



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, September 13, 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	Present	
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 Pastor Tim Gruver, Heights Baptist Church, Liberty, Texas.

III. PLEDGE OF ALLEGIANCE

The pledge to the American and Texas flags were led by Fire Chief Brian Hurst and Police Chief Tom Claunch, respectively.

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.

City Manager Gary Broz reported that a Special Called Meeting of the City Council would be held on Tuesday, September 20th.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 3606)

Project Updates - City Mgr. G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz on the following:

- 8th Anniversary of Hurricane Ike
- Sales tax collections lower than budgeted amount
- 109 Mimosa ready for demolition
- Bond Rating Call, received a AA-
- Issues with sinkholes, water leaks, and street repairs
- other current City activities.

B. Information Item (ID # 3607)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the Agency (SRMPA) had awarded the installation of new transformers for the member cities to Saber Power Services. The City of Liberty will receive the first transformer, scheduled to arrive November 4th. This transformer will be installed at the substation next to Boomerang, replacing the T2 transformer.

Mayor Pickett reported the Agency is amending its contract with EWOM, an Entergy affiliate, which will provide relief to Boomerang Tube, on their electric power charges. This is a \$500,000 benefit to be applied on a monthly basis for one year, at no cost to the City.

Mayor Pickett also briefly reported on the status of the lawsuit involving the Agency and its' former general counsel.

C. Information Item (ID # 3608)

Liberty Co. Central Appraisal District - Appraisal Review Board

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported on the Central Appraisal District's request for a nomination to the Appraisal Review Board, from each taxing entity, due by October 21.

ATTACHMENTS:

- CAD-ARB Info (PDF)

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:	Diane Huddleston, Mayor Pro Tem
SECONDER:	Libby Simonson, Councilperson
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Arnold, Glazener

A. Minutes Approval

1. Tuesday, July 26, 2016
2. Tuesday, August 02, 2016
3. Tuesday, August 09, 2016
4. Tuesday, August 23, 2016
5. Tuesday, August 30, 2016

B. Council Action 2016-78

Consider acceptance of the 2017 Routine Airport Maintenance Program (RAMP) Grant Agreement.

ATTACHMENTS:

- RAMP Grant (PDF)

VII. REGULAR AGENDA

A. Regular Session

1. Council Action (ID # 3619)

Mayor White, City of Ames, will be present to address the City Council regarding Ames' sewer overflow issues, and take any action deemed necessary.

COMMENTS - Current Meeting:

Mayor John White, City of Ames, addressed the Council regarding Ames' sewer overflow issues, acknowledgement of funds owed to the City of Liberty, conducting smoke testing of their sewer lines and continuing to address the issues as they are able.

2. Ordinance 2016-12

Consider adoption of an Ordinance authorizing the Issuance, Sale and Delivery of up to \$7,750,000 in aggregate principal amount of "City of Liberty, Texas Combination Tax and Revenue Certificates of Obligation, Series 2016", securing the payment thereof by authorizing the levy of an annual Ad Valorem Tax and a pledge of certain surplus revenues of the City's Water and Sewer System; and approving and authorizing the execution of a Paying Agent/Registrar Agreement, and official statement and all other instruments and procedures related thereto.

COMMENTS - Current Meeting:

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

"AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF \$7,655,000 IN AGGREGATE PRINCIPAL AMOUNT OF *CITY OF LIBERTY, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2016*; SECURING THE PAYMENT THEREOF BY AUTHORIZING THE LEVY OF AN ANNUAL AD VALOREM TAX AND A PLEDGE OF CERTAIN SURPLUS REVENUES OF THE CITY'S WATER AND SEWER SYSTEM; AND APPROVING AND AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, AN OFFICIAL STATEMENT AND ALL OTHER INSTRUMENTS AND PROCEDURES RELATED THERETO.

After lengthy discussion with Mr. Bob Henderson, Financial Advisor, and Mr. Tom Spurgeon, Bond Counsel, regarding the sale of these bonds for financing the acquisition, construction, and equipping of various public improvement projects, an interest rate of 1.9979%, and other related issues, a motion was made to adopt the Ordinance authorizing the issuance, sale and delivery of \$7,655,000 in aggregate principal amount of City of Liberty, Texas Combination Tax and Revenue Certificates of Obligation, Series 2016, to accept the bid, on a competitive sales basis, from PNC Capital Markets for the purchase of the bonds.

ATTACHMENTS:

- CO-Bond Opinion (PDF)
- CO-Paying Agent Ag-1 (PDF)
- CO-Closing Docs (PDF)

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

3. Public Hearing (ID # 3610)

Public Hearing on the proposed annexation of .55 square miles beginning at the intersection of the south line of the existing city limits of the City of Liberty and the Trinity River having coordinates of N:10004359.04, E:4042761.36.

COMMENTS - Current Meeting:

At 6:42 p.m., Mayor Pickett opened the Public Hearing on the proposed annexation of .55 square miles beginning at the intersection of the South Line of the existing city limits of the City of Liberty and the Trinity River. Mr. Art Pertile, Olson and Olson LLP, addressed the Council and audience regarding the property, explanation of the documents to be executed by the property owners, the annexation process and other related issues.

After further discussion with the Council Members and meeting attendees, Mayor Pickett closed the Public Hearing at 7:08 p.m.

ATTACHMENTS:

- PH Notice-Sept. 13 (DOCX)

4. Council Action 2016-79

Mr. H.D. Jackson will be present to address City Council regarding placement of a sign at Lakeland Drive and Cook Road, for the Cook Cemetery, and take any action deemed necessary.

COMMENTS - Current Meeting:

Mr. H.D. Jackson, Chairman of the Cooke Memorial Cemetery Board, addressed Council regarding placement of a permanent sign for the Cemetery, at Lakeland Drive and Cook Road. After brief discussion, regarding the sign, location, and property boundary issues, Council consensus was that Management will conduct further research to assist in resolving issues regarding the placement of the sign.

RESULT: NO ACTION TAKEN

5. Resolution 2016-7

Consider a Resolution appointing a representative to the Sam Rayburn Municipal Power Agency Board of Directors.

COMMENTS - Current Meeting:

A motion was made to reappoint Mayor Carl Pickett to the Sam Rayburn Municipal Power Agency Board of Directors.

RESULT: APPROVED [6 TO 0]
MOVER: Diane Huddleston, Mayor Pro Tem
SECONDER: Dennis Beasley, Councilperson
AYES: Huddleston, Beasley, Potetz, Simonson, Arnold, Glazener
ABSTAIN: Carl Pickett

6. Ordinance 2016-13

Consider an Ordinance adopting the Budget for Fiscal Year 2016-2017.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET; APPROPRIATING NECESSARY FUNDS FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS, PROJECTS AND ACCOUNTS; PROVIDING FOR AN EFFECTIVE DATE; 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 briefly reported that the General Fund budget is \$8,506,736, reviewed other budgeted funds, and stated that the proposed budget is a balanced budget in the amount of \$31,522,840.

A motion was made to adopt the Ordinance adopting the Budget for Fiscal Year 2016-2017, also commending the City Manager and Staff for their thoroughness and diligence in preparing a balanced budget.

RESULT:	ADOPTED [6 TO 1]
MOVER:	Libby Simonson, Councilperson
SECONDER:	David Arnold, Councilperson
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Arnold
NAYS:	Paul Glazener

7. Council Action 2016-81

Consider ratification of the property tax revenue increase reflected in the Fiscal Year 2016-2017 Budget.

COMMENTS - Current Meeting:

A motion was made to ratify the property tax revenue increase reflected in the Fiscal Year 2016-2017 Budget.

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

8. Ordinance 2016-14

Consider an Ordinance adopting the Ad Valorem Tax Rate for Fiscal Year 2016-2017.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ADOPTING AN AD VALOREM TAX RATE FOR FISCAL YEAR 2016-2017, AT A RATE OF \$0.6100 PER ONE HUNDRED DOLLAR (\$100) ASSESSED VALUATION ON ALL TAXABLE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS."

A motion was made that the property tax rate be increased by the adoption of a tax rate of \$0.6100 cents per \$100 valuation of property, which is effectively a 3.88 percent increase in the tax rate and adopt the Ordinance setting the tax rate for Fiscal Year 2016-2017.

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

9. Ordinance 2016-15

Consider adoption of an Ordinance amending the Master Fee Schedule to include water and wastewater rate increases, and public right-of-way use fees.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS PROVIDING FOR THE AMENDMENT OF THE MASTER FEE SCHEDULE FOR ALL RATES AND FEES CHARGED BY THE CITY OF LIBERTY; PROVIDING FOR AN INCREASE IN THE BASE RATE FOR WATER AND SEWER SERVICES FOR RESIDENTIAL AND COMMERCIAL ACCOUNTS; AND THE ADDITION OF FEES FOR PUBLIC RIGHT-OF-WAY USE; PROVIDING THAT ALL RATES OR SCHEDULES OF RATES CONFLICTING HERewith ARE AMENDED; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS.

A motion was made to adopt the Ordinance amending the City's Master Fee Schedule to include water and wastewater rate increases, and public right-of-way use fees.

ATTACHMENTS:

- MASTER FEE SCHEDULE-Draft 9-13-2016 (XLSX)

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

10. Council Action 2016-80

Consider approval of a bid for Tax Resale Property described as Fisher, Block 4, Lot 5 (Confederate Street).

COMMENTS - Current Meeting:

City Attorney Brandon Davis reported that an offer of \$1000.00 was made for tax resale property (vacant lot) located on Confederate Street. Total taxes owed are \$16,536.00. If the bid is accepted, \$76.56 will be distributed to the City of Liberty.

After brief discussion, a motion was made to accept the bid of \$1000.00 for the tax resale property described as Fisher, Block 4, Lot 5.

ATTACHMENTS:

- Tax Resale Property-Fisher (PDF)

- Tx Property Pic 1 (PDF)
- Tx Property Pic 2 (PDF)
- Tx Property Pic 3 (PDF)

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

11. Council Action 2016-82

Consider approval of an Interlocal Agreement with Liberty County and Liberty Independent School District for the demolition of the apartments located at 1309 N. Main Street.

COMMENTS - Current Meeting:

City Attorney Brandon Davis reported this proposed demolition is in regard to an old apartment complex located at 1309 N. Main Street. This property has a tax judgment against it, was placed for sale in an auction, but was not purchased. The Interlocal Agreement allows for the remaining taxing entities to release their ownership to the City of Liberty in order to conduct the demolition. The City would then sell the property and any funds in excess of the demolition cost would be divided among the taxing entities based on the percentages of taxes owed to each.

After further discussion, a motion was made to authorize the Mayor to execute the Interlocal Agreement for the demolition of the property located at 1309 N. Main Street, and present this document to Liberty County and the Liberty Independent School District for their approval.

ATTACHMENTS:

- Demolition Agreement (PDF)

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

12. Council Action 2016-83

Consider approval of a contract award to CBL Industries for the resurfacing of Lakeland Drive.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported that the City had installed base material on Lakeland Drive, between Jefferson Drive and the Fire Department, until the street could be resurfaced due to sinkhole repairs. The City requested quotes for the resurfacing, receiving only one in response from CBL Industries, who is also resurfacing the north end of Bowie Street. Submitted was a quote for \$25,725.28, which is below the City Engineer's estimate of \$30,000.

A motion was made to award the contract for resurfacing of Lakeland Drive to CBL Industries, in the amount of \$25,725.28, with funds to be paid from the City's sealcoat program.

ATTACHMENTS:

- Lakeland Resurfacing Info(3) (DOCX)

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

13. Council Action 2016-84

Consider approval of an Agreement between the Texas Department of Agriculture and the City of Liberty, Contract No. 7216290, for the Community Development Fund.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that this item is in reference to the Texas Community Development Block Grant Program, which will complete the sewer improvements on Layl Drive. Project cost is \$451,210, with the City's portion in the amount of \$101,210.

A motion was made to approve the Agreement between the Texas Department of Agriculture and the City of Liberty, Contract No. 7216290.

ATTACHMENTS:

- Agreement-Dept of Ag(PDF)

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

14. Council Action 2016-86

Consider authorizing the City Manager to execute Change Order No. 3, with PM Construction, for sanitary sewer repairs on Hwy. 90.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported that recent sanitary sewer line repairs on Hwy. 90 resulted in several water leaks. It was determined that the water line and the sanitary sewer lines were only three to four feet apart. To complete the pipe bursting portion of this project, the waterlines need to be isolated to prevent impact on other areas of the City. Two valves will be installed, at a cost of \$20,000, along with a temporary water tap provided to the John Deere Dealership to minimize the impact on their business.

A motion was made to authorize the City Manager to execute Change Order No. 3, with PM Construction for sanitary sewer repairs on Hwy. 90, with the cost to be expended from the Cambridge Funds.

ATTACHMENTS:

- PM Construction Change Order (DOCX)

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

15. Council Action 2016-87

Consider authorizing the City Manager to execute an agreement with HR Green for engineering services associated with Phase A Improvements to the City's Sanitary Sewer System.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported that the Preliminary Engineering Report prepared by HR Green identified recommended improvements to the City's sanitary sewer system. These improvements have been prioritized into three phases. Phase A improvements and cost estimates are:

- Expansion Areas - \$520,000
- Manhole Improvements - \$544,000
- Sewer Collection Lines - \$1,594,000
- Lift Stations - \$951,000
- WWTP Outfall - \$1,497,000

Total Phase A project cost is \$5,106,000. The design fee is \$541,781, with \$211,000 for additional services (surveying, smoke testing, construction inspection, etc.). This project will be funded through the sale of \$7,750,000 Certificates of Obligation.

After further discussion, a motion was made to authorize execution of the agreement with HR Green for engineering services related to sanitary sewer improvements, with the cost not to exceed \$753,000.00.

ATTACHMENTS:

- HR Green Phase A Info (DOCX)

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

B. Executive Session

Government Code §551.071 - Private Consultation with Attorney.

Pending or Contemplated Litigation - Contractual Wastewater Issues.

At 8:01 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as

authorized above.

C. Reconvene into Regular Session

At 8:55 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2016-85

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

COMMENTS - Current Meeting:

A motion was made to authorize management to move forward, per the discussion held in the Executive Session.

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

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:57 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary