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, November 10, 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	
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Absent	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Brandon Davis	City Attorney	Present	

II. INVOCATION

The Invocation was given by Liberty resident, Mr. Larry Wagnon.

III. PLEDGE OF ALLEGIANCE

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

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 Department Fundraiser - sale of smoked and fried Turkeys for Thanksgiving

2) Veteran's Day Program at the Liberty High School to be held Wednesday, November 11

3) Thanked City Manager Gary Broz for setting up program with Waste Management to pick up debris from recent heavy rains and flooding event

4) Coffee with the Mayor on Thursday, November 19th.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 3397)

Project Updates - City Mgr. Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on current projects to include the recent heavy rains and flooding, debris pickup, electrical problems, City newsletter, Country Christmas Parade, Fire Cihef applications, and numerous other activities.

B. Information Item (ID # 3398)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleslton reported on the recent Shred-It Event, stating that approximately 4000 pounds of sensitive documents had been shredded. Ms. Huddleston concluded by declaring the event a huge success and thanked those that participated.

C. Information Item (ID # 3399)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported that minutes of the most recent SRMPA Meeting were made available for Council. There was no other current activity to report.

D. Information Item (ID # 3400)

Houston-Galveston Area Council - Councilperson Jordan

COMMENTS - Current Meeting:

Councilperson Jordan reported there was $7,000,000 of grant money available in the H-GAC 13-County Region. The majority of these grants are in the $300,000 - $400,000 range, with four percent interest. These loans are not only for government, but small business, new and existing, as an economic incentive.

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
ABSENT:	David Arnold

A. Minutes Approval

1. Tuesday, October 13, 2015

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2015-93

Presentation regarding the G.R.A.C.E. Initiative of South Liberty County, and take any action deemed necessary.

COMMENTS - Current Meeting:

This agenda item was passed on.

ATTACHMENTS:

- GRACE Request (PDF)

RESULT:	**NO ACTION TAKEN**

2. Council Action 2015-94

Consider approval of a bid for Tax Resale property described as Richardson, Lot 21, Sec 1 (Duff St.).

COMMENTS - Current Meeting:

City Attorney Brandon Davis reported this property had previously been before Council, an offer accepted, however later withdrawn. A new offer has been made in the amount of $4100.00. The CAD value is $7730.00, and of the offered amount, $917.84 will be distributed to the City. The County and school district have approved this offer. A motion was made to accept the bid of $4,100.00 for the tax resale property described as 0.8816 acres, Richardson, Lot 21, Sec1. This property is located on Duff Street, in the South Liberty Oilfield.

A motion was made to accept the offer in the amount of $4100.00 for the above-described property.

ATTACHMENTS:

- Tax Resale-Richardson (PDF)

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

3. Council Action 2015-95

Consider approval of a bid for Tax resale property described as Fisher, Block 0-49, Lot 7 8.

COMMENTS - Current Meeting:

City Attorney Brandon Davis reported that an offer of $2500.00 was made for the property, located at 615 Confederate Street. The CAD value is $22,660.00, and of the offered amount, $428.83 will be distributed to the City. The City is the trustee on this property which has been off the tax rolls since 2011. A motion was made to accept the bid of $2500.00 for the tax resale property described as Fisher, Block 0-49, Lot 7 8.

A motion was made to accept the offer in the amount of $2500.00 for the above-described property.

ATTACHMENTS:

- Tax Resale-Fisher (PDF)

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

4. Ordinance 2015-12

Consider adoption of an Ordinance amending the Code of Ordinances, Article 4, regulating garage/occasional sales in the City of Liberty.

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 GARAGE/OCCASIONAL SALES; 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."

Brief discussion was held regarding these sales which include 3 per 12-month period, each 72 hours in length, documentation of sales by the Police Department and penalties for violation. Also discussed was changing the 12-month period to "calendar year". A motion was made to adopt the Ordinance, with the change from 3 sales in a 12-month period, to 3 sales per calendar year.

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

5. Resolution 2015-11

Consider a Resolution casting the City's voting entitlement for a position(s) on the Liberty County Central Appraisal District Board of Directors.

COMMENTS - Current Meeting:

A motion was made to approve the Resolution casting the City's voting entitlement of 183 votes, for a position on the Central Appraisal District Board of Directors, for John Hebert, Jr.

ATTACHMENTS:

- CAD Info (PDF)

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

6. Council Action 2015-96

Consider recent electrical issues and future upgrades to the electric system, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz displayed a power point presentation of the City’s electric utility system and its operation. Discussed were recent power surges and outages, aging transformers and parts, purchase of new transformers by SRMPA, recently completed upgrades and current electric upgrades, in progress, in the Forest Hill, Ridgewood, and Treetop Subdivisions, and improvements to Feeder #3.

A motion was made to approve funding for the two requested items, knife blade removal and air switch installation at various locations and improvements to the electric infrastructure in the Layl Subdivision; also instituting bids be prepared in detailed fashion for bids on Phase I and Phase II improvements as previously outlined and advertised in the newspaper.

At 7:58 p.m., Mayor Pickett called for a recess, and reconvened the meeting at 8:03 p.m.

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

7. Council Action 2015-97

Consider a proposed agreement with the Water Control Improvement District #5, and take any action deemed necessary.

COMMENTS - Current Meeting:

Discussion was held regarding the agreement and its specifics, along with issues in regard to equipment verification, identification of entity responsible for maintenance and maintenance records, labor charges, location of drainage ditches under the jurisdiction of WCID #5, addition of statement regarding this document supersedes the previous agreement, and other issues. This item will be brought before Council at the next meeting with proposed changes, as addressed.

ATTACHMENTS:

- WCID Agreement (PDF)

RESULT:	**NO ACTION TAKEN**

8. Resolution 2015-12

Consider a Resolution expressing official intent to reimburse with tax-exempt obligation proceeds costs associated with certain capital improvements to the City's waterworks and sanitary sewer system.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that this Resolution is in regard to the planning and design of water and sewer improvements to the water and wastewater system, funded by the Texas Water Development Board. The City had previously begun this project, however the TWDB representative assigned to the City's projects retired, and a new representative was assigned. This resolution allows the City to pay bills previously accrued and be reimbursed.

A motion was made to approve the Resolution as presented.

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

9. Ordinance (ID # 3409)

Consider adoption of an Ordinance setting the speed limit on Woodsprings Drive at 45 mph.

COMMENTS - Current Meeting:

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

"AN ORDINANCE ALTERING THE *PRIMA FACIE* SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF §545.356, TEXAS TRANSPORTATION CODE, ON THE BASIS OF AN ENGINEERING AND DESIGN STUDY BY CIVILCORP ENGINEERS, UPON THE NEWLY CONSTRUCTED WOODSPRINGS DRIVE, WITHIN THE CORPORATE LIMITS OF THE CITY OF LIBERTY; PROVIDING A PENALTY FOR VIOLATION; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS."

Discussion was held regarding the ingress and egress to the new road, Woodsprings Drive, and the proposed speed limit of 45mph. The proposed speed limit is a result of the street design as recommended by CivilCorp Engineers. After further discussion of the anticipated challenges by the citizens in maneuvering the new road, concensus was to leave the speed limit set by State statute at 30mph.

RESULT:	**NO ACTION TAKEN**

10. Information Item (ID # 3410)

Discussion of the City's ordinance regarding amusement machines.

COMMENTS - Current Meeting:

Brief discussion was held regarding the Amusement Machine Ordinance, floor space of these businesses and required distances from churches, schools, etc., and the need for clarification in this ordinance. This agenda item will be brought back before Council at the next meeting.

B. Executive Session

Government Code §551.071

Private Consultation with Attorney Regarding Contemplated/Pending Litigation:

1. Discussion regarding Tort Claims

2. Discussion regarding the Humphreys Cultural Center

3. Discussion regarding Manufactured Homes

At 8:37 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 9:21 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2015-98

Consider and take action, if any, on the item as discussed in the Executive Session - Tort Claims.

RESULT:	**NO ACTION TAKEN**

2. Council Action 2015-99

Consider and take action, if any, on the item as discussed in the Executive Session - Humphreys Cultural Center.

RESULT: NO ACTION TAKEN

3. Council Action 2015-100

Consider and take action, if any, on the item as discussed in the Executive Session - Manufactured Homes.

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 9:27 p.m.

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary