



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, October 14, 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

Mayor Pickett passed on this agenda item.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Liberty High School Seniors Laura Beth Herndon and Hudson Standish.

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 reported that:

- a Special Called Meeting of the City Council will be held on Tuesday, October 28,
- The Liberty Lions Club will be celebrating their 75th Anniversary with a dinner and dance at the Elks Lodge on November 8th, and
- Minutes from the July 31st and September 9th Sam Rayburn Municipal Power Agency meetings are positioned at the Council table.

City Manager Gary Broz reported that also included on the Council table is information and a narrative, from Mr. Bill Takach, regarding storage and use of the iCloud.

Councilperson Arnold requested information on the process for disposal of building debris materials.

Police Chief Billy Tidwell thanked the Council for their support during his years of service with City and reported that the Department will soon be hosting a Police Academy. Mr. Broz reported that a farewell reception will be held on Wednesday, October 29th, 4-6 p.m., for Chief Tidwell as he moves on to become the Police Chief in Tomball, Texas.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 3113)

Project Updates - City Mgr. Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on numerous current City projects and their status to include:

- a boil water notice due to lost pressure in the water system,
- Fuel Maxx Convenience Store construction has begun,
- Stripes Convenience Stores plan to clear trees at the Hwy. 146 By-pass and Main Street, on November 1,
- construction on the new street continues,
- National Night Out activities were a success,
- met with representatives of the Liberty Bike Club regarding routes and signage,
- City Staff will coordinate and sponsor the Country Christmas Parade, and
- discussion of other City projects.

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, Mayor Pro Tem
AYES:	Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold

A. Minutes Approval

1. Tuesday, September 09, 2014
2. Tuesday, September 23, 2014

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2014-72

Consider a request for variance, from Mark & Heather Hopson, regarding facilities required and occupancy limitations in a recreational vehicle park, to be located on Lakeland Drive.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported that on July 2 and July 8, respectively, the Planning & Zoning Commission and the City Council approved a variance for a RV Park to be located, in an area designated as a non-recreational vehicle park area. This park is 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. At the Council Meeting, it was stated that any further consideration or action relating to this park be returned to the Planning & Zoning Commission for review.

Mr. Warner reported that the park owner, Mark Hopson, has now requested a variance from the requirement for on-site restrooms and showers, and to not limit the time frame in which an RV could stay in the RV Park. Lengthy discussion was held regarding the City's ordinance and required minimum number of toilets and showers based on the size of the park. The Planning & Zoning Commission denied the request for variance. The proposed 80-space site would require four toilets, four showers, and no permanent occupancy is allowed in the park. Permanent occupancy is described as a stay of six consecutive months in a one-year period.

Further discussion was held regarding whether to amend the ordinance or consider a variance each time one is requested. Consensus was to bring the issue before the Council at its next meeting and have a representative from the Planning & Zoning Commission in attendance to present their perspective.

ATTACHMENTS:

- Agenda Form-Variance-Restrooms-RV Park (DOCX)
- RV Park Info (PDF)

RESULT: NO ACTION TAKEN

2. Council Action 2014-73

Consider award of bid for a transport ambulance for the Liberty Fire/EMS Department.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the City had received two quotes for a new transport ambulance, for the Liberty Fire Department. Quotes were from H-GACBuy and BJ Ford (through the Phoenix Group) for \$60,010 and \$61,200, respectively. Mr. Broz stated that even though the cost from the Phoenix Group is slightly higher than the other quote, the Phoenix Group vehicle is currently in stock and available. Mr. Broz further stated that funds for this vehicle are in the new 2014-2015 budget.

Motion was made to purchase the transport ambulance from BJ Ford, through the Phoenix Group, for \$61,200.

ATTACHMENTS:

- Agenda Item Form-Ambulance (DOCX)
- Ambulance-HGAC (PDF)
- Ambulance-Phoenix Group (PDF)

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

3. Council Action 2014-74

Consider approval of a bid received for Tax Resale Property described as Davidge, Block E-1, Lot 6.

COMMENTS - Current Meeting:

City Attorney Randy Gunter stated that this tax resale property is a vacant lot on Cornell Street and has a Central Appraisal District value of \$3300.00. Mr. M.C. Malone has made an offer of \$2000.00 for this property that has been off of the tax rolls since 2011. After court costs, \$1254.00 would be divided amongst the taxing entities, specifically \$416.20 to the City of Liberty.

A motion was made to accept the bid of \$2000 for the tax resale property described as Davidge, Block E-1, Lot 6.

ATTACHMENTS:

- Tax Sale Property-Davidge (PDF)
- Tax Sale Property-Davidge Pics (PDF)

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

4. Council Action 2014-75

Consider approval of a bid received for Tax Resale Property described as Liberty Inner Blocks, Block 203, Lot PT 1 TR 2.

COMMENTS - Current Meeting:

City Attorney Randy Gunter stated that this tax sale property is a vacant lot on Washington Street and has a Central Appraisal District value of \$6,670.00. Ms. Jessica Thompson has made an offer of \$1600.00 for this property that has been off of the tax rolls since 2009. After court costs, \$885.00 would be divided amongst the taxing entities, specifically \$175.67 to the City of Liberty.

A motion was made to accept the bid of \$1600 for the tax resale property described as Liberty Inner Blocks, Block 203, Lot PT 1 TR 2.

ATTACHMENTS:

- Tax Sale Property-LIB, Blk 203 (PDF)

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

5. Council Action 2014-76

Consider approval of a bid received for Tax Resale Property described as Liberty Inner Blocks, Block 205, Lot PT 2 TR 4.

COMMENTS - Current Meeting:

City Attorney Randy Gunter stated that this tax sale property is a vacant lot on Washington Street and has a Central Appraisal District value of \$3,700.00. Ms. Jessica Thompson has made an offer of \$1200.00 for this property that has been off of the tax rolls since 2009. After court costs, \$545.00 would be divided amongst the taxing entities, specifically \$184.43 to the City of Liberty.

A motion was made to accept the bid of \$1200 for the tax resale property described as Liberty Inner Blocks, Block 205, Lot PT 2 TR 4.

ATTACHMENTS:

- Tax Sale Property-LIB, Blk 205 (PDF)

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

6. Ordinance 2014-16

Consider adoption of an Ordinance authorizing and allowing, under the Act governing the Texas Municipal Retirement System, Updated Service Credits in said system for service performed by qualifying members of such system who are members of the City of Liberty.

COMMENTS - Current Meeting:

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

"AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO PRESENTLY ARE MEMBERS OF THE CITY OF LIBERTY; PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY; INCREASING THE RATE OF DEPOSITS TO THE TEXAS MUNICIPAL RETIREMENT SYSTEM BY THE EMPLOYEES; ESTABLISHING AN EFFECTIVE DATE FOR SUCH ACTIONS; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS."

City Manager Gary Broz reported that this ordinance pertains to the presentation from Mr. Anthony Mills TMRS Regional Manager for City Services, regarding updating the city's

retirement benefits. Mr. Broz explained that the employee contribution raises from 5% to 7% of their individual earnings, on a 2 to 1 matching ratio and includes adoption of the updated service credits at 100%. Brief discussion was held regarding funds to support these changes, from the Employee Health Trust, and future funding for these benefits.

A motion was made to adopt the ordinance as presented.

ATTACHMENTS:

- TMRS Ord-USC (DOC)

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

7. Council Action 2014-77

Consider award of bid for the Navigation Street/FM 3361 Waterline Extension Project.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported that the Navigation Waterline Project includes installation of a 12-inch waterline from the Palmer Water Tower to Navigation Street, and an 8-inch waterline on Navigation & FM 3361, from Palmer Street to the entrance to Boomerang Tube, LLC. To ensure uninterrupted water supply to Boomerang and business located further west on FM 3361, the new waterline will loop the water system in this area providing water service from two directions, increasing the volume for industrial users.

Mr. Warner further reported that six bids were received ranging from \$143,715.00 to \$257,280.00. Alternate bids for the 12' line ranged from \$16,615.00 to \$28,735.00. Apparent low bidder for the base and alternate bids is Eastex Utility Construction, Sour Lake, Texas, in the amount of \$143,715.00 and \$28,885.00, for a total of \$172,600.00. City Manager Gary Broz stated that funds for the project are available from the 2010 Certificates of Obligation, Water Distribution and Storage Fund.

A motion was made to approve the bid from Eastex Utility Construction for the Navigation Waterline Project.

ATTACHMENTS:

- Agenda Item Navigation Waterline Project October 14 2014 (DOCX)
- Bid Tab-Navigation (PDF)

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

8. Council Action 2014-78

Consider award of bid for the Electric Distribution System Vegetative Management Program.

COMMENTS - Current Meeting:

Electrical Director Roy Trotter explained that proposals were received on October 9 for vegetative management of the electric distribution system. Mr. Trotter stated that four bids were received, one being a no bid. Mr. Trotter stated that the purpose of this contract is to remove vegetation that has encroached around and is encumbered with overhead electric lines, resulting in accidental service disruptions. Evaluation of the proposals resulted in Trees, Inc. being chosen as the lowest responsible vendor. Contract price is \$90,000 and is included in the 2014-2015 budget.

A motion was made to approve a contract for vegetative management services with Trees, Inc.

At 7:25 p.m., Mayor Pickett closed the meeting for a five-minute break.

ATTACHMENTS:

- Agenda Item Form-Tree Trimming (DOCX)
- Bid Tab- Tree Trimming (XLSX)
- VEGETATIVEMANAGEMENT (4) (DOC)

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

9. Ordinance 2014-17

Consider an Ordinance adopting a Water Conservation and Drought Contingency Plan for the City of Liberty.

COMMENTS - Current Meeting:

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

"AN ORDINANCE ADOPTING A WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN FOR THE CITY OF LIBERTY, TEXAS TO PROMOTE RESPONSIBLE USE OF WATER AND TO ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES INCLUDING RESTRICTIONS AND PROVIDING FOR PENALTIES AND/OR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE THEREOF; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

Public Works Director Tom Warner reported that the City's current Contingency Plan was adopted in August, 2007. Mr. Warner explained that this plan develops continuous use strategies for reducing loss of water and improvement of the efficiency of water used. This plan also identifies strategies for temporary supply and demand in regard to shortages and emergencies. Discussed were the major changes to the plan and that the Texas Water Development Board and the Texas Commission on Environmental Quality require the plan to be revised and updated every few years, at least to reflect current populations and consumption projections.

A motion was made to adopt the Ordinance as presented.

ATTACHMENTS:

- Agenda Item Form Water Conservation Plan (DOCX)
- Water Conservation Plan Oct 2014 (PDF)

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

10. Council Action 2014-79

Consider a process for selection of a Police Chief, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz reported when Police Chief Billy Tidwell leaves to assume the position of Police Chief for the City of Tomball, Texas, that he will appoint Capt. Gary Martin as the Interim Police Chief. Mr. Broz then explained that he had received information from several executive search firms interested in assisting the City in employing a new chief. Mr. Broz requested direction from Council regarding use of a firm, using an in-house process for selection, and Council's desire to be involved in the selection.

Lengthy discussion was held regarding general criteria, an in-house process, advertising the position, use of a search firm and related costs, to include background, reference and credit checks, and other related issues. Council consensus is to allow Mr. Broz to further research the various options.

RESULT: NO ACTION TAKEN

11. Council Action 2014-80

Consider change of date for the November Meeting of the Liberty City Council.

COMMENTS - Current Meeting:

Mr. Broz reported that the regular scheduled November Council Meeting would take place on Tuesday, November 11, Veteran's Day. As Veteran's Day is a City holiday, Mr. Broz asked Council to confirm the meeting for the scheduled day or move the meeting to an alternate date. Brief discussion was held on this issue, followed by a motion to move the November 11th Council Meeting to Monday, November 10th, 6:00 p.m.

RESULT: APPROVED [6 TO 1]
MOVER: Libby Simonson, Councilperson
SECONDER: Diane Huddleston, Mayor Pro Tem
AYES: Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold
NAYS: Carl Pickett

12. Ordinance 2014-18

Consider an Ordinance amending the Code of Ordinances as to the requirement of parking spaces for certain uses and structures.

COMMENTS - Current Meeting:

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

"AN ORDINANCE AMENDING THE CODE OF ORDINANCES, ARTICLE 10.02.122, BY ADDING SECTIONS (c) AND (d) TO THE PREVIOUSLY ADOPTED ARTICLE 10.02.122 REGARDING PARKING REQUIREMENTS, 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."

Public Works Director Tom Warner reported that when the Code of Ordinances was last re-codified, that a particular section and table regarding parking requirements in the previous ordinance, were inadvertently omitted. This leaves the City currently with no parking requirements.

Brief discussion was also held regarding the setback lines for the downtown area. If new development were to occur in downtown, a 20' and 7.5' setback, respectively, would be required under the current ordinance. Mr. Warner recommended a zero setback in the downtown area. General consensus was that this topic be brought back to Council at a future meeting for further discussion.

Mr. Warner and staff recommend the parking requirement in the previous ordinance be re-adopted to include sections (c) and (d) to Article 10.02.122. A motion was made to adopt the Ordinance.

ATTACHMENTS:

- Agenda Form-Parking Req. Addition to Code (DOCX)
- Attachment -Parking Req (PDF)

RESULT:	ADOPTED [6 TO 1]
MOVER:	Louie Potetz, Councilperson
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Arnold
NAYS:	Frank Jordan

13. Ordinance 2014-19

Consider an Ordinance providing for an escalating fine for permitting dogs to roam at large and a change in the number of days an animal is held prior to adoption or other disposition.

COMMENTS - Current Meeting:

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

"AN ORDINANCE AMENDING THE CODE OF ORDINANCES, ARTICLE 2.01.006 AND ARTICLE 2.03.002, AMENDING THE TIME PERIOD FOR KEEPING DOGS AND AMENDING THE PUNISHMENT RANGE FOR VIOLATIONS OF THE DOGS AT LARGE ORDINANCE; 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."

Police Chief Billy Tidwell stated that this amendment to the Code relates to stipulations for tagged and non-tagged animals that are picked up that are sick/injured with identification or no

identification. Animals impounded will be kept for at least five working days (change from seven days) for the owner to reclaim and dogs found roaming at large more than three times may be declared a nuisance. Violations of this section are \$250 the first offense, and \$500 thereafter. If the dog is not reclaimed, the animal shall become property of the City of Liberty and placed for adoption or euthanized. Discussion was held regarding these topics and related issues.

A motion was made to adopt the Ordinance as presented.

RESULT:	ADOPTED [6 TO 1]
MOVER:	Libby Simonson, Councilperson
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Arnold
NAYS:	Frank Jordan

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:14 p.m.

.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary