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, May 13, 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 Chris Contreras, Pastor of New Work Family Worship Center.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Liberty High School Senior, Holly Harris.

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. Mr. Lee Stearnes, 1409 Maple Street, expressed his concerns regarding loose dogs in his neighborhood.

Mayor Pickett reported 1) that there would be a Ground Breaking Ceremony for the new Street Project on Friday, May 16th at 2:00 p.m. This groundbreaking marks the beginning of the construction for a project that will bring growth and expansion within the City, and 2) City Manager evaluations are to be turned in to the Mayor by Thursday, June 5th.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2996)

Project Updates - City Manager G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the status of the following projects:

1) Boomerang switchover to the new substation to be rescheduled,
2) Clarifiers are being replaced at the Sewer Treatment Plant,
3) Construction of new Police Department facility moving along well,
4) Working on various proposed water projects and sources of funding,
5) Budget work sessions will be held in July,
6) Advertising to fill various vacant positions within the City,
7) Handout of Sam Rayburn Municipal Power Agency meeting minutes.

B. Information Item (ID # 2997)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that the recent "Shred-It" Event held on Saturday, May 3rd was a big success. Ms. Huddleston recognized those that assisted with the event to include City employees and Liberty High School students. Councilperson Huddleston concluded by saying that she had received many positive comments in regard to the City sponsoring these events, and the next "Shred-It" Day will be held in the early fall.

C. Information Item (ID # 2998)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported that the Sam Rayburn Municipal Power Agency had filed a lawsuit against the Agency's previous legal counsel for violation of ethical provisions and standards. Mayor Pickett stated that he could not expound upon this lawsuit as it is on-going litigation, however, he did want to inform the Council of the Agency's current development.

D. Information Item (ID # 2999)

Proclamation-Motorcycle Safety Awareness Month

COMMENTS - Current Meeting:

Mayor Pickett read, in its entirety, a proclamation proclaiming the month of May as "Motorcycle Safety Awareness Month" in the City of Liberty. Representatives from various motorcycle groups expressed their appreciation for the proclamation stating that it promotes increased awareness on the road, which ultimately saves lives.

ATTACHMENTS:

- Motorcycle Safety Month 2014 (DOC)

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, April 08, 2014

B. Council Action 2014-21

Consider approval of March 27 & 28 as dates for the 2015 Liberty Jubilee.

VII. REGULAR AGENDA

A. Regular Session

1. Information Item (ID # 3000)

Oath of Office to be administered to newly elected officials.

COMMENTS - Current Meeting:

Municipal Court Judge Michael Little issued the Oath of Office to those individuals elected to Council, as a result of the May 10, 2014 election cycle. The following individuals were duly elected and issued the Oath in alphabetical order:

Carl Pickett	Mayor
David Arnold	Council Member
Frank Jordan	Council Member
Louie Potetz	Council Member

ATTACHMENTS:

- Agenda Form-Oath (DOCX)
- Oath of Office Form (DOC)

2. Council Action 2014-22

Election of a Mayor Pro Tem.

COMMENTS - Current Meeting:

Councilperson Arnold proposed that Diane Huddleston continue serving as Mayor Pro Tem. There being no other nominations, a motion was made to elect Councilperson Huddleston as Mayor Pro Tem.

ATTACHMENTS:

- Agenda Form-Mayor Pro Tem (DOCX)

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

3. Public Hearing (ID # 3008)

Public Hearing on the designation of the Liberty Municipal Airport as a Commercial/Industrial Reinvestment Zone and establishing boundaries of said zone.

COMMENTS - Current Meeting:

At 6:27 p.m., Mayor Pickett opened the Public Hearing on the designation of the Liberty Municipal Airport as a Commercial/Industrial Reinvestment Zone. City Manager Gary Broz reported that reinvestment zones must be designated by ordinance and is a precursor to the Tax Abatement Program. Mr. Broz continued by stating that this zone includes only the Airport property and that prior to this public hearing, the required notice of the hearing was published in the newspaper. Notice was also given to those taxing entities that include the proposed zone in its boundaries for the purpose of tax abatement.

Discussion included criteria for designation as a reinvestment zone, examining other Airports that may be designated as reinvestment zones, establishing incentives for tax abatement, expiration of a reinvestment zone after ten years, and other related issues. Consensus of the Council was to complete the exhibits for the proposed Tax Abatements for this area and review of the current Boomerang Tube, LLC tax abatement incentives. Mayor Pickett closed the Public Hearing at 6:50 p.m.

ATTACHMENTS:

- Agenda Form-PH Reinvestment Zone (DOCX)

4. 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 in order to accumulate additional information.

ATTACHMENTS:

- Agenda Item Form Reinv Zone Ord (DOCX)

5. Public Hearing (ID # 3009)

Public Hearing on the institution of annexation proceedings to enlarge and extend the boundary limits of the City of Liberty; De Loach property at FM 160 and FM 1909.

COMMENTS - Current Meeting:

At 6:51 p.m., Mayor Pickett opened the Public Hearing on a proposed annexation to include property at FM 160 and FM 1909. City Manager Gary Broz reported that Mr. DeLoach petitioned the City to annex the 355.063 acres of DeLoach property, which was accepted and approved by Council on July 9, 2013. Mr. Broz further stated that this public hearing and the proposed ordinance will complete the process, if approved.

Discussion included issues that involve serving the area by the Fire and Police Departments and that there is no immediate service plan as the property is vacant.

At 6:55 p.m., Mayor Pickett closed the Public Hearing.

ATTACHMENTS:

- Agenda Item Form PH Annex (DOCX)

6. Ordinance 2014-9

Consider adoption of an Ordinance, pursuant to a voluntary request by the property owner, annexing 355.063 acres of additional Territory To Extend The Boundary Limits Of The City of Liberty to include said property.

COMMENTS - Current Meeting:

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

"AN ORDINANCE, PURSUANT TO A VOLUNTARY REQUEST BY THE PROPERTY OWNER, ANNEXING THE HEREINAFTER DESCRIBED 355.063 ACRE TRACT OF ADDITIONAL TERRITORY TO THE CITY OF LIBERTY, LIBERTY COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITH SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; 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 to adopt the Ordinance as presented.

ATTACHMENTS:

- Agenda Item Form Annex Ord (DOCX)

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

7. Council Action 2014-23

Consider appointments to the Liberty Community Development Corporation Board of Directors.

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported on the members of the Liberty Community Development Corporation Board of Directors. Ms. Tidwell reported that LCDC Board Members serve two-year terms and that four of the seven members shall be persons who are not employees, officers of the City or members of City Council. Those members whose terms expire are Dennis Beasley, Mike McCarty, Barbara Norwood and Louie Potetz.

A motion was made to reappoint the following members to the LCDC Board of Directors:

Dennis Beasley	Mike McCarty
Barbara Norwood	Louie Potetz

ATTACHMENTS:

- Agenda Form LCDC Appts (DOCX)

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

8. Council Action 2014-24

Consider appointments to the Planning and Zoning Commission.

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported on the members of the City's Planning and Zoning Commission. Ms. Tidwell reported that Commission Members are appointed by Council to serve three-year terms. Those members whose terms expire are Shelli Ellerbe and Mark Campbell.

A motion was made to reappoint the following members to the Planning and Zoning Commission: Shelli Ellerbe and Mark Campbell.

ATTACHMENTS:

- Agenda Item Form P&Z Appts. (DOCX)

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

9. Council Action 2014-25

Consider approval of Change Order No. 1 for the Ridgewood Subdivision Waterline Improvement Project, to include additional six inch water line pipe.

COMMENTS - Current Meeting:

City Engineer/Public Works Director Tom Warner reported that the design of the Ridgewood Subdivision Waterline Project included installation of a six inch water line on all streets except Briar Grove, due to a previously installed line on this street. However, during construction, it was determined that the integrity of the six inch line on Briar Grove was in poor condition and requires replacement.

Mr. Warner further stated that the change order for installation of this additional 700 feet of six inch water line would increase the contract by $10,500. Mr. Warner stated that the replacement of this line will assist in improving the integrity of the water infrastructure within the subdivision.

A motion was made to approve Change Order No. 1, in the amount of $10,500.

ATTACHMENTS:

- Agenda Form-Ridgewood CO #1 (DOCX)

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

10. Council Action 2014-26

Consider proposal award for the installation of network cable in the new Police Department facility.

COMMENTS - Current Meeting:

City Manager Gary Broz and City Engineer Tom Warner reported on network cabling for the new Police Department facility. It was explained that this data cabling is for all areas of the new building, except for 911, and does not include door security or cameras.

The City sought proposals for the installation of the computer data cables and received three responses. After review of the three proposals, management recommended Triangle Computer & Telephone in the amount of $8,150.00.

A motion was made to approve and accept the proposal from Triangle Computer & Telephone for $8,150.00.

ATTACHMENTS:

- Agenda Item Form PD Cable (DOCX)

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

11. Council Action 2014-27

Consider award of bid for construction of a new restroom facility at the Liberty Municipal Park.

COMMENTS - Current Meeting:

Mr. Tom Warner, City Engineer/PWD, reported that on May 9th the City received three proposals for construction of a new restroom facility at the Liberty Municipal Park. Three proposals, to include two alternates, were received from Bruce's General Construction, CSB Construction, and N&T Construction. Mr. Warner stated that the combined proposal from Bruce's Construction is well under the estimated project Architectural Alliance, Inc. recommends the contract be awarded in the amount of $197,100. The remaining two proposals were $232,852 and $218,300, respectively. Discussion included additional funds, not to exceed the amount of $9000, for completion of the paved parking and sidewalks (anticipated cost is $5,500-$6,500) and to serve as a back-up amount for any additional work due to the road relocation. This item will be brought to Council as a change order, at a later date. Further discussion was also held regarding the Baseball Board's contribution of $60,000 toward this project and appreciation was expressed by Council for this contribution.

Bruce's General Construction (low proposer) bid is as follows:

Base bid	Bldg. Construction	$174,900
Alternate #1	Veneer Stone	$7,200
Alternate #2	Metal Roof	$15,000
TOTAL		$197,100

A motion was made to award construction of the new restroom facility at the Liberty Municipal Park to Bruce's General Construction, in the amount of $197,100, and to authorize an increase in the contract, in an amount not to exceed $9000, for the paved parking and sidewalks in front of the new building.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Frank Jordan, Councilperson
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Pickett, Huddleston, Beasley, Jordan, Simonson, Arnold
ABSTAIN:	Louie Potetz

VIII. ADJOURNMENT

A. Motion To: Adjourn

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary