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, July 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	Absent	
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 Rev. Bob Greene, retired Episcopal Priest.

III. PLEDGE OF ALLEGIANCE

Mr. Angel Vandegift of Prescott, Arizona led the Pledge to the American and Texas flags. Mr. Vandegift was a guest of Rev. Greene.

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 thanked everyone involved for their participation in the Independence Day Celebration held at the Liberty Municipal Park on July 3rd. The Mayor also reminded Council of upcoming budget work sessions to be held on July 15th and 16th, to include the 17th, if necessary.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 3040)

Project Updates - G. Broz, City Mgr.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the following City related projects:

1) New Police Department Facility is progressing well. The air conditioning is on and the inside is being painted. Looking at mid-August move in.

2) Street Project - most of the brush has been cleared on the right-of-way from the Bypass to Lakeland Drive.

3) Wastewater Treatment Plant Upgrade is moving along. Should be complete in approximately two weeks. This will close out the 2007 Texas Water Development Board Bonds.

4) New playground equipment for the Liberty Municipal Park has been shipped to the installer. It will take approximately three days to erect the equipment.

5) Work is completed on drainage issues near the Central Appraisal District building and the railroad tracks.

6) Staff working on the proposed budget for FY 2014-2015. Considering a possible water and sewer increase and tax increase.

7) The budget work session on the 16th will include the Planning & Zoning Commission for a presentation from J. Rice, Public Management, Inc. on the Comprehensive Master Plan.

Mayor Pickett commented on his recent visit to the Waste Management Recycling Facility in Bellaire, Texas and their various processes.

B. Information Item (ID # 3041)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported that the Sam Rayburn Municipal Power Agency (SRMPA) is now a part of the Midwest Independent Transmission System Operator, Inc. (MISO). Mayor Pickett explained that MISO controls the distribution of electric power in various regions. The City is required to undertake a comprehensive project of creating a curtailment plan as to how power will be curtailed amongst its users and priorities for use, in any situation where the power supply falls short of demand.

Mayor Pickett further reported that the agency's revenues and expenditures are in line with the budget, which will also ensure that the member cities will be entitled to their annual refund from SRMPA. Lastly, Mayor Pickett reported that the Agency is still involved in a lawsuit with its former legal counsel.

C. Information Item (ID # 3042)

Houston-Galveston Area Council - Councilperson Jordan

COMMENTS - Current Meeting:

In Councilperson Jordan's absence, this agenda item was passed.

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, Potetz, Simonson, Arnold
ABSENT:	Frank Jordan

A. Minutes Approval

1. Tuesday, June 10, 2014

VII. REGULAR AGENDA

A. Regular Session

1. Information Item (ID # 3043)

Public Hearing on the 2013 Drinking Water Quality Report.

COMMENTS - Current Meeting:

At 6:19 p.m., Mayor Pickett opened the Public Hearing on the 2013 Drinking Water Quality Report. Public Works Director Tom Warner reported on this document, also known as the Consumer Confidence Report stating that the City's water comes from two wells. The Monta Street well and the North Well, located on north Hwy. 146. Mr. Warner stated that this report reveals information on metals, flourides, radon and total chloriform in the water. This annual report reflected no excedents and no contaminants harmful to the public.

Mayor Pickett closed the Public Hearing at 6:23 p.m.

ATTACHMENTS:

- Drinking Water Quality Report (PDF)

2. Council Action 2014-40

Consider a Request for Variance, to Code of Ordinances Section 3.08.117, for a proposed Recreational Vehicle Park to be located on Lakeland Drive, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Public Works Director Tom Warner addressed Council regarding a request for variance, from Ms. Heather Hopson, to place a Recreational Vehicle Park in a non-designated area for these type parks. Mr. Warner stated that this issue was placed before the Planning & Zoning Commission on July 2nd, in which it was approved. Lengthy discussion was held regarding construction of a bath house, length of tenure for park residents, plans for a strip shopping center and storage buildings on the front four acres of the tract.

A motion was made to approve the variance for location of the RV Park to be located on the rear five acres of a nine acre tract of property on Lakeland Drive, between the Liberty Fire Department and the Wal-Mart Store, and return to the Planning & Zoning Commission for any further consideration and action relating to the RV Park.

ATTACHMENTS:

- RV Park Backup Info (PDF)

RESULT:	**APPROVED [5 TO 1]**
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Libby Simonson, Councilperson
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson
NAYS:	David Arnold
ABSENT:	Frank Jordan

3. Ordinance 2014-10

Consider adoption of an Ordinance amending Code of Ordinances Section 10.02.122, Lot Improvements, regarding setback lines.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported that there is a conflict between two sections of the City's Code of Ordinances regarding building lines/setbacks. The conflict is the Building Requirements, Section 3.01.006, requires a setback of 7.5 feet, while the Subdivision Ordinance Section, 10.02.122, requires a 10 foot setback. In the re-codification of the City's Code of Ordinances, in 2012, revisions to the Subdivision regulations were made regarding lot dimensions and building lines, however, those changes were not made to the pertinent information in the Building Requirements Section.

Further discussion was held regarding the conflict to also include no minimum lot areas, lot dimensions or setbacks being contained in the new Building Requirements ordinance for commercial or non-residential properties, and consensus to revert to the prior established requirements prior to the recodification. A motion was made to adopt the Ordinance as presented.

ATTACHMENTS:

- Setback Line Backup Info (PDF)

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

4. Council Action 2014-41

Consider approval of Change Orders #6, #7, and #8 with Ernest P. Breaux Electrical Inc., for the Boomerang Substation.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on Change Order Nos. 6, 7 & 8 as follows:

#6 - due to assorted additional components, and lost/down time - items left off of the project specifications by Electrical Engineers, N&A. - $31,139.20,

#7 - due to the changeover of feeders from the old substation to the new substation - $14,523.18, and

#8 - completion of the project, scheduled request by Boomerang for weekend/overtime response - $17,840.00.

Mr. Broz stated that Change Order #6 will be paid from remaining project funds, and Change Orders #7 and #8 will be paid for by Boomerang Tube, due to additional re-mobilization costs. A motion was made to approve Change Order Nos. 6, 7, 8 and authorize the City Manager to negotiate fees with N&A due to negligence and expense of Change Order #6.

ATTACHMENTS:

- Breaux Change Orders (PDF)
- Boomerang Sub Costs (PDF)

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

5. Council Action 2014-42

Consider approval of an Interlocal Agreement with the Texas Municipal League MultiState Intergovernmental Employee Benefits Pool for Employee Health Insurance.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on a 3% increase in the City's employee health insurance. Mr. Broz remarked that this was the first year the City had participated in the TML-IEBP (Pool), which has worked well with the only downside being costly name brand prescriptions, however prescriptions for generic medications are free. Mr. Broz further reviewed the current rates and new rates, stating that the dental and vision benefits remain the same.

Further discussion included a comparison of what the City and the employee pays for the insurance and providing 100% of the cost of the employee's insurance, however slightly raising the employee cost for dependents, salary survey and other topics. Mr. Broz reported on a handout that shows the benefit the employee receives in relation to what the City subsidizes in the healthcare costs.

A motion was made to approve the Interlocal Agreement with the Texas Municipal League MultiState Intergovernmental Employee Benefits Pool for employee health insurance.

ATTACHMENTS:

- Employee Health Ins Info (PDF)
- Employee Health Info #2 (PDF)
- Employee Health Info #3 (PDF)

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

6. Council Action 2014-43

Consider approval of a COBRA Continuation of Coverage Administrative Agreement with the Texas Municipal League MultiState Intergovernmental Employee Benefits Pool.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the City is required, by federal law, to provide COBRA coverage to its employees. COBRA health insurance coverage may continue, for up to 18 months, at the employee's expense. The TML-IEBP (Pool), under the Continuation of Coverage document, is responsible for all required reporting and documentation.

A motion was made to approve the COBRA Continuation of Coverage Administrative Agreement with the Texas Municipal League MultiState Intergovernmental Employee Benefits Pool.

ATTACHMENTS:

- COBRA Info (PDF)

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

7. Ordinance (ID # 3032)

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 for any consideration and/or action, however, City Attorney Randy Gunter explained that this ordinance was in regard to the Liberty Municipal Airport and creation of a Reinvestment Zone. Mr. Gunter stated that previously Council had suggested looking at the flexibility of a reinvestment zone, so not to be locked into any one particular abatement program. In any one zone, Council must provide the same program to everyone in it. The best practice is to create a smaller sized zone for each project, providing different programs for large and small projects.

This agenda item will come before Council at a later date.

RESULT:	**NO ACTION TAKEN**

8. Resolution 2014-8

Consider Approval of a Resolution Electing to Participate in the Tax Abatement Program Under Texas Tax Code Chapter 312.

COMMENTS - Current Meeting:

City Attorney Randy Gunter explained that in order to create a Reinvestment Zone, a municipality must first elect to participate in the Tax Abatement Program and then adopt Guidelines and Criteria for Tax Abatement.

A motion was made to approve the Resolution to participate in the Tax Abatement Program under Texas Tax Code Chapter 312.

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

9. Resolution 2014-9

Consider approval of a Resolution adopting Guidelines and Criteria for Tax Abatement.

COMMENTS - Current Meeting:

City Attorney Randy Gunter explained the City's prior history and criteria for tax abatement. Mr. Gunter stated that two years ago the threshold for these requirements were lowered to accommodate smaller projects. The minimum capital costs are as follows:

1) the value of any real property improvements must equal $10,000 minimum,

2) new development cost must equal $50,000 minimum,

3) personal property is limited to manufacturing equipment and cost must equal $200,000 minimum.

Mr. Gunter reviewed the various pages in the Guidelines and Criteria for Tax Abatement document including a sample ordinance creating a Reinvestment Zone, exhibits for metes and bounds, maps, sample tax abatement agreement, annual compliance report, and other related issues. Discussion was also held regarding use of smaller reinvestment zones to accommodate smaller projects, and the total number of reinvestment zones allowed being thirty-five.

A motion was made to approve the Guidelines and Criteria for Tax Abatement for August 2014 - August 2016.

ATTACHMENTS:

- Tax Abatement Guidelines and Criteria 2012 (DOC)

RESULT:	**APPROVED [4 TO 2]**
MOVER:	David Arnold, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Carl Pickett, Diane Huddleston, Dennis Beasley, David Arnold
NAYS:	Louie Potetz, Libby Simonson
ABSENT:	Frank Jordan

10. Council Action 2014-44

Consider the purchase of equipment for the City-wide network, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the project for providing City-wide network connectivity is ongoing. Step 1 was the purchase of a phone system for City Hall, Fire, Police and the Animal Shelter. Presently, Step 2 is the purchase of a server for City Hall which is centrally placed for the network. Quotes for the purchase of the server and installation were received from three vendors. Management's recommendation is to accept the quote from Liberty Systems, in the amount of $51,876.93.

After brief discussion of the project, a motion was made to approve the purchase of the server from Liberty Systems.

ATTACHMENTS:

- City-wide Network Info (PDF)

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

11. Council Action 2014-45

Discuss and consider approval of moving the Liberty Bell from the First Liberty National Bank to a new tower to be constructed on site of the Geraldine Humphreys Cultural Center, and take any action deemed necessary.

COMMENTS - Current Meeting:

Mayor Pickett addressed Council regarding the construction of a new tower to house the Liberty Bell on the Geraldine D. Humphreys Cultural Center property, owned by the City of Liberty. Mayor Pickett reported there is currently an effort underway, in the community, to replace the bell tower which was demolished and removed due to damages from Hurricane Ike in 2008. Mayor Pickett reviewed the design of this structure and that upon completion of this project the bell is to be moved from the First Liberty National Bank Lobby for placement in the new tower. Plans for this complete process will be made in conjunction with the "Transfer of Title to Liberty Bell Replica", the document in which the Woods Sisters gave this bell to the citizens of Liberty, Texas in February, 1976.

After brief discussion of related issues, including a pledge of $50,000 from the First Liberty National Bank toward construction of the bell tower, a motion was made to approve moving the Liberty Bell from the First Liberty National Bank to a new tower when constructed.

ATTACHMENTS:

- Bell Tower Letter (PDF)

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

12. Council Action 2014-46

Consider proposal for Architectural Services for a "New Liberty Bell Tower, Landscaping and Parking; for the City of Liberty, Texas, and take any action deemed necessary.

COMMENTS - Current Meeting:

Brief discussion was held regarding a proposal for Architectural Services for "New Liberty Bell Tower, Landscaping and Parking" for the City. Mayor Pickett explained the he does not anticipate the City budgeting any funds for this project, but providing project approval as the property on which the bell tower is to be constructed does belong to the City. Mayor Pickett reviewed the document to include scope of work, architectural fees of $79,000, project cost of under $500,000,a contractor to provide oversight and general contractor work at no charge, and the second part of the project being a parking area on the east side of the facility.

This item will be brought before the Council at a later date and after receipt of additional donated funds for this project.

ATTACHMENTS:

- Bell Tower Proposal (PDF)

RESULT:	**NO ACTION TAKEN**

B. Executive Session

Government Code §551.071
Private Consultation with Attorney on all subjects or matters authorized by law:

1. Contemplated or Pending Litigation - City of Liberty Cultural Center.

At 8:14 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:42 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2014-47

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

COMMENTS - Current Meeting:

A motion was made to authorize the City Council to employ a sub counsel in regard to possible/pending litigation as discussed in the Executive Session.

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

VIII. WORK SESSION

1. Work Session (ID # 3054)

Presentation and discussion of draft budget for Fiscal Year 2014-2015.

COMMENTS - Current Meeting:

A budget work session was not held.

IX. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:44 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary