



The City of Liberty
City Council
Regular Meeting
~ Minutes ~

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

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, October 11, 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 Rev. Glenda Hardin, Deacon, St. Stephen's Episcopal Church, Liberty, Texas.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American and Texas flags was led by Police Chief Tom Claunch and Fire Chief Brian Hurst, 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.

Mayor Pickett reported that the monthly Chamber of Commerce Luncheon would take place the following day, with the program being representatives of the Annual Trinity Valley Fair & Exposition.

City Manager Gary Broz stated there would not be a Council Meeting on October 25th.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 3631)

Project Updates - City Mgr. Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the following:

- Inventory count has taken place
- Bid package will be ready soon for Library improvements
- Attended, with City Attorney Brandon Davis, the Hardin City Council regarding a throttle valve and payment plan for their wastewater overages
- Letters sent to property owners in Travis Park and Regency Place regarding encumbrances on the City's right-of-way
- TxDOT working on Hwy 146 from the Bypass to Hardin, work on Main Street from Grand to Hwy. 90 will take place after the TVE Parade
- Transition is working well with new solid waste collection vendor, LT's Garbage Service
- Various sinkhole sites are now repaired and street paving taking place.

B. Information Item (ID # 3632)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported that transformer installation is scheduled for November 4, 2016. This transformer will be installed at the substation next to Boomerang, replacing the T2 transformer. The installation is a part of the electric system upgrades that will provide the City with redundancy and additional reliability for its' customers. Installation time is approximately 30 days.

Mayor Pickett commented on the Agency's lawsuit with its former legal counsel which resulted in a judgment, with the final outcome to be determined later.

VI. CONSENT AGENDA

All consent items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so

requests, and if such a request is made, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

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

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.

COMMENTS - Current Meeting:

Mr. Art Pertile, Olson & Olson LLP, was present to expound upon the recent annexation process to include notification of property owners, public hearings, and other related issues. Mr. Pertile described the property to be annexed, none of which include any residences.

A motion was made to adopt the Ordinance for the extension of certain boundaries of the City of Liberty, described as .48 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.

ATTACHMENTS:

- ORD-Phase I Service Plan (DOCX)

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

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.

COMMENTS - Current Meeting:

Mr. Art Pertile, Olson & Olson LLP was present to discuss the proposed Phase II annexation. Mr. Pertile described the property consisting of ten tracts, three of which are non-agricultural exempt and seven which are agricultural exempt. Mr. Pertile further reviewed the process to include notification of property owners and public hearings. This property is 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.

A motion was made to approve the Resolution of Intent to annex the above-mentioned property.

ATTACHMENTS:

- Resolution of Intent-Exhibit A (PDF)

RESULT:	APPROVED [6 TO 1]
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Glazener
NAYS:	Louie Potetz

3. Council Action 2016-92

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

COMMENTS - Current Meeting:

A motion was made to nominate Mr. Mike Page to the Liberty County Central Appraisal District, Appraisal Review Board.

After brief discussion, a motion was made by Mayor Pickett, seconded by Council Member Arnold to also nominate Mr. Howard Brister to the Liberty County Central Appraisal District, Appraisal Review Board.

ATTACHMENTS:

- CAD-ARB Info (PDF)

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

4. Council Action 2016-93

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

COMMENTS - Current Meeting:

A motion was made to appoint Mayor Carl Pickett as the City's representative to the 2017 Houston-Galveston Area Council's 2017 General Assembly. No alternate was appointed.

ATTACHMENTS:

- HGAC General Assembly (PDF)

RESULT:	APPROVED [6 TO 0]
AYES:	Huddleston, Beasley, Potetz, Simonson, Arnold, Glazener
ABSTAIN:	Carl Pickett

5. Council Action 2016-94

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

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the proposed Fire Protection Services Agreement with Liberty County and the number of fire calls made in 2015 and 2016, to assist the County. Mr. Broz reported that revenue received from the County the previous year was approximately \$7400.00. The new agreement alters the reimbursement for assistance to a flat \$10,000 per year, regardless of the number of calls made.

After brief discussion, a motion was made to approve the Fire Protection Services Agreement between the City and Liberty County.

ATTACHMENTS:

- Fire Prot Svs Agreement (PDF)

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

6. Council Action 2016-95

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

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported on the issue of portable buildings that meet current building codes, to be used as residential or commercial structures. Mr. Warner stated that the City has no zoning laws and will be unable to regulate the placement of these structures.

After brief discussion, consensus of the Council was that management further review issues relating to these structures and contact other cities that may have had experience with this topic.

RESULT: NO ACTION TAKEN

7. Council Action 2016-96

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

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported that in July, 2016, the City received only one bid for a Wastewater Treatment Plant Blower. Estimate for the replacement blower was \$110,000, however the bid received was in the amount of \$198,800. Mr. Warner recommended that due to the receipt of a single bid and the large bid amount, that the bid be rejected and the blower replacement be rebid.

A motion was made to reject the bid from Allco, Beaumont, Texas and rebid the replacement blower project.

ATTACHMENTS:

- WWTP Blower Bid (DOCX)

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

8. Council Action 2016-97

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

COMMENTS - Current Meeting:

City Attorney Brandon Davis reported that he and City Manager Gary Broz had attended the Hardin City Council Meeting on Monday, October 10, 2016. Mr. Davis reviewed the discussion held regarding Hardin's overflow issues, the placement of a throttle valve at the meter, and a payment plan for funds owed to the City of Liberty for wastewater overages.

RESULT: NO ACTION TAKEN

B. Executive Session

Government Code §551.071 - Private Consultation with Attorney.

Government Code §551.072 - Deliberation Regarding Real Property.

1. Discussion of land acquisition.

At 7:10 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as

authorized above.

C. Reconvene into Regular Session

At 7:40 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2016-98

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

RESULT: NO ACTION TAKEN

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 7:40 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary