



The City of Liberty
City Council
Regular Meeting
~ Agenda ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, October 11, 2016

6:00 PM

City Council Chambers

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
Mayor Carl Pickett	☐	☐	☐	
Mayor Pro Tem Diane Huddleston	☐	☐	☐	
Councilperson Dennis Beasley	☐	☐	☐	
Councilperson Louie Potetz	☐	☐	☐	
Councilperson Libby Simonson	☐	☐	☐	
Councilperson David Arnold	☐	☐	☐	
Councilperson Paul Glazener	☐	☐	☐	

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

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.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 3631)

Project Updates - City Mgr. Gary Broz

B. Information Item (ID # 3632)

Sam Rayburn Municipal Power Agency - Mayor Pickett

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.

A. Minutes Approval

1. Tuesday, September 13, 2016
2. Tuesday, September 20, 2016

VII. REGULAR AGENDA

A. Regular Session

1. Ordinance 2016-16

Consider adoption of an Ordinance providing for the extension of certain boundary limits of the City of Liberty, Texas to include certain territory described as .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; providing that said territory bears pro rata part of taxes; adopting a Service Plan, excluding certain properties from annexation to remain in the extraterritorial jurisdiction of the City; authorizing 380 Agreements providing a tax refund to certain properties; providing a savings clause; and dispensing with the requirement of Section 3.10 of the Home Rule Charter that all ordinances be read on two separate days.

- ORD-Phase I Service Plan (DOCX)

2. Resolution 2016-8

Consider a Resolution declaring the intention of the City of Liberty, Texas, to annex certain territory described as .67 square miles beginning in the Easterly Line of the Maynard Properties Tract recorded in Volume 1819 Page 079, Official Public Records, Liberty County, Texas, having coordinates of N:9999194.88, E:4045649.68; setting the dates, times, and places for two Public Hearings at which all interested parties shall an opportunity to be heard; providing for publication of notices of such Public Hearings; and directing preparation of a Municipal Service Plan for the territory proposed to be annexed.

- Resolution of Intent-Exhibit A (PDF)

3. Council Action (ID # 3635)

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

- CAD-ARB Info (PDF)

4. Council Action (ID # 3636)

Consider appointments to the Houston-Galveston Area Council's 2017 General Assembly.

- HGAC General Assembly (PDF)

5. Council Action (ID # 3638)

Consider a Fire Protection Services Agreement between Liberty County and the City of Liberty Fire Department.

- Fire Prot Svs Agreement (PDF)

6. Council Action (ID # 3639)

Discussion regarding the use of portable buildings as permanent residences or commercial buildings, and take any action deemed necessary.

7. Council Action (ID # 3637)

Consider rejecting the bid received for the Wastewater Treatment Plan Blower Replacement Project.

- WWTP Blower Bid (DOCX)

8. Council Action (ID # 3640)

Discussion of the City of Hardin's wastewater overflow issues, and take any action deemed necessary.

B. Executive Session

Government Code §551.071 - Private Consultation with Attorney.

Government Code §551.072 - Deliberation Regarding Real Property.

1. Discussion of land acquisition.

C. Reconvene into Regular Session

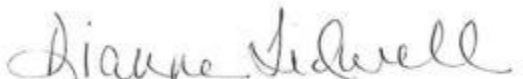
1. Council Action (ID # 3641)

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

VIII. ADJOURNMENT

A. Motion To: Adjourn

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 3rd day of October, 2016 at 5:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.


Dianne Tidwell, City Secretary

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the _____ day of _____, 2016.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.A

Meeting: 10/11/16 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 3631)

DOC ID: 3631



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.B

Meeting: 10/11/16 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 3632)

DOC ID: 3632



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

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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.

Minutes Acceptance: Minutes of Sep 13, 2016 6:00 PM (Minutes Approval)

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)

Minutes Acceptance: Minutes of Sep 13, 2016 6:00 PM (Minutes Approval)

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, 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.

Minutes Acceptance: Minutes of Sep 13, 2016 6:00 PM (Minutes Approval)

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

Minutes Acceptance: Minutes of Sep 13, 2016 6:00 PM (Minutes Approval)



The City of Liberty
City Council
Special Called Meeting
 ~ Minutes ~

1829 Sam Houston
 Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
 City Secretary
 (936) 336-3684

Tuesday, September 20, 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	Absent	
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. 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 the Chamber of Commerce will hold its monthly luncheon on September 21st, with speakers being representatives of the Trinity Valley Exposition.

III. REGULAR AGENDA

A. Regular Session

1. Public Hearing (ID # 3626)

Minutes Acceptance: Minutes of Sep 20, 2016 6:00 PM (Minutes Approval)

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 6:05 p.m., Mayor Pickett opened the Public Hearing on the 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 breakdown of the proposed properties as follows:

- 1) Total properties in the whole annexation - 39
- 2) Government owned properties - Non Taxable - 10
- 3) Non-Agricultural properties - 12
- 4) Ag Exempt properties - 17

Mr. Pertile further expounded upon the City's extra-territorial jurisdiction, service plans, documents to be executed by the property owners, and the annexation process.

At 6:17 p.m., Mayor Pickett closed the Public Hearing.

2. Council Action 2016-88

Consider approval of an Interlocal Agreement with Liberty County Precincts 1 & 2 for the maintenance of streets, roads, ditches and recreational areas, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that this annual Interlocal Agreement between the City and the County provides for increased efficiency and effectiveness of the two local governments, assisting each other when feasible.

A motion was made to approve the Interlocal Agreement with Liberty County Precincts 1 and 2.

ATTACHMENTS:

- Interlocal with County Prec 1 & 2-2016 (DOCX)

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

3. Council Action 2016-89

Consider approval of an Interlocal Agreement with the Liberty Independent School District for a School Resource Officer.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that this contract for providing the Liberty Independent

School District includes an increase in the fee paid to the City of \$10,000. This officer provides security and crime prevention in the school environment.

A motion was made to approve the Interlocal Agreement with the Liberty Independent School District for a School Resource Officer.

ATTACHMENTS:

- Interlocal LISD-SRO 2016 (PDF)

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

4. Council Action 2016-90

Consider and take action regarding a price adjustment agreement with the Sam Rayburn Municipal Power Agency.

COMMENTS - Current Meeting:

Mayor Pickett and City Manager Broz reported that the Agency (SRMPA) 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.

The price adjustment contract with Boomerang Tube reflects that the Cost Based Monthly Capacity Payment for each of the twelve months shall be reduced by \$41,666.67, with the total sum of the discount to be \$500,000.

This process requires an agreement between EWOM and SRMPA, an agreement between SRMPA and the City, and lastly an agreement between the City of Liberty and Boomerang Tube. These agreements will be presented to FERC (Federal Energy Regulatory Commission) for its approval.

After further discussion and this being the second agreement of the process, a motion was made to approve the Price Adjustment Agreement with the Sam Rayburn Municipal Power Agency.

ATTACHMENTS:

- SRMPA-City Agreement-Boomerang-Price Adj (PDF)

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

5. Council Action 2016-91

Consider and take action regarding a price adjustment agreement for electricity with Boomerang Tube.

COMMENTS - Current Meeting:

A motion was made to approve the Price Adjustment Agreement for electricity with Boomerang Tube.

ATTACHMENTS:

- City-Boomerang-Price Adj (PDF)

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

IV. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 6:34 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Sep 20, 2016 6:00 PM (Minutes Approval)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.1

Meeting: 10/11/16 06:00 PM

Department: Administration
Category: Annexation

ORDINANCE 2016-16

DOC ID: 3633 C

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF LIBERTY, TEXAS TO INCLUDE CERTAIN TERRITORY DESCRIBED AS .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; PROVIDING THAT SAID TERRITORY BEARS PRO RATA PART OF TAXES AND ADOPTING A SERVICE PLAN; EXCLUDING CERTAIN PROPERTIES FROM ANNEXATION TO REMAIN IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY; AUTHORIZING 380 AGREEMENTS PROVIDING A TAX REFUND TO CERTAIN PROPERTIES; PROVIDING A SAVINGS CLAUSE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS.

WHEREAS, the Texas Local Government Code Section 43.021 allows a home-rule municipality to (1) fix the boundaries of the municipality; and (2) extend the boundaries of the municipality and annex area adjacent to the municipality; and

WHEREAS, public hearings at the City Council meeting, where all interested persons were provided with an opportunity to be heard on the proposed annexation of the territory fully described in **EXHIBIT "1"** was held on September 13, 2016 and September 20, 2016 in the City Council Chambers of the City of Liberty, Texas; and

WHEREAS, the above described territory lies within the extraterritorial jurisdiction of the City of Liberty, Texas; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

Section 1. That all of the recitals and preambles hereinabove stated are found to be true and correct and are incorporated herein and made a part of this ordinance.

Section 2. That the following described land and territory lying adjacent to and adjoining the City of Liberty, Texas, except for properties identified by the Liberty County Appraisal District records as Property ID # 69133 and # 68507 as provided for and described herein in **EXHIBIT “2,”** pursuant to Sections 43.035 and 212.171 of the Texas Local Government Code, is hereby added and annexed to the City of Liberty, Texas, and said territory hereinafter described shall hereafter be included within the boundary limits of the City of Liberty, Texas, and the present boundary limits of such city, at the various points contiguous to the area hereinafter described, are altered and amended so as to include said area within the corporate limits of the City of Liberty, Texas, to-wit:

SEE ATTACHED EXHIBIT "3"

Section 3. That the above described territory and the area so annexed shall be a part of the City of Liberty, Texas, and the property so added hereby shall bear its pro rata part of the taxes levied by the City of Liberty, Texas, and the inhabitants thereof shall be entitled to all of the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Liberty, Texas, except for the properties identified by the Liberty County Appraisal District records as Property ID # 69133 and # 68507 as provided for and described herein in **EXHIBIT “2,”** pursuant to Sections 43.035 and 212.171 of the Texas Local Government Code. The service plan attached hereto as **EXHIBIT “4”** is hereby adopted as part of the annexation of the property annexed to the City in **EXHIBIT “3.”**

Section 4. That the properties identified by the Liberty County Appraisal District records as Property ID # 69133 and # 68507 are excluded from annexation and shall remain in the extraterritorial jurisdiction of the City as provided for and described herein in **EXHIBIT “2”** pursuant to Sections 43.035 and 212.171 of the Texas Local Government Code. The Mayor is hereby authorized to execute the agreements entered into pursuant to these sections.

Section 5. That certain owners or authorized representatives of properties identified by the Liberty County Appraisal District records as Property ID # 15161 and ID

15145 and further described in **EXHIBIT “5”** within the territory so annexed voluntarily petitioned for their property to be annexed to the City and executed an Economic Development Agreement pursuant to Chapter 380 of the Texas Local Government Code in exchange for a refund of property taxes paid to the city for a term of forty (40) years. The Mayor is hereby authorized to execute the above described Economic Development Agreements.

Section 6. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such sections or part shall in no wise affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect.

Section 7. Should this ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of Liberty, such ineffectiveness of this ordinance as to any such part or parts of any such area shall not affect the effectiveness of this ordinance as to all of the remainder of the area. If there is included within the general description of territory set out in Section 2 of this Ordinance to be annexed to the City of Liberty any lands or area which are presently part of and included within the limits of the City of Liberty, or which are presently part of and included within the limits of any other city or within the extraterritorial jurisdiction of any other city, or which are not within the City of Liberty's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed as fully as if such excluded and excepted area were expressly described herein.

Section 8. That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two separate days is hereby dispensed with.

PASSED AND APPROVED in Liberty, Texas this ____ day of October, 2016.

CITY OF LIBERTY, TEXAS

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

CITY OF LIBERTY, TEXAS

Carl Pickett, Mayor

STATE OF TEXAS

COUNTY OF LIBERTY

This instrument was acknowledged before me on the ____ day of _____, 2016 by, Mayor Carl Pickett of the City of Liberty, Texas.

Notary Public, State of Texas

Notary's Printed Name

Commission Expires: _____

Please Return Recorded Copy to:
Dianne Tidwell, City Secretary
City of Liberty
1829 Sam Houston
Liberty, Texas 77575

EXHIBIT 1

PROPOSED ANNEXATION TERRITORY (.55 SQUARE MILES)

EXHIBIT 2

PROPERTIES EXCLUDED FROM ANNEXATION PURSUANT TO SECTIONS 43.035
AND 212.171 OF THE TEXAS LOCAL GOVERNMENT CODE: LIBERTY COUNTY
APPRAISAL DISTRICT RECORDS (LCAD) ID # 69133 AND 68507

EXHIBIT 3

PROPERTIES ACTUALLY ANNEXED (.48 SQUARE MILES)

EXHIBIT 4

SERVICE PLAN FOR PROPERTIES TO BE ANNEXED

EXHIBIT 5

PROPERTIES THAT VOLUNTARILY PETITIONED FOR THEIR PROPERTY TO BE ANNEXED AND EXECUTED AN ECONOMIC DEVELOPMENT AGREEMENT TO RECEIVE A REFUND OF PROPERTY TAXES PAID TO THE CITY FOR A TERM OF (40) YEARS: LIBERTY COUNTY APPRAISAL DISTRICT RECORDS (LCAD) ID# 15161 AND # 15145

ANNEXATION SERVICE PLAN

The City of Liberty, Texas will provide for the extension of municipal services into the territory annexed in accordance with the following schedule:

1. **POLICE PROTECTION:** Provided immediately upon annexation. Service will be provided to all residents of the annexed area on the same basis as those residents currently living within the City limits.

2. **FIRE PROTECTION:** Provided immediately upon annexation. Service will be provided to all residents of the annexed area on the same basis as those residents currently living within the City limits.

3. **WATER AND WASTE WATER:** Water and wastewater services will be provided to the annexed area on the same basis as those residents currently living within the City limits.

4. **EMERGENCY MEDICAL SERVICES:** Provided immediately upon annexation. Service will be provided to all residents of the annexed area on the same basis as those residents currently living within the City limits.

5. **SOLID WASTE COLLECTION:** Residents and business may continue to use their current solid waste provider.

6. **PARKS, PLAYGROUNDS AND SWIMMING POOLS:** The City parks and all recreational facilities will be available for use by residents of the annexed area, beginning on the effective date of the annexation ordinance.

7. **CODE ENFORCEMENT SERVICES:**

a. Enforcement of the City's ordinances will be provided within the annexed area on the effective date of the annexation ordinance. These ordinances and other regulations will be enforced using existing personnel.

b. Complaints of ordinance violations or other code violations within the annexed area will be answered and investigated by existing personnel on the effective date of the annexation ordinance.

c. Animal Control services will be provided to those areas within the annexed area on the effective date of the annexation ordinance using existing personnel and equipment.

d. Vector control services will be provided to those areas within the annexed area on the effective date of the annexation ordinance using existing personnel and equipment.

8. MISCELLANEOUS: General municipal administration and administrative services of the City shall be available to the annexed area beginning with the effective date of the annexation ordinance.

9. LIBRARY SERVICES: The City Library and facilities will be available for use by residents of the annexed area, beginning on the effective date of the annexation ordinance.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.2

Meeting: 10/11/16 06:00 PM

Department: Administration
Category: Annexation Issues

RESOLUTION 2016-8

DOC ID: 3634 B

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF LIBERTY, TEXAS, TO ANNEX CERTAIN TERRITORY DESCRIBED AS .67 SQUARE MILES BEGINNING IN THE EASTERLY LINE OF THE MAYNARD PROPERTIES TRACT RECORDED IN VOLUME 1819 PAGE 079, OFFICIAL PUBLIC RECORDS, LIBERTY COUNTY, TEXAS, HAVING COORDINATES OF N:9999194.88, E:4045649.68; SETTING THE DATES, TIMES, AND PLACES FOR TWO PUBLIC HEARINGS AT WHICH ALL INTERESTED PARTIES SHALL HAVE AN OPPORTUNITY TO BE HEARD; PROVIDING FOR PUBLICATION OF NOTICES OF SUCH PUBLIC HEARINGS; AND DIRECTING PREPARATION OF A MUNICIPAL SERVICE PLAN FOR THE TERRITORY PROPOSED TO BE ANNEXED.

* * * * *

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

Section 1. The City Council of the City of Liberty, Texas (the “City”) hereby declares its intention to annex to the City the territory described in Exhibit "A" attached hereto and made a part hereof, by the passage of an ordinance of annexation extending the general corporate limits of the City for all purposes to include such territory.

Section 2. The City Council of the City hereby calls two public hearings at which all interested persons shall have the right and opportunity to appear and be heard upon such proposal to annex the territory described above. The first public hearing shall be held in the City Council Chambers, located at 1829 Sam Houston, Liberty, Texas, 77575 at 6:00 p.m. on November 15, 2016, and the second public hearing shall be held in the City Council Chambers, located at 1829 Sam Houston, Liberty, Texas, 77575 at 12:00 pm on November 18, 2016. The annexation proceeding, of which notice of intention to annex is given by this Resolution, shall be instituted not less than twenty (20) days nor more than forty (40) days subsequent to such public hearings.

Section 3. City Staff is hereby directed to cause notices of such public hearings to be given by publication in a newspaper having general circulation within the City and within the territory proposed to be annexed, the publication of notice of each public hearing to be made at least once in such newspaper not more than twenty (20) days nor less than ten (10) days prior to the day of that public hearing.

Section 4. City Staff is hereby directed to cause to be prepared a service plan that provides for the extension of municipal services to the territory that is proposed to be annexed. The proposed service plan shall be made available for public inspection and shall be explained to the inhabitants of the territory at the public hearings called herein. Such service plan shall be prepared in accordance with the provisions of Chapter 43 of the Texas Local Government Code.

PASSED AND APPROVED in Liberty, Texas this _____ day of _____, 2016.

CITY OF LIBERTY, TEXAS

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

EXHIBIT "A"
2016 ANNEXATION TRACT 2

Field Note Description for approximately .67 square miles for annexation to
incorporation of the City of Liberty

BEGINNING at the Southeast corner of 2016 Annexation Tract 1, same point being in the Easterly line of the Maynard Properties tract recorded in Volume 1819 Page 079, Official Public Records, Liberty County, Texas, point having coordinates of N:9999194.88, E:4045649.68;

THENCE SOUTHERLY along and with the Easterly line of the Maynard Properties tract recorded in Volume 1819 Page 079 to a point being the Southeasterly corner of the Maynard Properties tract recorded in Volume 1819 Page 079 having coordinates of N:9998547.60, E:4045705.43, said point also being the common line of the W.M. Harris League, Abstract No. 51 and the J.E. Self Survey, Abstract No. 104, said point also being in the North line of the Maynard Properties tract as recorded in Clerk's File No. 2006015349, Official Public Records, Liberty County, Texas;

THENCE WESTERLY along and with the common line of the W.M. Harris League, Abstract No. 51 and the J.E. Self Survey, Abstract No. 104, the same being the North line of the Maynard Properties tract recorded in Clerk's File No. 2006015349 to a point having coordinates of N:9998521.83, E:4045435.33;

THENCE SOUTHERLY over and across the Maynard Properties tract recorded in Clerk's File No. 2006015349 to a point being in the North line of the Maynard Properties tract as recorded in Volume 1978 Page 726, Official Public Records, Liberty County, Texas having coordinates of N:9997461.67, E:4045536.58;

THENCE SOUTHEASTERLY over and across the Maynard Properties tract recorded in Volume 1978 Page 726 to a point being in the North line of the Baylor University tract referred to as Tract 6 as recorded in Volume 940 Page 662, Deed Records, Liberty County, Texas having coordinates of N:9996376.11, E:4046908.62;

THENCE EASTERLY along and with the common line of the Maynard Properties tract recorded in Volume 1978 Page 726 and the Baylor University Tract 6 to a point having coordinates of N:9996450.23, E:4047688.14;

THENCE SOUTHERLY over and across the Baylor University Tract 6 to a point being in the North line of the Rayonier Texas Timberlands Acquisition LLC tract as recorded in Clerk's File No. 2012015992, Official Public Records, Liberty County, Texas having coordinates of N:9994412.22, E:4048139.52;

THENCE SOUTHWESTERLY over and across the Rayonier Texas Timberlands Acquisition LLC tract to a point having coordinates of N:9993970.39, E:4047961.98;

THENCE WESTERLY over and across the Rayonier Texas Timberlands Acquisition LLC tract, passing through a point being in the East bank of the Trinity River, also passing a point in the West bank of the Trinity River, further continuing over and across the Joe D and Frances Harris Family Partnership, Ltd. tract as recorded in Clerk's File No. 2007016622, Official Public Records, Liberty County, Texas to a point having coordinates of N:9993822.60, E:4043494.96;

THENCE NORTHERLY over and across the Joe D and Frances Harris Family Partnership, Ltd. tract to a point being in the South line of the Russell and Robin Brownlee tract as recorded in Clerk's File No. 2004001145, Official Public Records, Liberty County, Texas, having coordinates of N:9994540.35, E:4043483.25, said point also being the common line of the John A. Williams League, Abstract No. 119 and the William D. Smith League, Abstract No. 107;

THENCE WESTERLY along and with the South line of the Russell and Robin Brownlee tract, the same being the common line of the John A. Williams League, Abstract No. 119 and the William D. Smith League, Abstract No. 107 to a point being the Southwest corner of the Russell and Robin Brownlee tract, having coordinates of N:9994472.55, E:4042466.60;

THENCE NORTHERLY along and with the West line of the Russell and Robin Brownlee tract to a point being the Northwest corner of said tract, having coordinates of N:9996195.90, E:4042398.01;

THENCE EASTERLY along and with the North line of the Russell and Robin Brownlee tract, passing the Northeast corner of said tract and continuing to a point locating the apparent centerline of the Trinity River having coordinates of N:9996295.72, E:4043596.90;

THENCE NORTHERLY along and with the meanders of the apparent centerline of the Trinity River to a point having coordinates of N:9998788.19, E:4044137.03;

THENCE WESTERLY over and across the Trinity River passing through a point located at the Southeast corner of the Robert G. Rowe tract as recorded in Clerk's File No. 2015022225, Official Public Records, Liberty County, Texas, continuing along and with the South line of the Robert G. Rowe tract to a point having coordinates of N:9998735.80, E:4042804.85;

THENCE NORTHERLY over and across the Robert G. Rowe tract to a point having coordinates of N:9999073.81, E:4042790.15, said corner also being the Southwest corner of the 2016 Annexation Tract 1;

THENCE EASTERLY over and across the Robert G. Rowe tract, passing through a point being in the West bank of the Trinity River, also passing a point in the East bank of the Trinity River, further continuing over and across the Maynard Properties tract recorded in Volume 1819 Page 079, the same being along and with the South line of the said 2016 Annexation Tract 1 to the **POINT OF BEGINNING** and containing .67 square miles, more or less.

Note: All coordinates referenced to Texas State Plane Central Zone US Feet NAD83 and based on the Liberty County Appraisal District GIS data.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.3

Meeting: 10/11/16 06:00 PM

Department: Administration
Category: Board Appointments

COUNCIL ACTION (ID # 3635)

DOC ID: 3635

EXPLANATION:

The **CAD is requesting a nomination from each taxing entity** to the Appraisal Review Board. To serve on this Board, individuals must be a resident of the Appraisal **District for 2 years, and cannot be an officer or employee of the Appraisal District or any Taxing Entity.** Members serve two-year staggered terms, **meeting once a month and twice weekly during May and June.** Members are **paid \$150 per meeting.** This nomination must be **submitted by October 21.** **If an individual is nominated, who is not currently on the ARB, that individual is responsible for filling out the CAD's application for appointment.**

Bill Brackin, Walt Saucier, Cordella Kirkham and Barbara Lange are ineligible for reappointment having served three consecutive terms. The remaining open position is from Precinct #3-Horace Green.

Current ARB members are: Walt Saucier, Cordella Kirkham, Bill Brackin (Prec. 1), Lester Wisegerber, Horace Green, Fred Terrell, Barbara Lange, and Norman Brown.

LIBERTY COUNTY CENTRAL APPRAISAL DISTRICT
P.O. BOX 10016/2030 SAM HOUSTON
LIBERTY, TEXAS 77575
(936) 336-5722 FAX (936) 336-8390

August 11, 2016

To: All Voting Taxing Units

From: Alan Conner 

Re: ARB Nominations

Dear Taxing Units:

The two (2) year term of the following positions on the Liberty County Appraisal Review Board (ARB) will expire December 31, 2016.

<u>Position</u>	<u>Board Member</u>
Precinct #1	Bill Brackin
Precinct #2	Walt Saucier
Preceinct #3	Horace Green
At Large	Cordella Kirkham
Auxiliary	Barbara Lange

Board members, Bill Brackin, Walt Saucier, Cordella Kirkham and Barbara Lange have served three (3) consecutive terms and are ineligible for reappointment. Board member, Horace Green is eligible for re-appointment to a new two (2) year term. Therefore, the Board of Directors has requested you submit a nominee(s) to the District's office by 5:00 P.M. by October 21, 2016. The Board will fill the position at their regularly scheduled meeting on Thursday, October 27, 2016 at 9:30 A.M. Please have your nominee **complete the enclosed application.**

According to Sec. 6.41(c) of the Property Tax Code, to be eligible to serve on the Appraisal Review Board, an individual must be a resident of the Appraisal District for two (2) years, cannot be an officer or an employee of the Appraisal District or a Taxing Unit and can only serve three (3) consecutive two (2) year terms. Additionally, the law also bars from service a person who contracts for any purpose with the Appraisal District or a Taxing Unit. In addition, all members will be required to attend an ARB training session.

Typically, the ARB meets at 9:00 A.M. once a month and at least twice a week during the months of May and June. ARB members are paid one hundred and fifty dollars per meeting.

If you should have any questions concerning this nomination, please give me a call.
If your nomination is someone currently on the Board, please do not require them to complete the attached application.

Cc: Board of Directors

LIBERTY COUNTY CENTRAL APPRAISAL DISTRICT

APPLICANT INFORMATION

LAST NAME	FIRST NAME	MIDDLE INITIAL
ADDRESS		
CITY		ZIP CODE
SOCIAL SECURITY NUMBER	TELEPHONE NUMBERS: DAYTIME ()	EVENING ()

APPRAISAL REVIEW BOARD QUALIFICATION STATEMENT

Please answer the following questions by checking "Yes" or "No"

- Are you a resident of the Liberty County Central Appraisal District and have you resided within the District for the past two years? Yes ____ No ____
- Are you currently employed by or are you an officer or director of the State Comptroller's Office, an appraisal district, or a taxing unit (i.e. county, school district, or special district) in any capacity? Yes ____ No ____
If you answered "Yes" please indicate in what capacity you are employed or serve below:

- Have you even been employed by or been an officer or director of the Liberty County Central Appraisal District or any taxing unit (i.e. county, school district, city or special district) served by the Liberty County Central Appraisal District? Yes ____ No ____
- Do you, or does any relative of yours within the second degree by either blood or marriage, do business in the Liberty County Central Appraisal District as a paid property tax agent or as an appraiser who performs appraisals for use in property tax proceedings? Yes ____ No ____

These are the degrees of relationship included:
1st Degree by Consanguinity (blood): Parents, children
1st Degree by Affinity (marriage): Spouse, spouses of relatives listed under consanguinity, stepparents, spouse's children, and stepchildren
2nd Degree by Consanguinity (blood): Grandparents, grandchildren, brothers, and sisters
2nd Degree by Affinity (marriage): Spouse's grandparents, spouse's brothers and sisters
- Are you, or a business in which you hold substantial interest, a party to a contract with the Appraisal District or with a taxing unit in the District? A substantial interest means that you and your spouse together own at least 10% of the voting stock or shares in the business, or that either of you is a partner, limited partner, or officer of the business entity. Yes ____ No ____
- Is any relative of either you or your spouse employed by the Liberty County Central Appraisal District?
Relative's Name: _____
Degree of Relationship: _____
- Do you own property in Liberty County? Yes ____ No ____
If "Yes" are the property taxes current? Yes ____ No ____

PERSONAL BACKGROUND

1. Have you ever been convicted of a felony or of a misdemeanor involving moral turpitude, or are you presently under indictment or other legal accusation of theft or for any felony? If "Yes" explain below the nature of the offense, date, and location: Yes _____ No _____

2. Are you a U.S. citizen? Yes _____ No _____
 If "No" are you eligible to be employed under a visa or entry permit? Yes _____ No _____
3. Use the space below to list professional society memberships, job related licenses registrations, certificates (with their numbers), and expiration dates. Provide additional comments or information that would be of assistance in considering you for this position.

EDUCATION AND TRAINING

Please indicate your level of education below:

Less than high school education _____ High school education _____ College education _____
 Number of years attended college _____
 Degree(s) attained _____

WORK HISTORY

(List most recent jobs first)

Include paid or verifiable non-paid experience including military service. If you have had more than one position with the same employer, please list each position separately.

Company Name _____	Address _____	
Type of Business _____	Position Held _____	Yrs of Service _____
Company Name _____	Address _____	
Type of Business _____	Position Held _____	Yrs of Service _____
Company Name _____	Address _____	
Type of Business _____	Position Held _____	Yrs of Service _____
Company Name _____	Address _____	
Type of Business _____	Position Held _____	Yrs of Service _____

In your own words, please explain why you would like to serve on the Appraisal Review Board:

I affirm that the information provided in this application is true and correct. I further affirm that to the best of my knowledge and belief, I am not disqualified by law from accepting an appointment to the Appraisal Review Board for the Liberty County Central Appraisal District.

Signature: _____ Date: _____



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.4

Meeting: 10/11/16 06:00 PM

Department: Administration
Category: Board Appointments

COUNCIL ACTION (ID # 3636)

DOC ID: 3636

EXPLANATION:

Each HGAC member city, under 25,000, is allowed one delegate and one alternate to the General Assembly. The designees must be elected officials of the governing body. This meeting will be held in Houston on Thursday, November 3rd.

The purpose of this meeting is to hear a recap of the H-GAC's activities of the previous year and to determine the HGAC officers for the current year.

Councilperson Jordan was appointed to the 2016 General Assembly. No alternate was appointed.


Houston-Galveston Area Council

Office of the Executive Director

September 19, 2016

Hon. Carl Pickett
 Mayor
 City of Liberty
 PO Box 8094
 Liberty, TX 77575

Dear Mayor Pickett:

I am writing regarding the appointment of your city's representative to H-GAC's 2017 General Assembly.

H-GAC's Bylaws provide that each member Home Rule city with a population under 25,000 as of the last (2010) Federal Census is entitled to designate one representative and one alternate to the H-GAC General Assembly, which will meet in early 2017.

I am enclosing the appropriate form for your city's use in officially designating a representative and an alternate. The two designees must be elected official members of your city's governing body. Please return the completed form by fax to 713-993-2414 or email rick.guerrero@h-gac.com.

A dinner meeting of Home Rule city representatives is scheduled for the evening of November 3. At that meeting, your 2016 Home Rule Cities' H-GAC Board of Directors representatives will report on this year's activities and look ahead to issues and progress in 2017.

We are sending a copy of these designation materials to your city secretary as well. We would appreciate receiving your city's designation form no later than October 19. If you have any questions during the designation process, please call Rick Guerrero at 713-993-4598.

Sincerely,

Jack Steele

JS/cj

Enclosure
 cc: City Secretary

**DESIGNATION OF REPRESENTATIVE AND ALTERNATE
HOUSTON-GALVESTON AREA COUNCIL
2017 GENERAL ASSEMBLY**

BE IT RESOLVED, by the Mayor and City Council of _____, Texas,
that _____ be, and is hereby designated as its Representative
to the **GENERAL ASSEMBLY** of the Houston-Galveston Area Council for the year 2017.

FURTHER, that the Official Alternate authorized to serve as the voting representative should
the hereinabove named representative become ineligible, or should he/she resign, is
_____.

THAT the Executive Director of the Houston-Galveston Area Council be notified of the
designation of the hereinabove named representative and alternate.

PASSED AND ADOPTED, this _____ day of _____, 2016.

APPROVED:

Mayor

ATTEST:

By: _____

Attachment: HGAC General Assembly (3636 : HGAC Gen Assembly 2017)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.5

Meeting: 10/11/16 06:00 PM

Department: Administration
Category: Agreements

COUNCIL ACTION (ID # 3638)

DOC ID: 3638

AGREEMENT FOR FIRE PROTECTION SERVICES

STATE OF TEXAS §

COUNTY OF LIBERTY §

1. PARTIES TO THE CONTRACT

This agreement ("Agreement") is made and entered into between **LIBERTY COUNTY** ("County"), acting by and through County Judge Jay Knight, and the **CITY OF LIBERTY FIRE DEPARTMENT** ("Department"), acting by and through its Mayor, located:

1912 Lakeland Dr.
Liberty, Texas 77575
936-336-3922

Number of Active Members: _____

2. AUTHORITY

This Contract is executed pursuant to the authority of Texas Local Government Code §352.001(c), for the purpose of providing fire protection to the residents of Liberty County.

3. CONTRACT PERIOD

The term of the Agreement is for a period beginning on October 1, 2016 through September 30, 2017 for a period of one (1) year, unless terminated at an earlier date.

4. SERVICES AND EQUIPMENT TO BE PROVIDED BY FIRE DEPARTMENT

The Department shall operate a fire protection and firefighting operation program for the geographic area of the community, and equipment must meet or exceed the state equipment minimum requirements.

5. FIRE DEPARTMENT SHALL MAINTAIN NATIONAL INCIDENT MANAGEMENT SYSTEMS (NIMS) TRAINING

The Department and its members shall participate in and comply with the National Incident Management Systems (NIMS) Training Program for the purpose of improving the preparedness, response and recovery capabilities of the Department. This Agreement is conditioned on the completion and compliance of the Department and its members with the NIMS Training Program. Certification of completion shall be forwarded to the State Fire Marshal's Office for recording.

- (a) The Department and its members shall follow a Training Program presented by the State Fire Fighter and Fire Marshal's Association (SFFMA) and shall provide proof of compliance to the Liberty county Fire Marshal
- (b) The Department shall supply, during the months of January and June, of each contract year, a list of all members of the Department, a unit number, a contact number and all firefighting apparatuses belonging to the Department, to the Liberty County Fire Marshal, or his designee, and to the Liberty County Sheriff's Office Dispatch Supervisor for recording.

6. FIRE DEPARTMENT SHALL PROVIDE ANNUAL AND MONTHLY REPORTS TO COUNTY

On or before the 15th day of October, 2016, the Department shall file a report with the Liberty County Commissioners' Court that includes the following:

- (a) The Department's name;
- (b) The Department's mailing address;
- (c) The name, mailing address, telephone number and term of office for the Department's Fire Chief and Secretary;
- (d) A map of the Department's area for which the Department is the primary initial responder;
- (e) The number of Emergency Services Districts, if any, in which Fire Department operates as the primary initial responder, if any;
- (f) The name of any city or town, if any, in which the Department's primary facility is located;
- (g) A copy of the Department's Monthly Budget;
- (h) The total number of incidents, and types thereof, to which the Department responded with the last year, irrespective of whether funds or reimbursement for such response were sought from County; and
- (i) Certificate of completion NIMS training for each member of the Department.

On or before the 15th day of each month, the Department shall file a report with the Liberty County Commissioners' Court that include the following:

- (j) The Department's Name;
- (k) The Department's mailing address, telephone number; and
- (l) The total number of incidents, and types thereof, to which the Department responded within the last year, irrespective of whether funds or reimbursement for such response were sought from County.

7. METHOD OF PAYMENT

Subject to approval and certification for payment by the Liberty County Fire Marshal, the liberty county Commissioners Court agrees to pay Fire Department for fire protections services at a rate of \$10,000.000 per year. Such mutual aid assistance for fire protection services provide by Fire Department shall be documented by monthly reports in accordance with the set rate schedule and contain strict proof thereof. Any proof must be certified by the Department's Chief.

8. TERMINATION

- (a) County may terminate this contract, in whole or in part, at any time if County determines that cause exists for such termination. The party requesting termination shall give written notice sixty (60) days prior to the date of termination. The notice shall state the reason for termination and the portions of the contract to be terminated.
- (b) County may immediately suspend performance of this contract, without advance notice to the Department, if County identifies possible instances of fraud, abuse, fiscal mismanagement, or other serious deficiencies in the Department's performance.
- (c) The suspension or termination of this contract by county shall not relieve the Department of any of their existing liability to County.

9. INDEMNIFICATION

To the fullest extent permitted by law, the Department shall defend, indemnify and hold harmless the County, its consultants, agents and employees from and against suits, claims, damages, losses and expenses, including but not limited to, attorney's fees, arising out or resulting from performance of the work to the extent that such claims, damages, losses and expenses are attributable to bodily or personal injury, sickness, disease or death or to injury to or destruction of tangible property, including loss of use resulting therefrom and is caused in whole or in part by negligent acts or omissions or acts or omissions of the Department, a subcontractor, anyone directly or indirectly employed by them or anyone for whose acts they may be liable. This indemnity shall include but not be limited to, any claim or suit brought by an employee of the Department or any Department's subcontractors. This indemnity obligation shall not be construed to negate, abridge or reduce other rights or obligations of indemnity which would otherwise exist as to a party or person described in this paragraph.

To the fullest extent permissible under Texas law, the county shall indemnify, defend, and hold harmless the Department, its officers, agents and employees with respect to any claims or demands, actions, damages, costs and other expenses including attorney's fees, court costs or mediation expenses resulting from any errors, omissions, torts or other negligent acts or omissions of the County, its agents, servants, employees, associates, affiliates or subcontractors. Notwithstanding anything contained in this paragraph or this contract to the contrary, nothing in this contract shall be interpreted or construed as a waiver, relinquishment or abandonment of sovereign immunity granted or available to either or both parties to this contract. Accordingly, this indemnity provision shall apply, but not in such a way as to bypass override or supersede any sovereign immunity claim by either party to this contract. Furthermore, nothing in this contract shall be deemed as waiver or relinquishment of a Texas constitutional claim pertaining to the application of any indemnity claim under this contract.

The parties expressly acknowledge that the Department is contracted by the County only for the purposes and to the extent set forth in this Agreement, and the relationship of the Department to County shall during the period or periods hereunder, be that of an independent contractor. The Department shall not be considered as having employee, subcontractor, agent or joint venture status. Neither party shall be deemed an employee or agent of the other party. This Agreement does not constitute a joint venture, either express or implied.

To effectuate the purpose of this Section of the Agreement, the indemnified party, as the case may be, shall give written notice of any suit or claim within twenty-one (21) days of the date of receipt of same to the indemnifying party. The indemnifying party shall have the right, but not the obligation, to participate in the defense of the claim or suit by engaging its own counsel and conducting any defense of any claim it may be called upon to pay the party to be indemnified. The party to be indemnified shall cooperate fully with the indemnifying party.

10. COMMITMENT OF CURRENT REVENUE

Pursuant to Article XI, Section 5 of the Texas Constitution and Section 271.903 of the Texas Local Government Code, County retains the continuing right to terminate this Agreement at the expiration of each budget period. This Agreement is conditioned on the best efforts attempt of County to obtain and appropriate funds within each budget period for the payment of the Agreement.

11. COMPLIANCE WITH THE LAW

Both parties shall comply with all federal, state and local laws. Further, the Department shall comply with all regulations applicable to fire departments provided for by any and all federal, state and local laws. In the event of a conflict between such laws and regulations and the terms of this Agreement, precedence shall be given to any and all federal, state and local laws and regulations.

12. ENTIRE CONTRACT

This Agreement incorporates all of the agreements, covenants and understandings between the Parties hereto, concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into this written Agreement. No other prior agreement or understanding, verbal or otherwise, of the Parties or their agents shall be valid or enforceable unless embodied in this Agreement. Each party acknowledges that it was represented by competent counsel of its own choosing regarding the negotiation and execution of this Agreement.

Signed this _____ day of _____, 2016.

ATTEST:

Jay Knight, Liberty County Judge

ATTEST:

Carl Pickett, Mayor, City of Liberty

ATTEST:

Liberty County Fire Marshal

Attachment: Fire Prot Svs Agreement (3638 : Fire Prot Svs Agreement)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.6

Meeting: 10/11/16 06:00 PM

Department: Administration
Category: Permits

COUNCIL ACTION (ID # 3639)

DOC ID: 3639



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.7

Meeting: 10/11/16 06:00 PM

Department: Administration
Category: Bids

COUNCIL ACTION (ID # 3637)

DOC ID: 3637

CITY OF LIBERTY

City Council Agenda Item Form

Council Meeting Date: October 11, 2016
Agenda Item No. VII.A.7
Agenda Wording: Consider rejecting the bid for the Wastewater Treatment Plant Blower Replacement Project.
Department: Public Works
Subject: Wastewater Treatment Plant Blower Replacement Bids
Background: On July 7, 2016, the City received one bid for a Wastewater Treatment Plant (WWTP) Blower. The blower is an aeration device to transfer air and with that oxygen into sewage wastewater. Oxygen is required by microorganisms/bacteria in the water to break down the pollutants. The low bid was in the amount of \$198,800. The estimate for the replacement blower was \$110,000. Due to the receipt of a single bid and the bid amount it is recommended that the bid be rejected and the blower replacement be rebid.
Fiscal Impact: None.
Staff Recommendation: It is recommended that the bid for the WWTP Blower Replacement be rejected and be rebid.
Purpose: The purpose of the rejecting and rebidding the WWTP Blower Replacement is to involve more bidders in the process and receive a lower bid cost.

Attachment: WWTP Blower Bid (3637 : Reject Bid-WWTP Blowers)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.8

Meeting: 10/11/16 06:00 PM

Department: Administration
Category: Wastewater Issues

COUNCIL ACTION (ID # 3640)

DOC ID: 3640



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.C.1

Meeting: 10/11/16 06:00 PM

Department: Administration
Category: Executive Session Items

COUNCIL ACTION (ID # 3641)

DOC ID: 3641