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, January 14, 2014 | **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	Absent	
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 Richard Ayers, Liberty County Veterans Affairs Officer.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Liberty High School Seniors Madison Cook and Garrett Bohannon.

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 remarked that there would be Special Called Meeting of the City Council on Tuesday, January 28th. Mayor Pickett also stated that the Annual Fundraiser of the Liberty Rotary Club, the Fish Fry and Oyster Supper would be held on Friday, January 17th in the Liberty City Hall.

V. PRESENTATIONS / REPORTS

1. Information Item (ID # 2905)

Project Updates - City Mgr. Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz answered questions and responded to concerns regarding the following topics:

- Restrooms at the Park
- Recent employee resignations
- Street sweeper currently working well
- Jubilee Street Dance entertainment - Cory Morrow
- National Incident Management System (NIMS) training
- Railroad right-of-way mowing
- North Travis water leak
- Sales Tax revenues of $301,000
- Entergy termination of merger with ITC regarding electric transmission business
- Boomerang Electric Substation switchover and blackout went well
- HGAC loan funds with reasonable interest rates
- Other city matters.

Prior to the conclusion of Project Updates, Police Chief Billy Tidwell thanked Council for their approval of budgeted funds for Stop Sticks. Chief Tidwell explained that stop sticks are a tire-deflating device for high-speed pursuits. Chief Tidwell continued by demonstrating the use of a stop stick which occurs well ahead of an approaching target vehicle, with officers a safe distance from the vehicle, yet in control of the device position through an attached cord reel. Quills penetrate the tire and act as valves releasing air at a safe, controlled rate.

2. Information Item (ID # 2906)

Payday Loans -

COMMENTS - Current Meeting:

Mayor Pickett reported that the City had received a letter from a local car dealer regarding his concerns with payday loans. City Manager Gary Broz explained that he had gathered information from the Texas Municipal League regarding this issue to include sample ordinances, for Council's review, should they want to take any action regarding this issue.

City Attorney Randy Gunter further stated the current risk of lawsuit regarding ordinances that impose restrictions on payday or auto loans, and recommended that Council wait for further action from the courts for direction on this topic.

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, December 10, 2013

2. Friday, December 20, 2013

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2014-1

Consider acceptance of the Annual Audit Report for Fiscal Year 2012-2013, as presented by Swaim, Brents and Associates.

COMMENTS - Current Meeting:

Ms. LeAnn Brents, Swaim, Hanagriff & Associates presented the Audit Report for Fiscal Year 2012-2013. Ms. Brents reviewed the Independent Auditor's Report which reflects that the City's financial statements present fairly, in all material respects, the financial position of the City as of September 30, 2013. Ms. Brents further stated that the operations of the City were similar, in comparison, to FY 2012. The City's total combined net position (net assests) was $39.2 million at Sept. 30, 2013, compared to $35.1 million at September 30, 2012. Ms. Brents reviewed numerous sections of the Audit Report and the various City ledgers examined to produce this report.

After a brief question and answer period regarding the report, Ms. Brents closed by stating that the City’s internal controls and procedures were thoroughly tested and that there is no management letter.

A motion was made to accept the Audit Report for Fiscal Year 2012-2013.

ATTACHMENTS:

- Audit Report (DOCX)

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

2. Council Action 2014-2

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

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported to Council that the City had received three bids for a Pickup truck for the Parks Department, and a patch truck for the Street Department. Budgeted amounts for each of these vehicles were $25,000 and $69,000, respectively. Mr. Warner recommended the bid of $20,000 for the pickup. Mr. Warner stated that cost for the patch truck would be $38,500 plus $16,000 for the rear view camera, for a total of $54,500. Mr. Warner explained that the low bid for the pickup is $100 less than BJ Ford's bid, but recommends that both vehicles be purchased locally from BJ Ford.

Motion was made to award the bid for both vehicles to BJ Ford, Liberty, Texas.

ATTACHMENTS:

- Bid 13-012 Vehicles (DOCX)
- Vehicle Bid Tab (PDF)

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

3. Council Action (ID # 2909)

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

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported that he had checked with other cities, in similar size, using variations of the Property Maintenance Code. Mr. Warner further detailed the process for adoption of the Code and its various uses. This Code addresses minimum standards for light, ventilation, heating, sanitation, fire safety, and other regulations. It also gives the Building Official the authority to allow thirty days to repair deficiencies in a inhabited structure that does not meet these standards.

Lengthy discussion was held regarding a possible list of resources for those that may not have any means for relocation, compassionate approach to sensitive issues, appeal process and other related concerns. Mr. Warner will bring this Code back to Council with proposed amendments of potential interest.

No formal action was taken.

ATTACHMENTS:

- Habitability (DOCX)

4. Resolution 2014-1

Consider a Resolution authorizing the City to partner with the Houston-Galveston Area Council regarding submission of an application to the Texas Water Development Board for a Flood Protection Planning Grant.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the City had been asked to participate with H-GAC in submitting a Flood Protection Planning Grant for the Lower Trinity River Watershed. This is a two-year partnership in which a plan will be developed to allow flood impacted communities to better manage and minimize current and future flood risk. Mr. Broz stated there would be no financial impact on the part of the City, but would contribute in-kind for its portion of the match.

Motion was made to approve the Resolution.

ATTACHMENTS:

- Resolution HGAC Flood Protection (DOCX)

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

5. Council Action 2014-3

Consider ratifying the Liberty Community Development Corporation's action regarding the Special Commissioner's Ruling in the eminent domain hearing, for property located on the Bypass for the Street Extension Project, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Attorney Randy Gunter reported on the condemnation proceeding recently held for 2.25 acres of property located on the Bypass, for the Street Extension Project. Mr. Gunter stated that this property had been for sale, for quite some time, for $245,000. The Council authorized eminent domain proceedings, which were filed in the County Court at Law and three Special Commissioners were appointed by Judge Chambers. The hearing was held on January 8th in which the Commissioners awarded the landowners $139,095 for the property.

At a noon meeting of the Liberty Community Development Corporation held on January 14th, the LCDC Board voted to accept the award and deposit these funds in the registry of the court. Mr. Gunter explained there is a twenty day waiting period in which each party may object to the ruling. If no objection is filed, a Final Judgement will be filed.

Mr. Gunter further reported that the previous appraisal received by the Corporation for this 2.25 acre tract was just under $113,000. Mr. Gunter stated that if either party does object to the ruling, this case would start over as a civil trial in the County Court at Law. Mr. Gunter recommended that Council take action to ratify the deposit of funds in the registry of the Court.

A motion was made to ratify the LCDC's action to move forward and place funds, in the amount of $139,095, in the registry of the Court.

ATTACHMENTS:

- Agenda Item Form-Eminent Domain (DOCX)

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

VIII. ADJOURNMENT

1. Motion To: Adjourn

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary