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 13, 2015 | **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	6:15 PM
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Brandon Daivs	City Attorney	Present	

II. INVOCATION

The Invocation was given by Glennda Hardin, Deacon, St. Stephens Episcopal Church, Liberty.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Liberty High School Seniors Hannah Hinch and Lauren Hard.

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 commented on the following:

1) Fire Chief Fred Collins will be retiring September 30 and Asst. Fire Chief Brian Hurst will act as Interim Chief,

2) Trinity Valley Fair and Exposition is this week at the Fairgrounds,

3) The City will provide a Wellness Screening for City employees on October 28th,

4) The Annual Pumpkin Bash will be held at the Municipal Library on October 29th and

5) Copies of the Fiscal Year 2015-2016 Budget are on the Council Table.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 3373)

Project Updates - City Mgr. G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on current projects to include the recent surplus auction, Texas Water Development Board Projects, Union Pacific Railroad and new street crossings, oversize loads passing through Liberty, CenterPoint contractors and street repairs, and numerous other activities.

B. Information Item (ID # 3374)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that the next "Shred-It" event will take place on Saturday, October 24th from 9 a.m. until Noon. This event will take place in the parking lot, on the west side of City Hall.

C. Information Item (ID # 3375)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett gave a brief explanation of the Sam Rayburn Municipal Power Agency and the Cambridge Project. Mayor Pickett explained the business and activity of each and reported on Cambridge funds to be received by each member city in the amount of $4,000,000.

D. Information Item (ID # 3376)

Houston-Galveston Area Council - Councilperson Jordan

COMMENTS - Current Meeting:

Councilperson Jordan reported on recent Houston-Galveston Area Council discussions regarding economic development and matching grants regarding community beautification 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, August 25, 2015

2. Tuesday, September 01, 2015

3. Tuesday, September 08, 2015

B. Council Action 2015-80

Consider approval of a Citizen Complaint Procedure Policy regarding the Community Development Block Grant (TxCDBG) Program.

ATTACHMENTS:

- Citizen Complaint Procedures (PDF)

C. Council Action 2015-81

Consider approval of a Section 504 Grievance Procedure Policy regarding actions prohibited by the U.S. Department of Housing and Urban Development regulations.

ATTACHMENTS:

- Section 504 Grievance Procedure (PDF)

VII. REGULAR AGENDA

A. Regular Session

1. Council Action (ID # 3379)

Presentation of two (2) Eagle Scout Service Projects, and take any action deemed necessary.

COMMENTS - Current Meeting:

Eagle Scout Candidate James Davis addressed the Council regarding his Eagle Scout Project, to benefit the Liberty Municipal Park. Mr. Davis showed a powerpoint of his proposed project of fitness activities and equipment that will benefit disabled and non-disabled individuals. This project is titled the "Ronald and Beverly Mooring Inclusive Playground & Fitness Park". Mr. Davis further detailed the funding and preparation of the project.

2. Council Action 2015-91

Consider granting a variance to the front setbacks for property located at 1419 Webster Street, and take any action deemed necessary.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported on a request for variance to the front setback, as the residence currently encroaches 1.2 feet into the front setback line. The owner is attempting to sell the property and the lender requires a variance prior to any funding. This variance was approved by the Planning & Zoning Commission.

A motion was made to approve the variance for 1419 Webster Street.

ATTACHMENTS:

- Front Setbacks 1419 Webster (DOCX)
- Webster Street Info (PDF)

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

3. Council Action 2015-82

Consider granting a variance to the rear setbacks for property located at 3001 Lincoln Street, and take any action deemed necessary.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported the property owner has submitted a request for variance to the rear setbacks in order to install a portable building. If granted, the setback would be four feet, instead of the required ten feet. This variance was approved by the Planning & Zoning Commission.

A motion was made to approve the variance request to the rear setback lines for 3001 Lincoln Street.

ATTACHMENTS:

- Rear Setbacks 3001 Lincoln (DOCX)
- Lincoln Street Info (PDF)

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

4. Council Action 2015-92

Consider granting a variance to the front setbacks for property located at 1610 Columbia Street, and take any action deemed necessary.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported on a request for a variance from a property owner that would like to install a porch on the front of the house. The house currently encroaches into the front setback, with the proposed porch resulting in a front setback of thirteen feet. The

Planning & Zoning Commission approved the variance, contingent upon the setbacks reverting to the current requirements if the house is ever moved or razed.

A motion was made to approve the variance and the contingency for 1610 Columbia Street.

ATTACHMENTS:

- Front Setbacks 1610 Columbia (DOCX)
- Columbia Street Info (PDF)

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

5. Resolution 2015-9

Consider a Resolution authorizing the creation of the Gulf Coast Regional 9-1-1 Emergency Communications District.

COMMENTS - Current Meeting:

City Manager Gary Broz explained that the City is served by the H-GAC administered State 911 Program. H-GAC is requesting authorization for the formation of the Gulf Coast Regional 911 Emergency Communications District. This district would serve eight counties, to include Liberty County. This District will receive funds, currently collected by the State. This will allow for an increase in available funds for future technology improvements.

A motion was made to approve the Resolution authorizing creation of the 911 District.

ATTACHMENTS:

- 911 District Info (PDF)

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

6. Ordinance 2015-10

Consider adoption of an Ordinance regulating fats, oils, and greases placed into the City sewer system.

COMMENTS - Current Meeting:

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

"AN ORDINANCE AMENDING THE CODE OF ORDINANCES, ARTICLE 4, REGULATING FATS, OILS, AND GREASES; 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."

This Ordinance addresses non-domestic users of the City's sewer system, requirements for grease traps, cleaning of same, and civil penalties for violations. A motion was made to adopt the Ordinance as presented.

ATTACHMENTS:

- FOG Civil Penalties (DOCX)

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

7. Resolution 2015-8

Consider a Resolution making a nomination to the Liberty County Central Appraisal District Board of Directors.

COMMENTS - Current Meeting:

A motion was made to nominate John Hebert, Jr. to the Liberty County Central Appraisal District Board of Directors.

ATTACHMENTS:

- CAD Board Info (PDF)

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

8. Council Action 2015-83

Consider a nomination(s) to the Liberty County Central Appraisal District, Appraisal Review Board.

COMMENTS - Current Meeting:

After brief discussion, there were no nominations.

ATTACHMENTS:

- CAD ARB Info (PDF)

RESULT:	**NO ACTION TAKEN**

9. Council Action 2015-84

Consider acceptance of signage for the park at Hwy. 90 and MLK, to be donated by Tomoe Engineering USA, Inc.

COMMENTS - Current Meeting:

Mayor Pickett remarked that this agenda item relates to the park area, under the big flag on Hwy. 90. Tomoe Engineering has recently enhanced the park with landscaping and would like to place signage in the park as a good corporate citizen to the City. A motion was made to approve the signage to be placed by Tomoe Engineering USA, Inc.

ATTACHMENTS:

- Signage-Tomoe Eng (PDF)

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

10. Council Action 2015-79

Consider appointments to the Houston-Galveston Area Council's 2016 General Assembly.

COMMENTS - Current Meeting:

A motion was made to appoint Councilperson Jordan to the Houston-Galveston Area Council's 2016 General Assembly.

ATTACHMENTS:

- HGAC Gen Assembly Info (PDF)

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

11. Council Action 2015-85

Consider award of bank depository bids for the Liberty Community Development Corporation and the City of Liberty.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on two proposals for bank depositories received from First Liberty National Bank and Prosperity Bank, Liberty, Texas. After discussion with the City's financial advisor of RBC Capital Markets, and exemplary service from the current depository, a motion was made to remain with Prosperity Bank.

ATTACHMENTS:

- Bank Depository Info (PDF)

RESULT:	**APPROVED [4 TO 1]**
MOVER:	Libby Simonson, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Dennis Beasley, Frank Jordan, Libby Simonson, David Arnold
NAYS:	Louie Potetz
ABSTAIN:	Carl Pickett, Diane Huddleston

12. Resolution 2015-10

Consider a Resolution requesting additional financial assistance from the Texas Water Development Board; authorizing the filing of an application for financial assistance; and making certain findings in connection therewith.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the proposed Resolution increases the amount of financial assistance from the Texas Water Development Board for Clean Water Projects (sewer, manholes, water reuse, etc.). The Resolution authorizes the application for funds be increased from $639,000 to $900,000. After brief discussion, a motion was made to approve the

Resolution.

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

13. Council Action 2015-86

Consider ratifying the Liberty Community Development Corporation's approval of the first amendment to the Grant Agreement for Business & Commerce Through Education Development-Lee College, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the contract amendment that clarifies the contribution of LCDC grant funds to Lee College. The original agreement stipulates funds to be spent on technology equipment (computers, labs, etc.). This amendment reallocates the same funds to be spent not only on equipment, but also a portion on technology improvements to the facility. The LCDC approved this amendment on October 6, 2015.

A motion was made to ratify the LCDC’s approval of the amendment to the Grant Agreement for Business & Commerce Through Education Development, with Lee College.

ATTACHMENTS:

- Amendment-Lee College Agreement (PDF)

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

14. Council Action 2015-87

Consider ratifying the Liberty Community Development Corporation's approval for the purchase of the residence at the Liberty Municipal Airport, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on his request to purchase the manufactured home located at the Liberty Municipal Airport, from the previous Airport Manager. Mr. Broz reported that the current value of the structure is $45,500, but it can be purchased for $36,300. Mr. Broz stated his intent is to use this as an incentive for the next airport manager, for use as a residence to also include furnishing the utilities. This purchase was approved by the Liberty Community Development Corporation on October 6, 2015.

A motion was made to ratify the LCDC's approval for the purchase of the manufactured home located at the Liberty Municipal Airport.

ATTACHMENTS:

- Airport Residence (PDF)

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

15. Council Action 2015-88

Consider the purchase of Police Console and Public Works Radios, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz requested approval of an expenditure of $114,644 to upgrade the Police Department and Public Works radio equipment. Mr. Broz reported that the PD console is a 1999 model and all equipment needs to be upgraded to digital. This expenditure would be covered with the remaining funds from the 2010 Certificates of Obligation, in the amount of $113,493, with the remainder to be paid from the Electric Department budget, in the amount of $1,151. Mr. Broz concluded by explaining that this equipment includes the Police Department console, 25 in-car radios and 9 hand-held radios.

A motion was made to approve the purchase.

ATTACHMENTS:

- PD & PW Radio Info (PDF)

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

16. Ordinance 2015-11

Consider adoption of an Ordinance denying the Distribution Cost Recovery Factor Rate Increase request of Entergy Texas, Inc. And setting just and reasonable rates for Entergy Texas, Inc. For service within the municipal limits.

COMMENTS - Current Meeting:

A motion was made to adopt the Ordinance denying the rate increase request from Entergy Texas, Inc., along with spelling corrections noted in the caption of the Ordinance.

ATTACHMENTS:

- Entergy Rate Ord Info (PDF)

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

17. Council Action 2015-89

Consider approval of a Lease Agreement between the Port of Liberty, Chambers-Liberty Counties Navigation District and the City of Liberty, and Schlumberger Technology Corporation, Successor-in-Merger to M-I L.L.C.

COMMENTS - Current Meeting:

City Attorney Brandon Davis reported this lease with Schlumberger is for the building/warehouse near the Port of Liberty. The Port handles the lease, but it must be agreed upon by all entities that govern the Port. A motion was made to approve the lease agreement with Schlumberger Technology Corporation.

ATTACHMENTS:

- Port Lease (PDF)

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

18. Council Action 2015-90

Consider emergency purchase of a blower and motor for the Wastewater Treatment Plant, and take any action deemed necessary.

COMMENTS - Current Meeting:

Public Works Director Tom Warner stated that the Wastewater Treatment Plant is in need of replacing two blowers and motors. These blowers inject oxygen into the treatment process and are crucial in preventing undesirable organisms to develop. To this end, Mr. Warner suggests replacing the blower and motor in the most dire shape and to be declared an emergency purchase. This will allow for the plant to continue to operate sufficiently while obtaining the second blower and motor through the regular bidding process. Mr. Warner stated the approximate cost for both blowers and motors is $100,000. There is approximately $100,000 of remaining funds from the previous Texas Water Development Board grant which is available to fund this equipment. The equipment would need to be paid for and subsequently reimbursed by the Texas Water Development Board.

After discussion, a motion was made to approve the emergency purchase of the blower and motor.

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

19. Information Item (ID # 3395)

Discussion of proposed garage and yard sale regulations.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on previous discussion, and complaints received, regarding continuous garage/yard sales. Mr. Broz stated that, along with the Public Works Director and Police Chief, specifics were contemplated regarding rules for these sales which include 3 sales per 12-month period, each 72 hours in length. These regulations do not impact the sales held by citizens on a non-regular basis, but those holding numerous sales, which could be considered a business. The Police Department will be documenting these sales in which there will be no permits or fees.

The proposed ordinance will be brought before Council at the next meeting.

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:28 p.m.

.

____
Carl Pickett, Mayor

ATTEST:

____
Dianne Tidwell, City Secretary