entities and stated that the CAD will mail out ballots the end of October, for which a nominee must receive a total of 834 votes to guarantee election.

This item will be placed on the October 8th agenda.

ATTACHMENTS:

- CAD Board Nomination Info 2013 (PDF)

IV. REGULAR AGENDA

A. Regular Session

1. Council Action 2013-94

Consider appointments to the Houston-Galveston Area Council 2014 General Assembly.

COMMENTS - Current Meeting:

Motion was made to appoint Frank Jordan and Gary Broz, respectively, as the representative and alternate to the Houston-Galveston Area Council 2014 General Assembly.

ATTACHMENTS:

- HGAC General Assembly Sept 2013 (PDF)

RESULT:	APPROVED [5 TO 0]
MOVER:	Libby Simonson, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Beasley, Potetz, Simonson, Arnold
ABSTAIN:	Frank Jordan
ABSENT:	Diane Huddleston

2. Council Action 2013-95

Discuss changes to the Master Fee Schedule.

COMMENTS - Current Meeting:

Mr. Broz reported on proposed changes to the Master Fee Schedule to include various library fees, garbage fees, drilling fees, utility deposit fees, and building permit fees. After review of the proposed changes and lengthy discussion of changes to the process for calculating building permit and inspection fees (based on square feet as opposed to counting fixtures, etc.), Council consensus was to conduct further review and research of the building and inspection permit fees and place this topic on the agenda for the next Council Meeting.

RESULT:	NO ACTION TAKEN
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3. Ordinance 2013-13

Consider adoption of an Ordinance amending the Master Fee Schedule.

COMMENTS - Current Meeting:

A motion was made to adopt the Ordinance amending the Master Fee Schedule as presented, excluding the Permit and Inspection fees.

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

4. Council Action 2013-91

Consider a vehicle lease for the City Manager, and take any action deemed necessary.

COMMENTS - Current Meeting:

This agenda item was passed on.

RESULT: NO ACTION TAKEN

5. Council Action 2013-93

Discuss and consider proposed annexation plan for 2013.

COMMENTS - Current Meeting:

Lengthy discussion was led by Councilperson Jordan regarding proposed annexation of property twelve miles south of U.S. 90 on FM 563. This proposed annexation would involve a 1,000 foot wide strip encompassing both sides of the Trinity River and moving southeast of the present city limits to include the Moss Bluff Gas Storage Facility. Councilperson Jordan reported that Liberty County Central Appraisal District records reflect the 2013 property value to be approximately \$155 million. Discussed was a map of the annexation, future tax revenue, long-term liability, and other related topics. Future discussion will include staff feedback regarding the pros and cons of annexation of this area.

A motion was made to move forward with the proposed annexation as presented, beginning with the required public hearings.

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

B. Executive Session

Government Code §551.071

Private Consultation with Attorney on all subjects or matters authorized by law.

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

At 8:13 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:42 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2013-92

Consider and take action, if any, on the items as discussed in the Executive Session.

RESULT: NO ACTION TAKEN

2. Resolution 2013-13

Consider a Resolution to revoke prior authorization, if any, for the railroad to pass through the City of Liberty.

COMMENTS - Current Meeting:

City Attorney Randy Gunter explained that the City is one of a few Texas cities that own the right-of-way property at railroad crossings. Mr. Gunter stated that Union Pacific officials dispute the claim and that State law gives the railroad easements to use the crossings. After brief discussion, a motion was made to approve the Resolution revoking permission to allow railroad access to pass through City streets.

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

3. Ordinance (ID # 2832)

Consider adoption of an Ordinance amending Chapter 12 of the City's Code of Ordinances granting the City authority to charge a toll for railroads that cross city owned streets.

RESULT: **NO ACTION TAKEN**

V. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:45 p.m.

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 Carl Pickett, Mayor

ATTEST:

 Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Sep 24, 2013 6:00 PM (Minutes Approval)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.1

Meeting: 10/08/13 06:00 PM

Department: Administration
Category: Electric Issues

ORDINANCE (ID # 2841)

DOC ID: 2841 A

AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS AUTHORIZING THE SUSPENSION OF THE EFFECTIVE DATE FOR AN ADDITIONAL NINETY (90) DAYS BEYOND THE OCTOBER 30, 2013, EFFECTIVE DATE PROPOSED BY ENTERGY TEXAS, INC., IN CONNECTION WITH ITS RATE INCREASE APPLICATION ENTITLED "APPLICATION OF ENTERGY TEXAS, INC. FOR AUTHORITY TO CHANGE RATES AND TO RECONCILE FUEL COSTS", FILED ON SEPTEMBER 25, 2013; AUTHORIZING THE HIRING OF LAWYERS AND RATE EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS, REQUIRING REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT, DECLARING 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, on or about September 25, 2013 Entergy Texas, Inc. ("Entergy") filed a Statement of Intent with the City to increase electric rates and implement tariff riders and surcharges in the Entergy Service Area; and

WHEREAS, Cities have exclusive original jurisdiction over the rates, operations and services of an electric utility in areas in the municipality pursuant to the Public Utility Regulatory Act §33.001(a); and

WHEREAS, Public Utility Regulatory Act § 33.021 requires a local regulatory authority to make a reasonable determination of rate base, expenses, investment and rate of return and retain the necessary personnel to determine reasonable rates; and

WHEREAS, the City's reasonable cost for regulatory expenses in ratemaking proceedings shall be reimbursed by the electric utility under Public Utility Regulatory Act § 33.023; and

WHEREAS, given the complexity of the proposed rate increase and the need to fully review the proposed base rate, riders, and fuel adjustments it is necessary to suspend the effective date for implementing the proposed rates until at least January 28, 2014 in order to allow the City's rate experts sufficient time to determine the merits of Entergy's proposed rates; and

WHEREAS, in order to maximize the efficient use of resources and expertise in reviewing, analyzing, and investigating Entergy's \$38.6 million base rate increase request,

Entergy's proposed surcharges and riders, and Entergy's proposed fuel reconciliation, City's efforts will be coordinated with similarly situated municipalities through the Entergy Texas, Inc. Cities Service Area Steering Committee; and

WHEREAS, the City will join with other Entergy service area municipalities in a steering committee in order to coordinate the hiring and direction of counsel and consultants working on behalf of the steering committee and the City; and

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

Section 1. That the statement and findings set out in the preamble to this ordinance are hereby in all things approved and adopted.

Section 2. The effective date of Entergy's proposed rate increase, and the proposed tariffs related thereto, is hereby suspended for an additional ninety (90) days until January 28, 2014 in order to complete the review and investigation by City's experts.

Section 3. The City is authorized to join with other municipalities as part of the Entergy Texas, Inc. Service Area Steering Committee with the understanding that the steering committee will provide direction and guidance to the lawyers who are representing said cities.

Section 4. The City employs The Lawton Law Firm, P.C. to represent the City with regard to the proposed rate increases and fuel reconciliation of Entergy before local and state regulatory authorities and any court of law and authorizes counsel to employ such rate experts as are recommended by the Cities' Steering Committee.

Section 5. The Steering Committee, shall review the invoices of the lawyers and rate experts for reasonableness before submitting the invoices to Entergy for reimbursement.

Section 6. City's legal representatives shall have the right to obtain additional information from Entergy through the service of requests for information.

Section 7. Entergy shall reimburse the City, through the designated representative city of the Steering Committee, for the reasonable costs of attorney and consultant expenses related thereto, upon the presentation of invoices reviewed by the Steering Committee.

Section 8. The meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 9. This Ordinance shall become effective from and after its passage.

Section 10. That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty that all ordinances be read on two separate days is hereby dispensed with.

PASSED AND APPROVED this 8th day of October, 2013.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

THE LAWTON LAW FIRM, P.C.

12600 Hill Country Blvd., Suite R-275 • Austin, Texas 78738 • 512/322-0019 • Fax: 855/298-7978

September 26, 2013

Via E-Mail

Mr. Richard Ferguson
City Attorney – City of Anahuac
13201 Northwest Freeway, Suite 300
Houston, Texas 77040

Mr. Kyle Hayes
City Manager – City of Beaumont
P.O. Box 3827
Beaumont, Texas 77704

Ms. Dion Miller
City Manager – City of Cleveland
907 E. Houston
Cleveland, Texas 77327

Mr. Kenneth Wall
City Attorney – City of Cleveland
Olson & Olson
Wortham Tower, Suite 600
2727 Allen Parkway
Houston, Texas 77019

Mr. Felix Skarpa
Mayor – City of Dayton
117 Cook Street
Dayton, Texas 77535

Mr. James Black
City Attorney – City of Groves
3535 Calder Avenue, Suite 300
Beaumont, TX 77706

Mr. Tyrone Cooper
City Attorney – City of Beaumont
P.O. Box 3827
Beaumont, Texas 77704

Mr. Paul Fukuda
City Attorney – Bridge City
260 Rachal
Post Office Box 846
Bridge City, Texas 77611

Mr. David Olson
City Attorney – City of Cleveland
Wortham Tower, Suite 600
2727 Allen Parkway
Houston, Texas 77019

Mr. Mark Winberry
City Attorney – City of Conroe
P.O. Box 3066
Conroe, Texas 77305

Mr. David Douglas
City Manager – City of Dayton
117 Cook Street
Dayton, Texas 77535

Mr. D. E. Sosa
City Manager – City of Groves
P.O. Box 3286
Port Arthur, Texas 77643

Attachment: Entergy Susp Info Oct 2013 (2841 : Entergy Rate Increase)

Ms. Tina Paez
City of Houston Administration & Regulatory
Affairs Department (ARA)
611 Walker, 10th Floor
Houston, Texas 77002

Ms. Melba T. Pourteau
City of Houston Legal Department
P.O. Box 368, Houston, Texas 77001-0368
City Hall Annex, 4th Floor
900 Bagby
Houston, Texas 77001-0368

Mr. Leonard Schneider
City Attorney – City of Huntsville
2 Riverway, Suite 700
Houston, Texas 77056-1918

Mr. Matt Benoit
City Manager – City of Huntsville
1212 Ave. M
Huntsville, Texas 77340

Mr. Gary Broz
City Manager – City of Liberty
1829 Sam Houston
Liberty, Texas 77575

Mr. Bryan Fowler
City Attorney – City of Montgomery
101 Old Plantersville Road
Montgomery, Texas 77316

Mr. Cary Bovey
Law Office of Cary L. Bovey, PLLC
2251 Double Creek Dr., Suite 204
Round Rock, Texas 78664

Mr. Brad Stafford
City Manager – City of Navasota
202 E. Washington
Navasota, Texas 77868

Mr. Jesse Branick
City Attorney – City of Nederland
221 Hwy. 69 South, Suite 100 (office)
Nederland, Texas 77627

Mr. Christopher Duque
City Manager – City of Nederland
P.O. Box 967
Nederland, Texas 77627

Ms. Vicky Rudy
City Manager – City of Oak Ridge North
Oak Ridge North
27424 Robinson Road
Oak Ridge North, Texas 77385

Ms. Clasina Watson
City Secretary – City of Oak Ridge North
27424 Robinson Road
Oak Ridge North, Texas 77385

Mr. Shawn Oubre
City Manager – City of Orange
803 W. Green Avenue, Room 201
Orange, Texas 77630

Mr. Rodney Price
City Attorney – City of Pine Forest
City Attorney – City of Rose City
215 W. Freeway
Vidor, Texas 77662

Mr. Tommy Gunn
City Attorney – City of Pinehurst
202 S. Border
Orange, Texas 77630

Mr. Joe Parkhurst
City Administrator – City of Pinehurst
2497 Martin Luther King Jr. Drive
Orange, Texas 77630

Ms. Val Tizeno
City Attorney – City of Port Arthur
P.O. Box 1089
Port Arthur, Texas 77640

Mr. Pete Steele
City Attorney – City of Port Neches
3120 Central Mall Drive
Port Arthur, Texas 77642

Mr. Greg Smith
City Manager – City of Shenandoah
29955 IH-45 N.
Shenandoah, Texas 77381

Mr. Tommy Bartosh
City Manager – City of Silsbee
105 South 3rd Street
Silsbee, Texas 77656

Mayor Dorothy Welch
City Attorney Leonard Schneider
City of Splendora
P.O. Box 1087
Splendora, Texas 77372

Mr. Guy N. Goodson
City Attorney – City of Vidor
P.O. Box 4915
Beaumont, Texas 77704-4915

Mr. Joe Alford
City Attorney – City of West Orange
105 Market
Orange, Texas 77630

Mr. Floyd Johnson
City Manager – City of Port Arthur
P.O. Box 1089
Port Arthur, Texas 77640

Mr. Andre Wimer
City Manager – City of Port Neches
634 Avenue C
Port Neches, Texas 77651

Mr. Harry Wright
City Attorney – City of Silsbee
PO Box 186
Port Neches, Texas 77651

Mr. Larry Saurage
City Manager – City of Sour Lake
655 W. Barkley St.
Sour Lake, Texas 77659

Mr. Ricky E. Jorgensen
City Manager – City of Vidor
1395 N. Main St.
Vidor, Texas 77662-3726

Mayor Roy McDonald
Mayor – City of West Orange
2700 Western Avenue
West Orange, TX 77630

Michael S. Stelly
City of West Orange, Texas
2700 Austin Avenue
West Orange, TX. 77630

Re: Entergy Texas, Inc.'s Notice of Intent to File a Base Rate Case

Dear Cities:

Entergy Texas, Inc. ("Entergy" or "Company") has filed a statement of intent with each of your Cities requesting an annual base rate increase of \$38.6 million, representing an overall increase of 4.93% in revenues. In addition, the Company requests two surcharge riders of \$3.125 million for rate case expenses and \$11.4 million of rough production cost equalization payments. For the first year, the rate increase is \$53.1 million, or an increase to current non-fuel rates of 6.78%. The annual increase in revenues from residential customers is \$7.8 million. If

approved, Entergy's base rate increase request would result in a monthly increase of \$1.89 for an average residential customer using 1000 kWh per month. Your City should have received Entergy's statement of intent to request a rate increase on September 25, 2013.

Entergy is also requesting a special circumstance request to recover an additional \$21.5 million of purchased power expenses that were not approved in Entergy's last case.

Entergy has proposed that the base rate increase become effective on October 30, 2013. **As such, the City must take action to approve, deny, modify, or suspend the rate increase request by the October 30, 2013 proposed effective date.** We recommend that the Cities suspend the effective date of the proposed rate increase to permit time to review Entergy's request and make an informed recommendation to the Cities.

We are providing a proposed ordinance that would suspend the effective date proposed by Entergy to January 28, 2014. Pursuant to Public Utility Regulatory Act, Tex. Util. Code § 36.108, municipal regulatory authorities may suspend the rate change proposed by a utility up to 90 days from the effective date. **Once again, this proposed ordinance must be passed by October 30, 2013.**

The proposed ordinance also authorizes the City to join with the Steering Committee of Cities to retain legal counsel and rate consultants, participate in the base rate proceeding before the Public Utility Commission and any courts, and to seek reimbursement for rate case expenses from Entergy.

The Steering Committee of Cities has scheduled a meeting to discuss the case for October 16, 2013, from 10 am to noon at Beaumont City Hall, 801 Main Street, Beaumont Texas.

Cities have been instrumental in maintaining the rates of Entergy at just and reasonable levels and requiring Entergy to maintain adequate service. In the past seven years, Entergy has filed for three base rate increases. In each proceeding the efforts of the Cities have resulted in reduced rates for customers. The following table summarizes each base rate increase requested and the settled or litigated result of the case after Cities have intervened and contested the rate increase:

Entergy's Past Three Base Rate Cases			
Date Filed	Requested Increase	Result	Percentage of Request
Sept. 26, 2007 ¹	\$112 Million	\$28 Million	25%
Dec. 30, 2009 ²	\$211.5 Million	\$68 Million	32%
Nov. 28, 2011 ³	\$111.8 Million	\$27.7 Million	25%

¹ Application of Entergy Gulf States, Inc. for Authority to Change Rates and to Reconcile Fuel Costs, Docket No. 34800, Application.

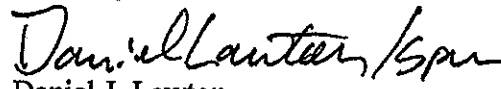
² Application of Entergy Gulf States, Inc. for Authority to Change Rates and to Reconcile Fuel Costs, Docket No. 37744, Application.

As is shown above, after Cities have intervened and contested Entergy's proposed rate increase, Entergy's final rate increase is a fraction of the rate increase requested. Cities' participation has also helped result in fuel refunds and rate credits of more than \$30 million as part of the settled or litigated resolution of the three rate cases.

Cities' continued involvement in Entergy's rate cases has been instrumental in maintaining just and reasonable rates for customers within the Cities and we expect that Entergy's currently proposed rate case will be no different. We look forward to discussing this case more with you at the October 16th meeting of the Steering Committee of Cities.

If there are any questions or concerns, please do not hesitate to call.

Sincerely,


Daniel J. Lawton

Attachment: Entergy Susp Info Oct 2013 (2841 : Entergy Rate Increase)

³ *Application of Entergy Gulf States, Inc. for Authority to Change Rates, Reconcile Fuel Costs, and to Obtain Deferred Accounting Treatment*, Docket No. 39896, Application.



City of Liberty, Texas

Application for a Drilling Permit

Date: September 18, 2013

HONORABLE MAYOR AND CITY COUNCIL MEMBERS:

The undersigned, in accordance with Section 4.07 of the City of Liberty, Code of Ordinances, regarding the drilling, completion and operation of oil and gas wells within the Corporation Limits of the City of Liberty, Texas, hereby applies for a permit to drill a gas and/or oil well at the following described location:

CF No. 9: 23927' FEL & 4807' FSL of David Minchey Survey A-85.

The surface location is 222' FNL & 142' FWL of the Lease.

CF No. 10: 23926' FEL & 4832' FSL of David Minchey Survey A-85.

The surface location is 197' FNL & 144' FWL of the Lease.

The following additional information is requested:

1. Proposed well name: Chevron Fee No. 9 and No. 10
2. Surface owner name(s) and address(es) of the lease property: W. Maynard
South Liberty Field
3. Mineral lessee name and address: JOY Resources, Inc.
4605 Post Oak Place, Suite 250, Houston, Texas 77027
4. Applicant/operator name and address, and if the operator is a corporation, the state of incorporation, address, officer's names and addresses, registered agent and address and articles of incorporation; and if the operator is a partnership, the names and addresses of the general and limited partners. Copies of any "Doing

Business As" filings: JOY Resources, Inc.

5. Name and address of individual designated to receive notice: Steve Carpenter

4605 Post Oak Place, Suite 250, Houston, Texas 77027

6. Name of operator representative with supervisory authority over all gas operation site activities and a 24-hour phone number: Steve Carpenter (832) 655-4163

or James Pfluger (979) 250-1454

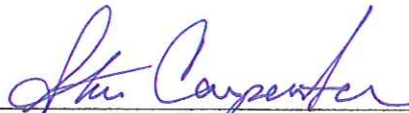
7. The name, address, and 24-hour phone number of the person to be notified in case of an emergency: James Pfluger

(979) 250-1454

8. The exact acreage of the drill site and number of wells included in the oil and gas well permit application: 40 acres/2 wells

Chevron Fee #7 is a producing well within the same tract.

9. This application shall be accompanied with a notarized statement signed by the operator, or designated representative that the information submitted with the application is, to the best knowledge and belief of the operator or designated representative, true and correct.



Signature of Applicant

Notarized Statement

I, Steve Carpenter, being the duly authorized operator or designated representative of JOY Resources, Inc. swear and affirm that the information submitted with this application is, to the best of my knowledge and belief true and correct.

Steve Carpenter

Operator or Designated Representative

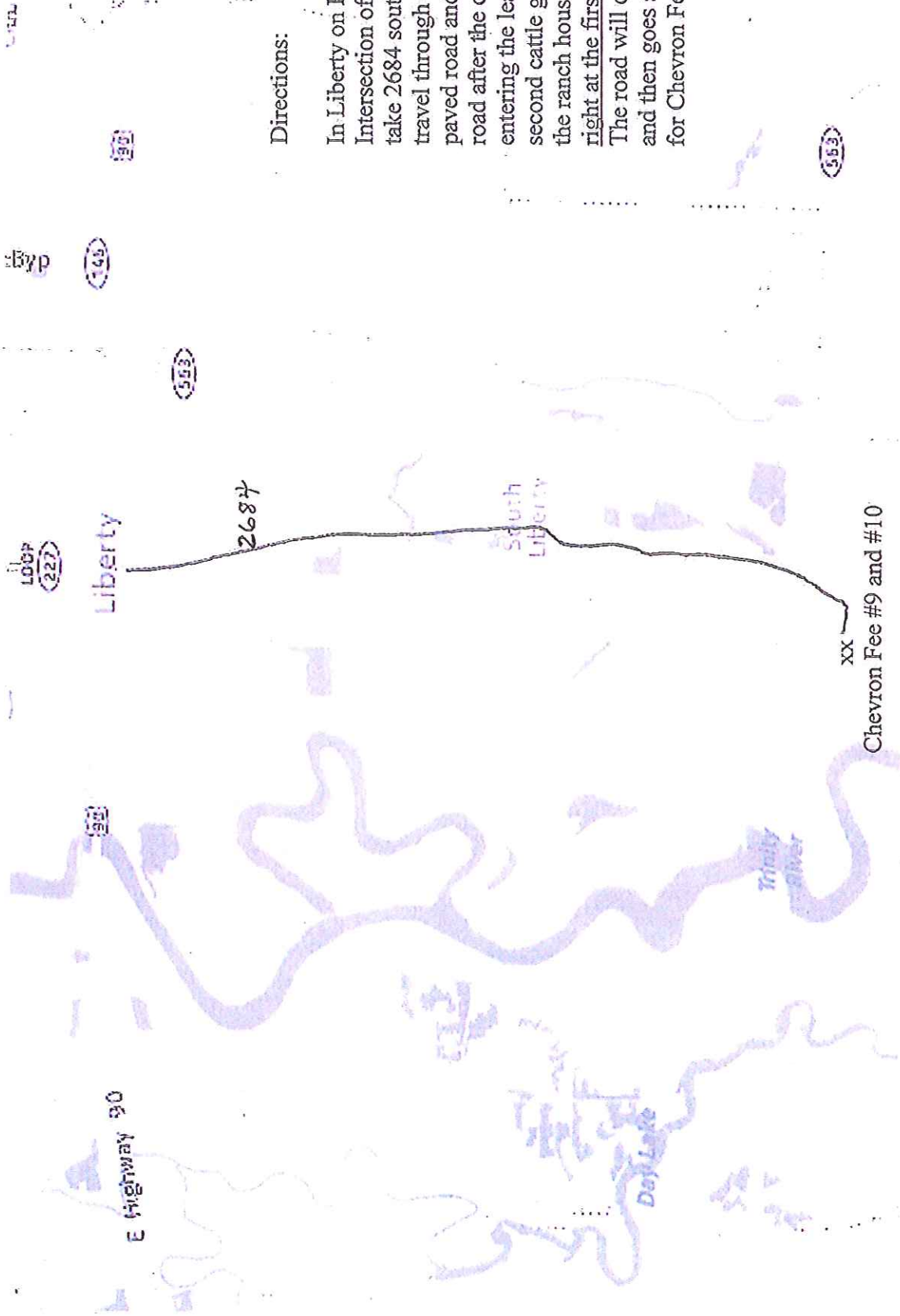
SIGNED under oath before me by Steve Carpenter, on the 18th day of September, 2013.



Patricia Moreno

Notary Public, State of Texas

JOY RESOURCES, INC.



Directions:

In Liberty on HWY 90, at the Intersection of 2684 and Hwy 90, take 2684 south approx. 3 miles, travel through settlement on main paved road and onto dirt lease road after the cattle guard. After entering the lease, travel past second cattle guard, continue past the ranch house and veer to the right at the first fork in the road. The road will curve to the right and then goes straight onto the pad for Chevron Fee #9 and #10.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.4

Meeting: 10/08/13 06:00 PM

Department: Administration
Category: CAD Nom/Appt

RESOLUTION (ID # 2842)

DOC ID: 2842

EXPLANATION:

Members of the CAD Board of Directors serve two-year terms and must reside in the Appraisal District for at least two years prior to taking office. A person may serve on the governing body of a taxing unit in the District and also serve as a Director of the CAD.

Each voting taxing unit may nominate one to five candidates for each of the five positions on the Board. A candidate must receive 834 votes, out of 5000, to guarantee election. In September 2011, the Council nominated John Hebert, Jr. Who was elected to the board.

Nominations must be submitted by October 15th.

**A RESOLUTION OF THE CITY OF LIBERTY, TEXAS MAKING A
NOMINATION OR NOMINATIONS TO THE LIBERTY COUNTY
CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS.**

Whereas, the City of Liberty is a voting taxing unit in the Liberty County Central Appraisal District; and

Whereas, each voting taxing unit in Liberty County is entitled to nominate one candidate for each of the District's five Board of Directors positions; and

Whereas, these nominations must be submitted to the Chief Appraiser by October 15, 2013 to be eligible to be placed on the ballot for the 2014-2015 term; and

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Liberty nominates the following candidates for the Liberty County Appraisal District Board of Directors:

PASSED AND APPROVED this the 8th day of October, 2013.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

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

July 30, 2013



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

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

Re: Nomination of Directors for the Liberty County Central Appraisal District

Dear Sir;

It is time again for the voting taxing units within the Liberty County Central Appraisal District to select Appraisal District directors. These directors will serve two year terms beginning January 1, 2014.

An Appraisal District director must reside in the Appraisal District for at least two years immediately preceding the date he or she takes office. A person may serve on the governing body of a taxing unit in the Appraisal District (i.e. City Councilman, School board trustees, County Commissioner, etc.) and still be eligible to serve as director. An employee of a taxing unit is not eligible to serve as a director unless he is also an elected official. Property Tax Code Section 6.035, prohibits a Board Member from serving if the member is related within the second degree of consanguinity or affinity to a person who is in the business of Appraising property or represents property owners in proceedings in the Appraisal District. Under Section 6.036, a person is also ineligible if he, or a business that he has a substantial interest in, enters into a contract with the Appraisal District or a taxing unit in the district. Also, Section 6.035 of the Texas Property Tax Code may prohibit a person from serving if they owe delinquent taxes.

Each voting taxing unit is entitled to nominate one candidate for each of the five positions on the board. Thus, your taxing unit may nominate one to five candidates. To **guarantee election**, a director must receive at least 834 votes out of 5,000 total votes.

Attached for your study is a timetable for election of directors and a list of all voting taxing units and their voting entitlements. Please submit the names of your nominees by written Resolution to my office by October 15, 2013. **Only the names of the nominees received by the deadline of October 15, 2013 will be included on the official ballot which will be mailed to each voting taxing unit by October 30, 2013.** If I can answer any questions concerning this election, please contact me at the number listed above.

Sincerely,


ALAN D. CONNER
CHIEF ADMINISTRATOR

ADC/lan

Attachment: CAD Nom Info Board of Directors 2013 (2842 : CAD Nomination Board of Directors)

TIMETABLE FOR ELECTION OF BOARD OF DIRECTORS LIBERTY COUNTY CENTRAL APPRAISAL DISTRICT

- | | |
|----------------------------------|--|
| <u>September 30, 2013</u> | <p>-Chief Appraiser must notify each taxing unit of the number of votes it may cast and deliver to the following:</p> <ul style="list-style-type: none"> • County Judge and each Commissioner • Mayor and City Manager of each city • School Board President and Superintendent for each school |
| <u>October 15, 2013</u> | <p>-Each of these voting taxing units nominates by Resolution, one candidate for each of the five (5) positions and submits their nominations to the Chief Administrator.</p> |
| <u>October 30, 2013</u> | <p>-The Chief Administrator prepares a ballot listing the candidates alphabetically and delivers ballot to each voting taxing unit.</p> |
| <u>December 16, 2013</u> | <p>-Each voting unit casts its vote by written resolution and submits it to the Chief Administrator by this date.</p> |
| <u>December 31, 2013</u> | <p>-Chief Administrator must count votes, declare winners and notify all taxing units of results by this date.</p> |
| <u>January 1, 2014</u> | <p>-Directors begin their two-year term of office.</p> |

NOTE: If any of the above deadlines fall on a holiday or weekend, the deadline will be the next working day.

LIBERTY COUNTY CENTRAL APPRAISAL DISTRICT 2013 VOTE CALCULATION CAD DIRECTORS

VOTING TAXING UNITS	2012 TAX LEVY	%	# OF VOTES
LIBERTY COUNTY	\$ 24,839,055	0.2874	1,436
CLEVELAND ISD	\$ 8,077,984	0.0935	467
DAYTON ISD	\$ 17,680,767	0.2046	1,023
DEVERS ISD	\$ 3,797,397	0.0439	220
HARDIN ISD	\$ 3,460,939	0.0400	200
HULL DAISSETTA ISD	\$ 3,229,198	0.0374	187
LIBERTY ISD	\$ 10,061,869	0.1164	582
TARKINGTON ISD	\$ 4,685,622	0.0542	271
CITY OF AMES	\$ 169,806	0.0020	10
CITY OF CLEVELAND	\$ 2,515,765	0.0291	146
CITY OF DAISSETTA	\$ 120,249	0.0014	7
CITY OF DAYTON	\$ 4,628,182	0.0536	268
CITY OF DAYTON LAKES	\$ 15,623	0.0002	1
CITY OF DEVERS	\$ 27,340	0.0003	2
CITY OF HARDIN	\$ 58,450	0.0007	3
CITY OF LIBERTY	\$ 3,052,723	0.0353	177
CITY OF MONT BELVIEU	\$ 3,236	0.0000	-
TOTAL	\$ 86,424,205		5,000

§ 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

7.A.7

Meeting: 10/08/13 06:00 PM

Department: Administration
Category: Lease of City Property

COUNCIL ACTION (ID # 2845)

DOC ID: 2845

EXPLANATION:

The City advertised for the lease of the City's property on Hwy. 90, formerly known as the location of Key Energy Services. Lease proposals were to be opened on October 3, 2013 at 2:00 p.m. However, there were no responses to the advertisement.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.10

Meeting: 10/08/13 06:00 PM

Department: Administration
Category: Utilities

ORDINANCE (ID # 2850)

DOC ID: 2850