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, April 8, 2014 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Diane Huddleston	Mayor Pro Tem	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 Mr. Glen Cupit, Liberty Masonic Lodge.

III. PLEDGE OF ALLEGIANCE

Mayor Pickett led the pledges to the American and Texas flags.

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. However, comments were made by the following individuals:

1) City Mgr. Gary Broz commented on a Police Department memo regarding a theft in the 600 Block of Milam Street and related press conference that took place,
2) Councilperson Jordan reported that he would like to delay annexation proceedings until all gas storage business owners can be contacted,
3) Councilperson Simonson stated that she would like to see the April Council Meeting moved each year as it conflicts with Liberty County's Candlelight Vigil in recognition of Child Abuse and Crime Victims' Rights, and
4) Mayor Pickett reported on the Texas Municipal League Leadership Academy and asked that Council be aware of a Special Called Meeting to be held on April 22nd.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2965)

Project Updates - City Mgr. Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the numerous City projects to include:

1) Transformer to be installed at the Liberty Substation, following repairs,
2) New Police Station facility is moving along; current move-in date is early August,
3) AT&T contractors are installing underground fiber lines in several areas in the City,
4) Centerpoint Energy is also replacing underground gas line round the City,
5) Park restroom's will go to bid in late April,
6) Working with Boomerang Tube to complete last four connections to the new substation,
7) Continuing to work with Lee College to get classes started in Liberty, and
8) Budget time is fast approaching.

Mr. Broz also also commented and answered questions regarding various other projects.

B. Information Item (ID # 2966)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that the next Shred-It Event will be held on Saturday, May 3rd from 9:00 a.m. until Noon, in the City Hall parking lot. Ms. Huddleston reported that these events are well attended and a perfect time to dispose of sensitive documents.

C. Information Item (ID # 2967)

Liberty Jubilee Report - City Mgr. Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on a handout regarding the 2014 Liberty Jubilee and its success. Mr. Broz reported Staff will soon hold a follow-up meeting to review the event.

D. Information Item (ID # 2968)

Sam Rayburn Municipal Power Agency & Buydown Info - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported that once a year the Sam Rayburn Municipal Power Agency votes to refund certain funds to its member cities. The City of Liberty received $843,000 for fiscal year ending September 30, 2013. Mayor Pickett stated that on a yearly basis, these funds subsidize the utility rates that are paid by citizens, which allows our electric rates to remain competitive. The Mayor further reported that the Agency has been able to purchase power at a very stable rate for its customers, as a result of current contractual arrangements.

E. Information Item (ID # 2969)

Houston-Galveston Area Council Report - Councilperson Jordan

COMMENTS - Current Meeting:

Councilperson Jordan, as a member of the H-GAC Gulf Coast Economic Development District, reported that under this District is a loan committee charged with placing $7 million within a 13-County area. Councilperson Jordan stated that the LCDC has been approved for a 100% Economic Development Assistance Loan, in the amount of $492,000, for a tanker truck for the Liberty Fire Department. This loan application was the first of its type for EDA Funds to finance essential equipment for the safety and economic development of the community. Councilperson Jordan further stated that this is a twenty year loan at 4% simple interest, with a monthly payment of $2,987.

Councilperson Jordan reported that currently the Fire Department does not have a tanker truck, which would increase the available water supply to fight fires. It was further reported that H-GAC previously had a tanker truck with the proper specifications, however it has been sold, so the Fire Department will be attempting to locate a truck.

F. Information Item (ID # 2970)

Planning & Zoning Appointments - City Secretary-D. Tidwell

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported that appointments to the Planning and Zoning Commission will be made at the May Council Meeting. Ms. Tidwell briefly reported on the Commission and its members. Those individuals whose terms expire are Shelli Ellerbe and Mark Campbell, both of which are willing to serve again if reappointed.

G. Information Item (ID # 2971)

Liberty Community Development Corporation Appointments - City Secretary D. Tidwell

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported that appointments to the Liberty Community Development Corporation Board of Directors will be made at the May Council Meeting. Ms. Tidwell briefly reported on the Board and its members. Those individuals whose terms expire are Dennis Beasley, Mike McCarty, Barbara Norwood and Louie Potetz, all of which are willing to serve again if reappointed.

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:	Libby Simonson, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold

A. Minutes Approval

1. Tuesday, March 11, 2014

VII. REGULAR AGENDA

A. Regular Session

1. Ordinance 2014-7

Consider adoption of an amendment to the Amusement Machine Ordinance restricting membership to game rooms.

COMMENTS - Current Meeting:

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

"AN ORDINANCE AMENDING ARTICLE 4.11 OF THE CODE OF ORDINANCES, CREATING ARTICLE 4.11.015, FOUND IN CHAPTER 4, REGARDING AMUSEMENT MACHINES; PROHIBITING GAME ROOM MEMBERSHIPS; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

Mr. Broz reported that this Ordinance prohibits membership to game room facilities. Lt. Chip Fairchild, Liberty Police Department, explained that these facilities typically like to have membership requirements, which keep undercover officers from entering the business to observe activities.

Motion was made to adopt the Ordinance.

Counclperson Arnold left the meeting at 6:50 p.m.

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

2. Council Action 2014-15

Consider approval of JTR Constructors, Inc. Change Order No. 1 regarding fencing for the Wastewater Treatment Plant Improvements, Texas Water Development Board Project CWSRF #72124, Phase 3.

COMMENTS - Current Meeting:

Public Works Director Tom Warner and Mr. Rick Bourque, Schaumburg & Polk, reported on Change Order No. 1 for the Wastewater Treatment Plant Improvements, Texas Water Development Board Project. Mr. Warner reported that the original plans included limited fence repair. During construction, it was noticed that there were still areas of fencing, along the north and east fence, that may not conform to the 6 ft. TCEQ requirements. This fencing has also been the subject of past TCEQ inspection notices.

Change Order No. 1 increases the scope of fence replacement from rehabilitation of limited portions to replacement of all fence, posts and wires, including a motor operated gate and a 20X20 foot concrete slab for installation of the sensors. Cost to replace this additional 1870 feet of fencing is $39,982.00, with funds available in the grant. Replacing this fence will improve the security at the Treatment Plan and meet TCEQ requirements.

Motion was made to approve Change Order No. 1.

ATTACHMENTS:

- WWTP Fencing Agenda Form (DOCX)
- TWDB Project CO #1 Info (PDF)
- TWDB Project CO #1 Drawing (PDF)

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

3. Council Action 2014-16

Consider approval of N&T Construction Change Order No. 3 regarding a concreted slab for the generator and AC units at the new Police Department facility.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported that plans for the mechanical yard at the new Police Station facility specified housekeeping pads under eight air conditioning units and the generator. Change Order No. 3 provides for a concrete slab, in lieu of the housekeeping pads, in the mechanical yard at a cost of $4,500.00.

After brief discussion, a motion was made to approve Change Order No. 3.

ATTACHMENTS:

- PD Change Order Agenda Form (DOCX)
- PD Change Order Info(PDF)

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

4. Council Action (ID # 2975)

Consider the Consumer Price Index Adjustment to Municipal Telecommunications Right-of-Way Access Line Rates, and take any action deemed necessary.

COMMENTS - Current Meeting:

Mr. Broz reviewed the increase to the Consumer Price Index adjustment for Telecommunications Right-of-Way Access Line Rates. Mr. Broz recommended that the current rates not be adjusted for inflation, as this cost is passed directly to the customer.

A motion was made to deny the increase and leave the right-of-way access line rates at the 2013 rate.

ATTACHMENTS:

- PUC 2014 Consumer Price Index (PDF)

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

5. Ordinance 2014-8

Consider adoption of an Ordinance authorizing a partnership with other Entergy service area cities in matters concerning Entergy Texas, Inc. At The Public Utility Commission of Texas and the Federal Energy Regulatory Commission in 2014.

COMMENTS - Current Meeting:

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

"A ORDINANCE OF THE CITY COUNCIL OF LIBERTY, TEXAS, AUTHORIZING PARTICIPATION WITH OTHER ENTERGY SERVICE AREA CITIES IN MATTERS CONCERNING ENTERGY TEXAS, INC. AT THE PUBLIC UTILITY COMMISSION OF TEXAS AND THE FEDERAL ENERGY REGULATORY COMMISSION IN 2014; 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 Broz reported that this is an annual ordinance authorizes the City to join with other Entergy Service area cities in Southeast Texas, in matters relating to Entergy and energy issues. A motion was made to adopt the Ordinance as presented.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Libby Simonson, Councilperson
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson
ABSENT:	David Arnold

6. Resolution 2014-6

Consider a Resolution requesting that Congress not remove exemptions from tax-exempt bonds.

COMMENTS - Current Meeting:

City Attorney Randy Gunter reported that this Resolution comes as a recommendation of the National League of Cities. Mr. Gunter stated that there is discussion in Washington, D.C. of eliminating the tax free status of municipal bonds. Infrastructure projects funded by debt issued by municipal bonds would become more expensive if the tax exemption was taken away, as the current rates would expect to include a two-point increase. This Resolution, if approved, gives management the opportunity to send this document on to Congressional representatives that the City of Liberty does not approve.

A motion was made to approve the Resolution.

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

7. Council Action 2014-18

Discussion of a city-wide wireless network and telephone system linking all City facilities together, and take any action deemed necessary.

COMMENTS - Current Meeting:

This agenda item was passed on.

RESULT:	**NO ACTION TAKEN**

8. Council Action 2014-17

Consider ratifying the Liberty Community Development Corporation’s action regarding a loan from the Gulf Coast Economic Development District for a Fire Department tanker truck.

COMMENTS - Current Meeting:

This agenda item was passed on.

RESULT:	**NO ACTION TAKEN**

9. Council Action 2014-19

Consider approval of an administrative services contract for Texas Water Development Board loan programs.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that management was working with the Texas Water Development Board and had received four invitations to approach the Board for funding. Proposed projects for funding include a new water tower, various sewer work, rehabilitation of the north water plant and a new water well. The City must now complete a lengthy and time-consuming pre-application and application process to be approved for this funding from the Water Development Board. The City sought proposals for project management services, sending out six packets and received only one response, from Public Management, Inc.

Public Management, Inc., if approved, will assist with the entire process, following through to the end. Mr. Broz stated that the funds would be received in increments over four years, in which to complete planning, design and construction for these long-term projects. This project would also include seeking proposals for engineer, bond counsel, and financial advisor. All fees to be paid to Public Management will come from funds received from the Water Development Board.

After brief discussion of the projects, water rate adjustments, interest rate, and other related issues, a motion was made to approve the Financial and Project Management Contract with Public Management, Inc.

ATTACHMENTS:

- TWDB Programs-Rice 2014 (PDF)

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

10. Public Hearing (ID # 2981)

Public Hearing regarding the adoption of an Ordinance creating a Reinvestment Zone/Tax Abatement Zone at the Liberty Municipal Airport.

COMMENTS - Current Meeting:

At 7:18 p.m., Mayor Pickett opened the Public Hearing on the adoption of an Ordinance creating a Reinvestment Zone/Tax Abatement Zone at the Liberty Municipal Airport. City Attorney Randy Gunter explained the this item is in regard to the City's ability to grant tax abatements for new structures at the Airport. Mr. Gunter continued by stating that there is an increased interest/activity in private structures on Airport property and the vehicle by which to further assist business is by designating a Reinvestment Zone.

Mr. Gunter further explained that parameters must be created for the new zone, in which all businesses are treated the same; i.e. how many years taxes are to be abated, type of zone (manufactured, industrial, etc.), amount of minimum investment. This zone would encompass only the Airport property.

Mr. Gunter requested Council's guidance on minimum requirements prior to any requests for abatement, with discussion being held regarding research of reinvestment zones at other airports, tiered structures, and related issues.

Mayor Pickett closed the Public Hearing at 7:29 p.m.

11. Ordinance (ID # 2982)

Consider adoption of an Ordinance creating a Commercial/Industrial Reinvestment Zone at the Liberty Municipal Airport.

COMMENTS - Current Meeting:

This agenda item was passed on.

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 7:30 p.m.

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary