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, October 8, 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 Attorney	Present	

II. INVOCATION

The Invocation was passed on for this meeting.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Liberty High School Seniors Hunter Gilfillian and Stephanie Lopez.

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Public Comment is reserved for members of the public who would like to address the City Council regarding agenda and non-agenda items. Please be aware that, under Texas Law, the Council may not deliberate or take any action during Citizen's comments for items not on the agenda. In some situations, City Staff may be able to respond to the public comment with a factual statement or clarification. The City Council may have the item placed on a future agenda for action or refer the item to Management and Staff for study or conclusion.

Mayor Pickett welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council. There were no comments from the audience.

Mayor Pickett reported the following:

- National Night Out held on October 1st at the Liberty Municipal Park was a huge success,
- the Texas Municipal League Annual Conference will be held in Austin, October 8th-11th; several members of Council and Staff will be attending, and
- the Pals of the Pound have been working diligently to promote the adoption of dogs and cats from the Animal Shelter.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2840)

Project Updates - City Mgr. Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the status of various City projects and events as follows:

1) The Boomerang Substation Project is moving along well. The switchover will take place in December at which time the City will experience a 4-6 hour late night blackout while this event takes place,

2) Groundbreaking for the new Police Station will take place on Monday, October 14th at 10:00 a.m.,

3) the Liberty Community Development Corporation received an A Minus Rating from Standard and Poors in regard to the issuance of $3.9 million in Sales Tax Revenue Bonds to complete the Street Extension Project,

4) expressed appreciation to the departments involved in National Night Out, and

5) stated he would answer questions regarding any other ongoing 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:	Dennis Beasley, Councilperson
SECONDER:	Frank Jordan, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold

A. Minutes Approval

1. Tuesday, September 10, 2013

2. Tuesday, September 24, 2013

VII. REGULAR AGENDA

A. Regular Session

1. Ordinance 2013-14

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.

COMMENTS - Current Meeting:

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

"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.

City Manager Gary Broz explained that Entergy Texas has filed a Statement of Intent requesting an annual increase in the base rate to its customers. Entergy has proposed that the base rate increase become effective on October 30, 2013. Lawton Law Firm attorneys for the Steering Committee of Cities, of which the City of Liberty is a part, recommend that the effective date of the rate increase be suspended to permit time to review Entergy's request, negotiate, and make an informed recommendation to the cities. Mr. Broz further explained that the ordinance also authorizes the City to join with the Steering Committee to retain legal counsel and rate consultants to participate in the proceedings before the Public Utility Commission. Mr. Broz reported that cities intervention in previous rate cases have resulted in the final rate increase being only a fraction of that requested by Entergy.

Motion was made to adopt the Ordinance suspending the effective date of the rate increase for an additional ninety (90) days.

ATTACHMENTS:

- Entergy Susp Info Oct 2013 (PDF)

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

2. Public Hearing (ID # 2847)

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

COMMENTS - Current Meeting:

At 6:15 p.m., Mayor Pickett opened the Public Hearing on the application for a drilling permit from Joy Resources, Inc. An application has been submitted for two oil wells to be drilled in the David Minchey Survey A-85 (South Liberty Oilfield). These two wells (Chevron Fee No. 9 and No. 10) will be located on the same site. Lengthy discussion was held regarding the location, signage, noise issues, well depth, clean-up, and numerous related issues. There were no comments from the public.

At 6:23 p.m., Mayor Pickett closed the Public Hearing.

ATTACHMENTS:

- Drilling Appl-Joy Resources Sept 2013 (PDF)

3. Council Action 2013-96

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

COMMENTS - Current Meeting:

Motion was made to issue a drilling permit to Joy Resources, Inc. For the Chevron Fee No. 9 and No. 10.

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

4. Resolution 2013-14

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

COMMENTS - Current Meeting:

Brief discussion was held regarding the nomination and election process for positions on the Central Appraisal District Board of Directors. Each voting taxing entity may nominate one to five candidates for each of the five positions on the Board. A motion was made to nominate John Hebert, Jr. And Kevin Ladd to this Board.

ATTACHMENTS:

- CAD Nom Info Board of Directors 2013 (PDF)

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

5. Council Action 2013-97

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.

COMMENTS - Current Meeting:

Mr. Broz reported that this agenda item is to be passed on, as the LCDC requested additional information regarding this item.

RESULT:	**NO ACTION TAKEN**

6. Council Action 2013-98

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

COMMENTS - Current Meeting:

City Attorney Randy Gunter reported that the Liberty Community Development Corporation (LCDC), which has eminent domain authority, authorized the Corporation's attorney to move forward with notices in an attempt to acquire a 2.25 acre tract for the Street Extension Project. Mr. Gunter reported that the property is for sale, a second appraisal had been obtained and the owner was sent an offer, but declined. Mr. Gunter then outlined the various steps for the eminent domain process.

Motion was made to ratify the LCDC's action to proceed with eminent domain.

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

7. Council Action 2013-99

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

COMMENTS - Current Meeting:

Mr. Broz reported that 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 however, there were no responses to the advertisement. Discussion was held regarding the facilities and their operational status, re-advertising for lease, placing signage on the property notifying the public of the lease, and other related issues.

Council directed management to place signage on the property and use any other means that may successfully market the property.

RESULT:	**NO ACTION TAKEN**

8. Council Action 2013-100

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

COMMENTS - Current Meeting:

Mr. Broz reported that only one bid was received for the sale of the City's property, known as the Trinity Street Complex. The bid for this 2.85 acres was submitted by Mr. David Leonard in the amount of $41,225.00. Mr. Broz stated that Mr. Leonard is assuming the property for sale, as is, however, the City is retaining the west side of the property as it is a water well location.

Motion was made to award the bid and sale of the property to Mr. David Leonard for $41,225.00.

ATTACHMENTS:

- Trinity St Complex Oct 2013 (PDF)

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

9. Council Action 2013-101

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

COMMENTS - Current Meeting:

Mr. Broz reported that the four-year lease on his City vehicle expires on October 23, 2013. Mr. Broz received quotes from various other vendors for leasing a new vehicle, however the monthly lease amounts was over budgeted amounts. Mr. Broz stated that the current vendor for his vehicle would lower the monthly lease amount from $568 to $400, if he would like to extend the current lease for an additional year.

Motion was made to extend the current lease for an additional year, at a monthly cost of $400.

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

10. Ordinance 2013-15

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

COMMENTS - Current Meeting:

Mr. Broz reported that the proposed lien is to be placed on the property located at 2400 N. Main Street, known as the Mas Amigos Restaurant. This property is described as approximately 2.067 acres in Tract 246 of the George Orr Survey, Abstract 91. The proposed lien is being placed due to the utility account being in arrears and attempted to be paid with a check that was later dishonored, in the amount of $17,620.00.

After brief discussion, a motion was made to approve placement of a lien on the above described property.

This agenda item was approved by Council as an action item, there is no Ordinance document.

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 6:58 p.m.

.

____
Carl Pickett, Mayor

ATTEST:

____
Dianne Tidwell, City Secretary