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, May 9, 2017 | **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	Absent	
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. Keith Turner, Valley Community Bible Church.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Fire Chief Brian Hurst.

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.

Stephen Dugger and Whitney Weatherford, Rotary Club Members, spoke on the progress of the

upgrades to the Ruth Canfield Park. Mr. Dugger, on behalf of the Rotary Club, also thanked the City Council and the Liberty Community Development Corporation for their support of this project.

Mayor Pickett reported on the success of the Liberty ISD Education Foundation Freedom Ride 2017.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 3773)

Project Updates - City Mgr. G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on City projects and activities as follows:

- Recent Staff training on Leadership, Team-Building and Coaching Skills
- Major water and sewer projects moving forward
- Electric upgrades continuing in Travis Park and Regency Place
- Splash Pad rehab completion date scheduled for June, 2017
- Have been receiving calls regarding Issues with brush pickup
- 2017 Charter Review Commission working to complete their review
- Budget process beginning and
- Met with Senator Nichols and Rep. Bales regarding TxDOT safety funds.

B. Information Item (ID # 3774)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported on the City-sponsored Shred-It and E-cycling Event held on May 6th, in which 14,000 pounds of shredded paper products were collected. Ms. Huddleston stated that the next similar event will take place in the fall.

C. Information Item (ID # 3775)

SRMPA Report - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported that the next meeting of the Sam Rayburn Municipal Power Agency would be held in Liberty on May 16th, and that the Agency now has its own office located on Main Street in Liberty. The Mayor also reported that the City had received another disbursement of Cambridge Funds in the amount of approximately $1.5 million.

VI. CONSENT AGENDA

All consent items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, and if such a request is made, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

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

A. Minutes Approval

1. Tuesday, April 11, 2017

VII. REGULAR AGENDA

A. Regular Session

1. Information Item (ID # 3776)

Oath of Office to be administered to newly elected Council Members - Judge Little

COMMENTS - Current Meeting:

The Oath of Office was administered to newly elected Council Members Dennis Beasley, Diane Huddleston and Libby Simonson, by Municipal Court Judge Mike Little.

2. Council Action 2017-30

Council to elect a Mayor Pro Tem.

COMMENTS - Current Meeting:

A motion was made to re-elect Councilperson Huddleston as Mayor Pro Tem.

RESULT:	**APPROVED [5 TO 0]**
MOVER:	Libby Simonson, Councilperson
SECONDER:	David Arnold, Councilperson
AYES:	Pickett, Beasley, Simonson, Arnold, Glazener
ABSTAIN:	Diane Huddleston
ABSENT:	Louie Potetz

3. Resolution 2017-8

Consider a Resolution declaring the intention of the City of Liberty, Texas, to annex certain territory described as .8 square miles beginning at the Southeast corner of the Baylor University Tract recorded in the Official Public Records, Liberty County, Texas having coordinates of N:9988894.72, E:40153081.60; but excluding the Baylor University Tract recorded in Volume

1041 Page 584; 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.

COMMENTS - Current Meeting:

Mr. Art Pertile, Olson & Olson LLP was present to discuss the proposed Phase IVa Annexation. A Phase IVa Resolution of Intent was previously approved in February, 2017, Resolution 2017-3, but due to property negotiations the annexation process was not completed. The proposed Resolution of Intent to Annex reflects new public hearing dates and the exclusion of Baylor property ID #1357 pursuant to a Phase 3 Agricultural Agreement. This phase includes five (5) properties, three (3) being ag exempt properties. This property is described as .8 square miles (512 acres) beginning at the Southeast Corner of the Baylor University Tract recorded in the Official Public Records, Liberty County, Texas having coordinates of N:9988894.72, E:4053081.60. Mr. Pertile briefly reviewed the Phase IVa annexation calendar.

Public Hearings on the Phase IVa annexation are scheduled for Tuesday, June 13, 2017 at 6:00 p.m., and Tuesday, June 20, 2017 at 12:00 p.m.

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

ATTACHMENTS:

- Exhibit A - Phase IVa (PDF)

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

4. Public Hearing (ID # 3778)

Public Hearing on the condemnation of the structure located at 404 Texas.

COMMENTS - Current Meeting:

At 6:45 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 404 Texas. City Attorney Brandon Davis questioned Public Works Director Tom Warner regarding the condition of the structure, if the structure met building code requirements and whether or not the property posed a safety and health hazard. The property was shown in a powerpoint presentation. Heir to the property, Kevin Brown, addressed Council regarding the property, in which he stated that he would remove several structures on the property and that the property is subject to a pending sale.

Mayor Pickett closed the Public Hearing at 7:01 p.m.

ATTACHMENTS:

- Agenda Form-404 Texas (DOCX)
- 404 Texas Info (PDF)

5. Council Action 2017-31

Consider an Order of Abatement for the structure located at 404 Texas.

COMMENTS - Current Meeting:

A motion was made that the the structure is found to be a public nuisance, and the Mr. Kevin Brown, heir to the property was given 60 days to remove the structures and complete the property sale, or the City is authorized to secure the demolition.

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

6. Public Hearing (ID # 3780)

Public Hearing on the condemnation of the structure located at 3020 Grand.

COMMENTS - Current Meeting:

At 7:05 Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 3020 Grand. Public Works Director Tom Warner reported that there was no need for the hearing as the owner had demolished the structure and cleaned up the property. A photo of the completed demolition was shown.

ATTACHMENTS:

- Agenda Form-3020 Grand (DOCX)
- 3020 Grand Info (PDF)
- 3020 Grand-Final Pic (PDF)

7. Council Action 2017-32

Consider an Order of Abatement for the structure located at 3020 Grand.

RESULT:	**NO ACTION TAKEN**

8. Resolution 2017-6

Consider a Resolution supporting the Texas Department of Transportation Alternatives Set-Aside Program.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the Resolution is a TxDOT Program in which communities apply for federal highway funding assistance. The City's Downtown Sidewalk Improvement Project is proposed, with plans to rehabilitate the sidewalk on the east side of Main Street, the one block from Tarver Abstract to Coats Jewelers. Mr. Broz further explained the Liberty Community Development Corporation's support and funding of this project.

A motion was made to approve the Resolution.

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

9. Resolution 2017-7

Consider a Resolution in support of a proposal by Entergy Texas, Inc. regarding the application of Entergy Texas Inc. to amend its Certificate of Convenience and Necessity to construct Montgomery County Power Station in Montgomery County in Public Utility Commission of Texas Docket No. 464146

COMMENTS - Current Meeting:

City Manager Gary Broz explained the Resolution is in support of Entergy Texas' proposal to construct a power station in Montgomery County. Mr. Broz reported that this project will provide new jobs and economic activity in the area and the state. Mr. Broz continued by stating that the power station will help with transmission issues in our area.

A motion was made to approve the Resolution in support of Entergy Texas, Inc, amending its Certificate of Convenience and Necessity to construct a Montgomery County Power Station.

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

10. Ordinance 2017-9

Consider adoption of an Ordinance of the City of Liberty, Texas suspending the rates proposed by CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas ("CenterPoint" or "Company") Company's Gas Reliability Infrastructure Program ("Grip") filing made with the City on March 30, 2017; finding that the meeting complies with the Open Meetings Act; making other findings and provisions related to the subject, declaring 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.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the Ordinance relates to suspending a rate increase proposed by Centerpoint Energy. This Resolution provides for the suspension of the proposed rates until July 13, 2017, instead of May 29, 2017, allowing additional time for attorneys representing the coalition of cities, further review in regard to the increases heard before regulatory authorities.

A motion was made to adopt the Ordinance suspending a proposed rate increase by CenterPoint Energy until July 13, 2017.

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

11. Council Action 2017-33

Consider award of bid for a patrol vehicle for the Liberty Police Department.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the City had received two bids for a patrol vehicle for the Liberty Police Department. Bids received were from BJ Ford in the amount of $43,425.11 and bid of $42,562.00 through the Houston-Galveston Area Council BuyBoard. Brief discussion was held regarding buying locally vs. low bid.

A motion was made to purchase a 2017 Ford Police Interceptor Utility Vehicle from BJ Ford, in the amount of $43,425.11.

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

12. Council Action 2017-34

Consider award of bid for the Wastewater Treatment Plant Blower purchase.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported that the City had received one bid for the purchase of a blower (aeration device) for the Wastewater Treatment Plant to include an alternate bid for a second blower. The bid received was from Gardner Denver Nash in the amount of $99,950.00 and $95,290.00, respectively. Mr. Warner explained that this equipment, in the amount of $195,240.00, will be paid for with 2007 Texas Water Development Board funds.

A motion was made to approve the bid from Gardner Denver Nash in the amount of $195,240.00.

ATTACHMENTS:

- Agenda Form-Blower Purchase Bids (DOCX)
- Bid Tab-Blower Purchase (PDF)

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

13. Council Action 2017-35

Consider award of bid for the Wastewater Treatment Plant Blower Installation.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported the City received three bids for the installation of the Wastewater Treatment Plant blower, to include an alternate bid for installation of a second blower. The low bid, for installation, was submitted by C3 Constructors in the amount of $33,100.00 and $32,400.00, respectively. Mr. Warner stated that the installation, in the amount of $65,500.00 will be paid for with 2007 Texas Water Development Board funds and from Water/Wastewater funds.

A motion was made to approve the bid from C3 Constructors in the amount of $65,500.00.

ATTACHMENTS:

- Agenda Form-Blower Installation (DOCX)
- Bid Tab-Blower Installation (PDF)

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

14. Council Action 2017-29

Consider a Right-of-Way Use Agreement for the east side of Milam Street, south of Hwy. 90.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported that the property owner for Transmission Exchange, located on Hy. 90 requests the use of the east side of the Milam Street right-of-way for customer parking. The owner is requesting permission to pipe the ditch on the east side of Milam to 135 feet south of Hwy. 90. All costs for installation of the pipe and limestone driveway will be the rsponsibility of the property owner.

After brief discussion, a motion was made to approve the Right-of-Way Agreement, subject to City approved specifications and that the right-of-way will be used for customer parking and not the parking of vehicles being serviced.

ATTACHMENTS:

- Agenda Form- ROW Agreement (DOCX)
- ROW Agreement Pic (PDF)

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

15. Council Action 2017-36

Consider appointments to the Liberty Community Development Corporation.

COMMENTS - Current Meeting:

After lengthy discussion, a motion was made to appoint David Arnold, Leslie Herndon, Mark Campbell and Walden David to the Liberty Community Development Corporation Board of Directors, serving two-year terms.

RESULT:	**APPROVED [4 TO 2]**
MOVER:	Diane Huddleston, Mayor Pro Tem
SECONDER:	Dennis Beasley, Councilperson
AYES:	Carl Pickett, Diane Huddleston, Dennis Beasley, David Arnold
NAYS:	Libby Simonson, Paul Glazener
ABSENT:	Louie Potetz

16. Council Action 2017-37

Consider appointments to the Planning & Zoning Commission.

COMMENTS - Current Meeting:

After brief discussion of possible appointments, a motion was made by Councilperson Glazener, seconded by Councilperson Simonson to appoint Ryan Daniel and Mike Page to the Planning & Zoning Commission. Motion failed 2-4.

A motion was made by Councilperson Arnold, seconded by Councilperson Huddleston to appoint Shelli Ellerbe and Ryan Daniel to the Planning & Zoning Commission. Motion passed 6-0.

A motion was made by Councilperson Glazener, seconded by Councilperson Simonson to appoint Rick Jenner to the open alternate position left vacant by the appointment of Ryan Daniel (alternate) to the Commission.

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

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 7:37 p.m.

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary