



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, December 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	7:25 PM
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Randy Gunter	City Attorney	Present	

II. INVOCATION

The Invocation was given by Pastor Lindsey Smith, First United Methodist Church, Liberty, Texas.

III. PLEDGE OF ALLEGIANCE

The pledge to the American and Texas flags was led by Liberty High School Seniors Emily Caldwell and Michael Seay.

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.

Police Chief Billy Tidwell:

1) stated that he had provided Council with a copy of the letter sent to various individuals and businesses regarding the Police Department's Silver Santa Program. This program provides economically deprived/homebound senior citizens with a basket during the Christmas Season to include warm socks, blankets, non-perishable food items, and books.

2) a recent tragic vehicle incident took place on a freezing cold night, lasting approximately nine hours. On the scene were 8-9 police officers and 8-9 firefighters/EMS personnel. Chief Tidwell expressed to Council that the spirit of cooperation between the police and fire personnel was incredible.

Councilperson Jordan thanked Council and those who volunteered and assisted with the Liberty-Dayton Chamber of Commerce Country Christmas event. Mr. Jordan stated that he is no longer a Chamber Board Member, but knows the time and effort put forth by many to make this occasion successful.

Mayor Pickett:

- 1) reported there would be no Council meeting on the fourth Tuesday of December,
- 2) a new form is now included in the agenda packet to provide additional information on each agenda item,
- 3) at the Council Members places is a copy of the minutes from the Sam Rayburn Municipal Power Agency meetings of September 27, and October 8, 2013, and
- 4) wished everyone a Merry Christmas!

V. PRESENTATIONS / REPORTS

1. Information Item (ID # 2877)

Project Updates - City Mgr. Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on various project updates to include:

- 1) a reception will be held on Friday, December 20 for retiring Electric Supt., Randy Wiggins,
- 2) the City's annual Employee Christmas and Recognition Dinner will be held on Thursday, December 19th, and
- 3) construction of the new Police Department facility is progressing.

Further discussion ensued regarding street sweeper issues, the Police Department Activities Report and calls for service, and status of the City's property formerly known as Key Energy.

2. Information Item (ID # 2878)

Blackout for Boomerang Substation Connection - City Mgr. Gary Broz

COMMENTS - Current Meeting:

Mr. Broz showed a PowerPoint presentation of the new substation, on FM 3361, located at Boomerang Tube LLC. Mr. Broz reviewed various portions of the substation, their functions, and the process by which the power will be switched to the new substation. After brief discussion, Mr. Broz closed by stating that City Hall would be staffed during this blackout process to take from approximately 11:00 p.m. until 6:00 a.m. Police Department and Fire Department personnel will be out in full force. This event begins on Saturday, December 14th.

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, Simonson, Arnold
ABSENT:	Louie Potetz

A. Minutes Approval

1. Tuesday, November 12, 2013
2. Thursday, November 14, 2013

B. Council Action 2013-110

Consider acceptance of the 2014 Routine Airport Maintenance Program (RAMP) Grant Agreement.

ATTACHMENTS:

- RAMP Grant 2014 (PDF)

VII. REGULAR AGENDA**A. Regular Session****1. Council Action (ID # 2880)**

Eliza Mae Guidry, President of the Spirit of Sharing, to address Council regarding sewer issues at 2521 Beaumont Avenue and 415 Texas Street, and take any action deemed necessary.

COMMENTS - Current Meeting:

Ms. Eliza Mae Guidry, President, Spirit of Sharing Board of Directors addressed Council regarding rain events resulting in sewer issues at the Spirit of Sharing Office and Thrift Shop, located at 2521 Beaumont Avenue and 415 Texas Street. Ms. Guidry reported that these issues occur on a repeating basis and pleaded that a remedy be found to repair these problems.

Public Works Director Tom Warner stated that it had been recently discovered that one of the reasons for these problems is six AT&T fiber optic lines that run through a manhole. Mr. Warner reported that during installation of the fiber optic lines, AT&T improperly bore directly through the manhole. AT&T is currently working on the best solution for removing and relocating the fiber optic lines. After lengthy discussion, management was directed to work with AT&T to obtain a long-term solution to permanently correct the blockage problem, and to seek any short term solutions that may be necessary.

ATTACHMENTS:

- SOS Request (PDF)

2. Council Action (ID # 2881)

Discussion of late hours permits for the sale of alcoholic beverages, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Attorney Randy Gunter stated that after the November 5, 2013 election for the sale of all alcoholic beverages, including mixed beverages, there were numerous inquiries regarding late hours permits. Mr. Gunter explained that two ordinances were being presented to Council for consideration; 1) ordinance amending the Code of Ordinance to include the sale of alcoholic beverages with the current regular hours for sale and consumption and 2) an ordinance amending the Code of Ordinance to include the sale of alcoholic beverages with a provision for late hours for sale and consumption.

Lengthy discussion was held regarding alcohol related permits and the current hours of midnight on Sunday - Friday and 1:00 a.m. on Saturday or extended late hours until 2:00 a.m. each day, and other related topics.

3. Ordinance (ID # 2882)

Consider adoption of an Ordinance amending Article 4.02 of the Code of Ordinances regarding alcoholic beverages.

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 4.02, REGARDING ALCOHOLIC BEVERAGES; 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."

A motion was made by Councilperson Jordan to pass on this ordinance. Motion died for lack of a second. There was no action taken.

RESULT: NO ACTION TAKEN

4. Ordinance 2013-17

Consider adoption of an Ordinance amending Article 4.02 of the Code of Ordinances regarding alcoholic beverages, to include late hours permits.

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 4.02, REGARDING ALCOHOLIC BEVERAGES AND THE CREATION OF AN EXTENDED HOURS AREA; 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."

This ordinance is the same document presented in the previous agenda item, except that this ordinance allows the issuance of late hours permits. Motion was made to adopt the ordinance.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Frank Jordan, Councilperson
SECONDER:	Libby Simonson, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Simonson, Arnold
ABSENT:	Louie Potetz

5. Council Action 2013-121

Discussion of fees for rental of the ball fields at the Liberty Municipal Park, and take any action deemed necessary.

COMMENTS - Current Meeting:

Public Works Director Tom Warner explained that at a previous meeting, a discussion was held regarding fees to 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, and 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.

Discussion was held regarding a monthly seasonal fee in comparison with an annual monthly fee. Mr. Warner stated that leaving the accounts in the City's name, would alleviate a tremendous amount of time and paperwork for both the City, Baseball Association, and others using these facilities. No action was taken.

RESULT:	NO ACTION TAKEN
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6. Ordinance 2013-18

Consider adoption of an Ordinance amending the Master Fee Schedule to include alcoholic beverage fees and 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 ORDINANCES 2013-13, AMENDING THE MASTER FEE SCHEDULE FOR ALL RATES AND FEES CHARGED BY THE CITY OF LIBERTY; PROVIDING FOR RENTAL FEES FOR USE OF THE BALL FIELDS AT THE LIBERTY MUNICIPAL PARK; PROVIDING FOR FEES RELATED TO ALCOHOLIC BEVERAGE PERMITS; 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."

After lengthy discussion of the proposed fees for the baseball fields, a \$200 administrative fee related to alcoholic beverages permits, and the City being authorized by State Law to collect a fee equal to 1/2 the fee charged by the Texas Alcoholic Beverage Commission for various permits, a motion was made to adopt the Ordinance.

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

7. Council Action 2013-111

Consider extending the term of the Community Development Advisory Board, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell explained that the term and authority of this Board expires December 31st. Ms. Tidwell stated that if Council desires that this Board continue its work, the term must be extended for an additional period. Councilperson Jordan, Chairman of the CDAB, reported that the Board had been involved with annexation and various community improvements as an advisory entity to the City Council and would appreciate the term of the Board being extended for three years.

Motion was made to extend the term of the Community Development Advisory Board for an additional three years, ending December 31, 2016.

At 7:50 p.m., Mayor Pickett called for a five-minute recess.

ATTACHMENTS:

- CDAB Term 2013 (DOCX)

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

8. Council Action 2013-112

Consider appointments to the Community Development Advisory Board.

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell explained that at this time, the term of the Community Development Advisory Board Members also expire. Councilperson Jordan stated that he is willing to serve again, along with current members Donny Smith, Howard Brister, and Martha Goodwin. Councilperson Jordan also recommended proposed appointments of Jamie Carter, Holly Hargis, and DeAnn Smith, each of whom is willing to serve, if appointed. Mr. Jordan also recommended the appointment of Lindsey Delaney as an alternate.

Motion was made to approve the above-mentioned appointments.

ATTACHMENTS:

- CDAB Appt. Form 2013 (DOCX)

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

9. Council Action 2013-113

Consider extending the term of the Airport Advisory Board, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell explained that the term of the Airport Advisory Board also expires December 31st, and for the Board to continue its work regarding improvements to the Liberty Municipal Airport, the term of the Board must be extended.

Motion was made to extend the term of the Airport Advisory Board for an additional three years, ending December 31, 2016.

ATTACHMENTS:

- AAB Agenda Form 2013 (DOCX)

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

10. Council Action 2013-114

Consider appointments to the Airport Advisory Board.

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell explained the term of the Airport Advisory Board Members also expire. Ms. Tidwell stated that current members willing to be reappointed are Dale Clawson, Chet Tims, Bill Sjolander, Mike McCarty, Charlie Grabein and Darryl Taylor. Ms. Tidwell further explained that a specific Board requirement is that one member will be a councilperson or member of management. Currently, that requirement is not satisfied. Councilperson Simonson then suggested the appointment of Councilperson Beasley. The AAB consists of eight members, however, at this time only seven are being considered.

A motion was made to approve the above-mentioned appointments.

ATTACHMENTS:

- AAB Appts 2013 (DOCX)

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

11. Council Action 2013-115

Discuss rules for habitability, and take any action deemed necessary.

COMMENTS - Current Meeting:

Public Works Director Tom Warner addressed Council regarding code enforcement and the City having the ability to declare structures a nuisance. Mr. Warner further explained that the City has not previously addressed issues with respect to dangerous structures that are inhabited. Lengthy discussion was held regarding the International Property Maintenance Code that provides for the regulation and safe use of existing structures for the protection of the public health, safety and welfare. This Code addresses minimum standards for light, ventilation, heating, sanitation, fire safety, etc. Discussion of this agenda item resulted in consensus to address this issue in the future.

Mr. Warner is to see that Council receives a copy of this document, which will be used for discussion at a later date.

RESULT: NO ACTION TAKEN

12. Council Action 2013-116

Consider ratifying the Liberty Community Development Corporation's proposal award for a commercial hangar at the Liberty Municipal Airport.

COMMENTS - Current Meeting:

Mr. Broz reported that an airport mechanic wishes to move his business to the Liberty Municipal Airport. After obtaining quotes for rehabilitation of one of the two old hangars at the Airport, cost estimates were between \$80,000-90,000. However, after consulting with TxDot Aviation, upon construction of future runway expansion, the two old hangars would have to be removed. In lieu of spending these funds for repairs, Mr. Broz stated that two bids were received for the construction of a new 70X75 metal hangar to house an onsite mechanic. Low bid was \$223,580 and LCDC funds are proposed for the hangar construction.

Lengthy discussion was held regarding obtaining a lease prior to approving hangar construction, proposed five-year lease, hangar fee, sales tax revenues, mechanic's qualifications, insurance requirements and other related topics. No action was taken.

ATTACHMENTS:

- Commercial Hangar Dec 2013 (DOCX)
- Commercial Hangar Matrix (PDF)
- Commercial Hangar-Mechanic Ltr (PDF)

RESULT: NO ACTION TAKEN

13. Council Action 2013-117

Consider expenditure for furniture purchase for the new police department facility, from BuyBoard, and take any action deemed necessary.

COMMENTS - Current Meeting:

Mr. Broz reported that \$59,000 had been budgeted in the Police Station Construction Fund for furniture. Mr. Broz requested that the proposed expenditure of \$56,453.03 be approved from BuyBoard, from which the City received a 62.43% discount off of the regular price. This cost includes the furniture, delivery and installation.

Motion was made to approve the above-mentioned expenditure through BuyBoard, for furniture for the new Police Department facility.

ATTACHMENTS:

- PD Furniture Purchase 2013 (DOCX)
- PD Furniture Costs (PDF)

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

14. Council Action 2013-118

Consider award of bid for a pickup truck for the Parks Department and a patch truck for the Street Department.

COMMENTS - Current Meeting:

This agenda item was passed on.

RESULT:	NO ACTION TAKEN
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15. Council Action 2013-119

Consider approval of quote for AC rehabilitation, and other improvements, at the Liberty Fire Station, and take any action deemed necessary.

COMMENTS - Current Meeting:

Mr. Broz reported that this item comes from a previous list of proposed projects. There are numerous deficiencies in the Fire Department facility to include needed repair of bay lights, AC improvements, and replacement of ceiling tiles and insulation. Funds for these various repairs will come from special non-designated funds received from the Sam Rayburn Municipal Power Agency.

A motion was made to approve repairs to the Fire Department facility in the amount of \$42,755.

ATTACHMENTS:

- FD Repair Form 2013 (DOCX)

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

16. Council Action 2013-120

Consider quote for electric work to be performed on Lakeland Drive and on Hwy. 563 at Hwy. 90.

COMMENTS - Current Meeting:

Mr. Broz reported that the two proposed projects include the following:

1) relocate the utility pole at Hwy. 563 and Hwy. 90 as this pole has been hit numerous times by vehicles turning at the intersection. Relocation Cost - \$9000.

2) install 5 new gang switches on Lakeland Drive at Royal Street to improve reliability when switching power to different feeders, should a major outage occur. Project Cost - \$30,000.

Mr. Broz requested approval of these two projects with total costs for both projects not to exceed \$40,000. The \$40,000 will be expended from special non-designated funds received from the Sam Rayburn Municipal Power Agency. Motion was made to approve both projects.

ATTACHMENTS:

- Electric Upgrades Form 2013 (DOCX)

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

VIII. ADJOURNMENT

1. **Motion To:** Adjourn

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary