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, November 12, 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 given by Fr. Ted Smith, St. Stephen's Episcopal Church, Liberty, Texas.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Liberty High School Seniors, Jason Locke and Davisha Papillion.

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 on the following items:

- thanked Councilperson Huddleston for coordinating the recent "Shred-It" Event,
- a special called Council Meeting will be held at Noon on November 14^{th} to canvass the Local Option Election held on November 5^{th},
- please keep in your thoughts and prayers those affected by the recent hurricane event in the Phillipines,
- No "Coffee with the Mayor" will take place during the months of November and December, due to the holidays, and
- and read notes received from two citizens complimenting the City; 1) on being walker-

friendly and 2) appreciation for the great job done by the new street sweeper.

City Manager Gary Broz reported that:

- the Country Christmas celebration sponsored by the Chamber of Commerce will be held on Tuesday, December 3rd,
- drilling rig in the South Liberty Oilfield, for which a permit was recently issued, is rigging up and will be ready to spud on Friday, and
- still having issues with hogs in the City.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2851)

Project Updates - City Mgr. Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reviewed a handout of current City projects:

- working on drainage at Sam Houston and San Jacinto streets,
- Boomerang Substation switchover to take place on December 14th for approximately 5 hours,
- dirt being moved on the new Police Dept. site, project completion date is mid-July, 2014,
- met with Boomerang Tube, LLC regarding water re-use plan,
- street project on schedule to be bid in early January, 2014,
- new street sweeper is working fine and a sweeping schedule will soon be published,
- annual employee Christmas Dinner scheduled for Thursday, December 12 at 6:00 p.m., and
- discussion of other City projects.

B. Information Item (ID # 2852)

Airport Advisory Board

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported that the current authority of the Airport Advisory Board will expire on December 31, 2013. Ms. Tidwell referred to a document reflecting the current members and mission of this Board. Ms. Tidwell stated that the December 10 City Council agenda will include items to extend the term of the Airport Advisory Board and appointment of its members.

C. Information Item (ID # 2853)

Community Development Advisory Board

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell also reported that the current authority of the Community Development Advisory Board will expire on December 31, 2013. Ms. Tidwell referred to a document reflecting the current members and mission of this Board. Ms. Tidwell stated that the December 10 City Council agenda will include items to extend the term of the Community Development Advisory Board and appointment of its members.

VI. CONSENT AGENDA

All consent items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, and if such a request is made, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

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

A. Minutes Approval

1. Tuesday, October 08, 2013

VII. REGULAR AGENDA

A. Regular Session

1. Resolution 2013-15

Consider a Resolution casting the City's voting entitlement for a position/positions on the Liberty County Central Appraisal District Board of Directors.

COMMENTS - Current Meeting:

Motion was made to cast the City's entire voting entitlement of 177 votes for Mr. John Hebert, Jr., for a position on the Liberty County Central Appraisal District Board of Directors.

ATTACHMENTS:

- CAD Voting Info Board of Dir 2013 (PDF)

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

2. Council Action (ID # 2855)

Consider award of bid for two (2) Utility Police Interceptors for the Liberty Police Department.

COMMENTS - Current Meeting:

Mr. Broz reported that bids were let for two Utility Police Interceptors for the Liberty Police Department, however, no bids were received. Mr. Broz requested permission to purchase these vehicles through BuyBoard, with the vehicles being provided by Philpott Ford. BuyBoard (customized electronic purchasing system) is a part of the Local Government Purchasing Cooperative. Mr. Broz explained that there was $70,000 budgeted in the fixed asset fund, with a total cost for the two vehicles being $65,399.56.

After brief discussion of the cooperative purchasing program, the vehicles and various equipment, a motion was made to purchase the vehicles through the BuyBoard, at a cost of $65,399.56.

3. Council Action 2013-103

Consider award of lease for City property located on Hwy. 90, formerly known as Key Energy Services, and take any action deemed necessary.

COMMENTS - Current Meeting:

Mr. Broz stated that there were some individuals that may be interested in a short team lease of this facility, but he has no commitments at this time.

RESULT:	**NO ACTION TAKEN**

4. Council Action 2013-102

Consider an Interlocal Agreement with Liberty County Precincts 1 & 2 for the maintenance of streets, roads, ditches and recreational areas, and take any action deemed necessary.

COMMENTS - Current Meeting:

Mr. Broz reported that this Interlocal Agreement is the same one that has been executed in prior years. Last year this agreement was changed to include not only County Precinct #1, but also Precinct #2. This agreement promotes working together for the completion of projects, by sharing/exchanging resources.

Motion was made to approve the Interlocal Agreement with Liberty County Precincts 1 and 2.

ATTACHMENTS:

- Interlocal with County Prec 1&2 Nov 2013 (PDF)

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

5. Council Action 2013-104

Consider E.P. Breaux Change Order No. 4 and No. 5 for additional wire and cable for the Boomerang Substation Project, and take any action deemed necessary.

COMMENTS - Current Meeting:

Mr. Broz presented E.P. Breaux Change Order Nos. 4 and 5 for the Boomerang Substation Project, in the amounts of $12,815.00 and $4,475.00, respectively. Change Order No. 4 is due to ground wire that was short because the existing grid was not in the areas expected. The contractor could not verify lengths until digging began. Change Order No. 5 is due to conduit and control wires being rerouted to avoid underground concrete barriers.

Mr. Broz stated that there is $17,255.00 cash in hand for the project, while deducting the expense for the two change orders leaves a negative balance of $35.00. After brief discussion, a motion was made to approve Change Orders No. 4 and 5.

ATTACHMENTS:

- Breaux CO Nos. 4 & 5 Info (PDF)
- Boomerang Sub Const Est Nov. 2013 (PDF)

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

6. Council Action 2013-105

Consider approval of an Interlocal Agreement with the Region VIII Education Service Center regarding participation in "The Interlocal Purchasing System Program" (TIPS/TAPS), and take any action deemed necessary.

COMMENTS - Current Meeting:

Mr. Broz requested approval of an Interlocal Agreement with the Region VIII Education Service Center. Mr. Broz explained that The Interlocal Purchasing System Program (TIPS/TAPS) is a purchasing cooperative serving school districts, colleges and federal, state, county and city entities. Their purpose is to provide substantial savings and best value for participating members through cooperative purchasing practices. Mr. Broz further stated there is no cost to the City to participate and the cooperative would be a reliable place to purchase playground equipment for the Municipal Park, at an effective cost savings.

Motion was made to approve the Interlocal Agreement.

ATTACHMENTS:

- Interlocal with Educ Svs Ctr Nov. 2013 (PDF)

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

7. Council Action 2013-106

Consider approval of proposed projects to be funded with monies previously distributed to member cities by the Sam Rayburn Municipal Power Agency.

COMMENTS - Current Meeting:

Mr. Broz reported on money distributed to member cities by the Sam Rayburn Municipal Power Agency. The City received undesignated funds in the amount of $488,677.00. Mr. Broz presented a list of proposed projects, ranked by Staff, with related costs. Lengthy discussion was held regarding the list of projects and their ranking. A portion of these funds, in the amount of $80,000, will be used for new Police Station construction:

1)	AC Upgrades at Fire Station	$ 45,000
2)	Electric Upgrades at - FM 563/Feeder on Lakeland	$ 40,000
3)	New Restrooms at the Municipal Park	$170,000
4)	New playground equipment at the Municipal Park	$ 50,000
5)	New Park Entrance Signage	$ 50,000
6)	Welcome Monument Upgrades - Hwy. 90	$ 30,000

7) New City Organization Signs $ 9,000

After lengthy discussion, consensus of Council was that the first five projects should seriously be considered at this time. Management was directed to develop a revised plan and cost estimate for the Park restroom upgrades, possibly working with the various softball associations and leagues. These projects will be re-presented at the Council Meeting of December 10th.

RESULT:	**NO ACTION TAKEN**

8. Ordinance (ID # 2865)

Consider adoption of an Ordinance amending the Master Fee Schedule to include rental fees for use of the ball fields at the Liberty Municipal Park.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS PROVIDING FOR THE AMENDMENT OF ORDINANCE 2013-13, AMENDING THE MASTER FEE SCHEDULE FOR ALL RATES AND FEES CHARGED BY THE CITY OF LIBERTY; PROVIDING THAT ALL RATES OR SCHEDULES OF RATES CONFLICTING HEREWITH ARE AMENDED; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS."

Public Works Director Tom Warner recommended that fees be assessed for rental of the ball fields at the Liberty Municipal Park. Mr. Warner explained that all the utility accounts for these fields are currently in the City's name. As each entity reserves the fields, utility accounts must be changed to the renter's name and deposits made. At the end of usage, the account must be changed back into the City's name and deposits refunded. These events take place on a re-occurring basis. Charging a fee for rental and leaving the accounts in the City's name, would help to alleviate a tremendous amount of time and paperwork.

After lengthy discussion of this topic and related issues, Councilperson Potetz, as a Board Member of the Liberty Youth Baseball Association, requested additional time to get feedback from the Association. This item will be placed on the Council agenda for December 10th.

RESULT:	**NO ACTION TAKEN**

B. Executive Session

Deliberation Regarding Economic Development Negotiation. Gov. Code §551.087
Consultation with Attorney - Closed Session. Gov. Code §551.071

1. Discussion regarding an economic development prospect/negotiations, and/or to deliberate the offer of a financial incentive.

At 7:05 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 7:36 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2013-107

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

RESULT:	**NO ACTION TAKEN**

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 7:37 p.m.

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary