



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, August 9, 2016

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	Absent	
Louie Potetz	Councilperson	Present	
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Present	
Paul Glazener	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Brandon Davis	City Attorney	Present	

II. INVOCATION

The Invocation was given by Mr. Curtis Scott, 1st Councillor of the Bishopry, Church of Jesus Christ of Latter Day Saints, Liberty, Texas.

III. PLEDGE OF ALLEGIANCE

The pledge to the American and Texas flags was led by Police Chief Tom Claunch.

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 wished Council Member Beasley a speedy recovery from his recent surgery. Mayor Pickett commented on the upcoming Chamber of Commerce Fundraiser to be held August 12, 2016.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 3575)

Project Updates - City Mgr. G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the following items:

- 1) received wastewater re-use permit from TCEQ,
- 2) TxDOT street project will begin on Main Street, at Hwy. 90 north to Grand Avenue,
- 3) update on Council Member Beasley's health,
- 4) continuing to work on proposed budget for FY 2016-2017 and monitoring spending on current budget,
- 5) reported on numerous sinkholes and the repair status of each, and
- 6) other City activities.

B. Information Item (ID # 3576)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported on the Express Feeder which will create redundancy in the City's electric system. The plans and design should be complete by August 15, with construction to begin in November/December, having a 180 day completion time. The route of this feeder will be from the substation on FM 3361, to FM 2684, to MLK, then east to the Beaumont Substation.

Mayor Pickett also reported on the trial involving the Agency and its former legal counsel. The Agency has been awarded \$6.7 million in damages to be recovered, however, either party could still appeal.

Lastly, Mayor Pickett reported that the Agency had previously authorized the installation of seven new transformers within the three member cities. The City of Liberty will receive the first transformer, which is scheduled for installation in late September and be operating by the end of October. These transformers will create reliability and stability in the electric system.

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:	Libby Simonson, Councilperson
SECONDER:	Paul Glazener, Councilperson
AYES:	Pickett, Huddleston, Potetz, Simonson, Arnold, Glazener
ABSENT:	Dennis Beasley

A. Minutes Approval

1. Tuesday, July 12, 2016
2. Wednesday, July 13, 2016

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2016-67

Ms. Gwen Lunceford to address the Council regarding the Order of Abatement for the structure located at 109 Mimosa Street, and take any action deemed necessary.

COMMENTS - Current Meeting:

At the May 10, 2016 Council Meeting, the property owners at 109 Mimosa were given 90 days to complete the demolition of the structure, except for the fireplace and sun room, contingent upon a structural engineer's report, at 45 days, that it was safe to leave the fireplace and sun room intact. If not complete within the allotted time period, the City was authorized to proceed with demolition and placing a lien on the property.

Ms. Gwen Lunceford addressed the Council and requested an additional thirty (30) days, stating nothing was complete with regard to the previous directive.

After further discussion, a motion was made to extend the Order of Abatement for an additional thirty (30) days in which the property owner will obtain a structural engineer's report on the property, to include plans for repair or replacement of the electrical, plumbing and HVAC systems, also presenting an executed contractor agreement and contractor's timeline for rehabilitation.

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

2. Council Action 2016-69

Consider award of proposal for Solid Waste Collection and Disposal Services.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on three proposals received for the City's solid waste collection and disposal services. Mr. Broz reviewed the three proposals and related tabulation sheets, with the proposers being Waste Management, LT's Garbage Service, and Progressive Waste. Discussion involved number of pickups per week, furnished carts, brush pickup, recycling, and other related topics.

After lengthy discussion, it was consensus of the Council that this item be placed on the agenda for a special called meeting on Tuesday, August 23rd at 5:30 p.m.

RESULT: **NO ACTION TAKEN**

3. Council Action 2016-68

Consider setting the date, time and location for a Public Hearing on the proposed budget for Fiscal Year 2016-2017.

COMMENTS - Current Meeting:

A motion was made to hold a public hearing on the proposed Fiscal Year 2016-2017 budget on Tuesday, August 23rd at 5:30 p.m., in the City Council Chambers.

RESULT: **APPROVED [UNANIMOUS]**
AYES: Pickett, Huddleston, Potetz, Simonson, Arnold, Glazener
ABSENT: Dennis Beasley

4. Council Action 2016-70

Consider approval of the proposed tax rate for Fiscal Year 2016-2017.

COMMENTS - Current Meeting:

Discussion was held regarding the proposed tax rate of \$0.6200, which is an increase of three cents from the previous year's tax rate of \$0.5900. After further discussion of related issues to include the debt service and maintenance and operations rates, rollback and effective rates, and other related issues, a motion was made to propose a tax rate of \$0.6200, per \$100 valuation, for Fiscal Year 2016-2017.

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

5. Council Action (ID # 3580)

Consider setting the date, time and location for public hearings on the proposed tax rate for Fiscal Year 2016-2017.

COMMENTS - Current Meeting:

A motion was made to hold a public hearing on the proposed tax rate of \$0.6200, for Fiscal Year 2016-2017 on Tuesday, August 23rd at 5:30 p.m. and Tuesday, August 30, 2016, at 6:00 p.m., in the City Council Chambers.

6. Work Session (ID # 3581)

Discussion of the proposed 2016-2017 Fiscal Year Budget.

COMMENTS - Current Meeting:

This agenda item was passed on, no discussion was held.

7. Council Action 2016-71

Consider a bid for Tax Resale Property described as a mobile home, Fisher, Block 0-49, Lot 7 8 (Confederate Street).

COMMENTS - Current Meeting:

City Attorney Brandon Davis reported that an offer of \$2000.00 was made for tax resale property located on Confederate Street. Total taxes owed are \$5408.92. If the bid is accepted, \$312.93 will be distributed to the City of Liberty.

After brief discussion, a motion was made to accept the bid of \$2000.00 for the tax resale property described as Fisher, Block 0-49, Lot 7 8 MH Label #TEX0008936.

ATTACHMENTS:

- Tax Resale Property-Fisher-Confederate (PDF)
- IMG_0988 (JPG)
- IMG_0989 (JPG)
- IMG_0990 (JPG)
- IMG_0991 (JPG)

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

8. Council Action 2016-72

Consider a bid for Tax Resale Property described as 0.6439 Acres, Richardson, Lot 26, Lot 7 8 (Church St.).

COMMENTS - Current Meeting:

City Attorney Brandon Davis reported that an offer of \$3250.00 was made for tax resale property located on Church Street. Total taxes owed are \$16,129.90. If the bid is accepted, \$660.04 will be distributed to the City of Liberty.

After brief discussion, a motion was made to accept the bid of \$3250.00 for the tax resale property described as Richardson, Lot 26, Section 1.

ATTACHMENTS:

- Tax Resale Property-Richardson (PDF)
- IMG_0983 (JPG)
- IMG_0984 (JPG)
- IMG_0985 (JPG)
- IMG_0986 (JPG)
- IMG_0987 (JPG)

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

9. Resolution 2016-5

Consider approval of a Resolution electing to participate in the Tax Abatement Program under Texas Tax Code Chapter 312.

COMMENTS - Current Meeting:

City Attorney Brandon Davis reported that, prior to entering into any tax abatement agreements, a municipality must elect to become eligible to participate in tax abatement, followed by establishing guidelines and criteria governing tax abatement agreements. Mr. Davis further stated that this Resolution reflects that the City of Liberty elects to participate in the Texas Tax Code, Tax Abatement Program.

A motion was made to approve the Resolution as presented.

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

10. Resolution 2016-6

Consider a Resolution adopting Guidelines and Criteria for Tax Abatement.

COMMENTS - Current Meeting:

City Attorney Brandon Davis reported that the proposed guidelines and criteria include

several changes from the 2014-2016 adoption. Tax Abatement Guidelines are adopted every two years. Those changes include discretionary considerations (a-r) for tax abatement application and tax abatement terms to be determined by City Council on a case by case basis with a maximum term of ten years.

After brief discussion, a motion was made to adopt the Tax Abatement Guidelines and Criteria for August, 2016 thru August, 2018.

ATTACHMENTS:

- Tax Abatement Guidelines 2016-OLD (DOC)
- Tax Abatement Guidelines and Criteria-NEW (DOCX)

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

11. Council Action 2016-73

Discussion of current wastewater repair projects, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that this expenditure is a change order to the original contract, with PM Construction, for wastewater repairs on Alabama, Bowie and Hwy. 90. The change order amount of \$13,156 is for the addition of 44 feet of repairs on Bowie Street, north of Edgewood.

A motion was made to approve the Change Order, in the amount of \$13,156, for the wastewater repair projects on Alabama, Bowie and Hwy. 90.

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

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:18 p.m.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary