



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, July 11, 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	Present	
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Present	6:00 PM
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. Greg Bellard, Olive Bethel Baptist Church, Hardin, Texas.

III. PLEDGE OF ALLEGIANCE

The Pledge 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.

City Manager Gary Broz reported that there would be Council Meetings held on August 12 and August 22, 2017.

Mayor Pickett thanked those that made the July 3rd Independence Day Celebration a great success.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 3844)

Project Updates - City Mgr. G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on various City projects including the Texas Water Development Board Water Project, Splash Pad, Airport Drainage Project, Library, Annexation, City Hall A/C issues, proposed Hwy. 146N turn lane, sinkhole at Alabama and Washington, meter readings for cities of Ames and Hardin, and other numerous projects.

B. Information Item (ID # 3845)

Presentation by HR Green regarding the Wastewater Rehabilitation Project, Phase 1.

COMMENTS - Current Meeting:

HR Green Engineers Rebekah Sandt and Mike Halde, were present to discuss Phase I of the city's Sanitary Sewer System Improvements. This phase encompasses recommendations and design of the proposed improvements. Discussed were the project objectives, recent inspections and assessment of the manholes, lift stations and wastewater treatment plant. Further discussion included prioritization of improvements, project and bid schedule, recommended design and costs.

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, Potetz, Simonson, Arnold, Glazener

A. Minutes Approval

1. Tuesday, June 13, 2017
2. Tuesday, June 20, 2017

VII. REGULAR AGENDA

A. Regular Session

1. Ordinance 2017-10

Consider an Ordinance of the City of Liberty, Texas annexing a 514 Acre (0.8 square miles) tract of land, providing for the extension of certain boundary limits of the City to include certain territory identified by Liberty County Appraisal District Records as Property ID #26828; #26830; and #26852; providing that annexed territory bears pro rata part of taxes; adopting a Service Plan for the annexed properties; authorizing the Mayor to execute Development Agreements for property identified by Liberty County Appraisal District Records as Property ID #13567 and #26853 to remain in the Extraterritorial Jurisdiction of the City; 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 discuss adoption of the Phase 4A Annexation. Mr. Pertile reported that public hearings on the annexation were held on June 13 and June 20, 2017. Reviewed was a map of the properties involved; with two properties annexed are now included in the City Limits, and three properties not annexed, but now included the City's ETJ pursuant to a Chapter 43 Development Agreement. Phase 4A annexed a 514 acre tract of land; 0.8 square miles.

After further discussion of the proposed annexation and related issues, a motion was made to adopt the Ordinance, excluding Property ID # 26852 (William Martin Daniel Trust No. 1) and authorizing the Mayor to execute a Chapter 43 Development Agreement. This property will not be annexed into the City limits, but included in the City's ETJ.

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

2. Resolution 2017-9

Consider a Resolution declaring the intention of the City of Liberty, Texas, to annex certain territory described as .68 square miles beginning at the Southeast Corner of 2017 Annexation Tract 4a, said point being in the most westerly east line of William Martin Daniel Trust Tract as recorded in Volume 1396 Page 318, Official Public Records, Liberty County, Texas, having coordinates of N:9984778.88, E:4059206.88; 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, reported on the City's intent to annex additional property described as Phase 5 Annexation. Mr. Pertile explained that this annexation includes two non-ag exemp properties, the U.S. Dept of Interior and U.S. Fish and Wildlife Service.

There are also two Ag-Exempt Properties for a total of .68 square miles. The properties were further reviewed, with two public hearings on the annexation scheduled for August 15, 2017 at Noon and August 22, 2017 at 6:00 p.m. A motion was made to adopt the Resolution.

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

3. Council Action 2017-55

Mr. Larry Brown to address the Council regarding repair of the structure located at 608 Garrett, and take any action deemed necessary.

COMMENTS - Current Meeting:

Mr. Larry Brown addressed the Council regarding the structure located at 608 Garrett Street. At the April 11, 2017 Council Meeting, after discussion of the structure and its state of disrepair, Mr. Brown was given 90 days to repair the structure or the City would be authorized to secure the demolition.

Mr. Brown stated that he did not understand that the 90 days included completion of his project, as he has not yet requested the required permits to commence repair. After lengthy discussion, a motion was made that Mr. Brown return to the August 8, 2017 Council Meeting with a documented plan for repair and completion.

ATTACHMENTS:

- IMG_3079 (PDF)
- IMG_3080 (PDF)
- IMG_3081 (PDF)

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

4. Council Action (ID # 3849)

Mr. David Papillion, Mayor Pro Tem, City of Ames, to address the Council regarding wastewater issues, and take any action deemed necessary.

COMMENTS - Current Meeting:

Mr. David Papillion, Mayor Pro Tem, City of Ames, addressed the Council regarding wastewater issues, including the previous repairs to their system. Mr. Papillion reviewed the various repairs consisting of sewer line smoke testing, manhole repair, televising areas of inflow and infiltration and applying for grants to assist with their wastewater system defects. Lengthy discussion was held, with Mr. Papillion requesting that the City of Liberty not charge the City of Ames overflow charges both on the daily and monthly caps, as the City of Ames does not have the funds to pay both these and will only incur more debt each month, that they are not able to pay. Mr. Papillion stated that whatever the Council may choose to do for the City of Ames, would obviously have to be done for the City of Hardin.

Council stated they would take the City of Ames' request under consideration. No action was taken.

At 7:30 p.m., Mayor Pickett called for a short recess.

At 7:34 p.m., Mayor Pickett reopened the meeting.

5. Council Action 2017-56

Consider quotes for employee health insurance, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on a proposed change to the City's employee Health Insurance. Mr. Broz stated that after receiving quotes providing similar benefits, Blue Cross Blue Shield, through First Liberty National Bank, is recommended for the 2017-2018 Fiscal Year. Representatives Mike Weaver of the Texas Municipal League and Milton Fregia, First Liberty National Bank spoke to their respective insurance benefits. The deductible will increase from \$500 to \$1500.00, but additional premium cost will not be passed to the employee. After lengthy discussion, a motion was made to approve the quote from Blue Cross Blue Shield for employee health insurance.

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

6. Council Action 2017-57

Discussion and update of the Texas Municipal Retirement System, and take any action deemed necessary.

COMMENTS - Current Meeting:

Mr. Anthony Mills, Texas Municipal Retirement System, addressed the Council with an update of the City's plan and its retirement benefits. Mr. Mills reported the city's plan provisions of an employee deposit rate of 7% of the employee's gross compensation, a 2-1 City match and a vesting requirement of 5 years. Retirement eligibility is 5 years/age 60, or 20 years/any age. Mr. Mills further addressed TMRS investments and actuarial funding regarding the cost of the City's plan.

RESULT:	NO ACTION TAKEN
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7. Council Action 2017-58

Consider quotes for employee life insurance, and take any action deemed necessary.

COMMENTS - Current Meeting:

This agenda item was passed on.

RESULT: NO ACTION TAKEN

8. Council Action 2017-59

Consider ratifying the Liberty Community Development Corporation's action to fund a joint levee project between the City of Liberty, Water Control Improvement District #5, Natural Resources Conservation Service, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the proposed joint project for rehabilitation of the pump station and the levee at Main "A". Freese & Nichols has been hired by WCID to develop plans for repair of two of the gravity pipes and the levee slope failure at Main "A". These repairs are designated as two separate projects. WCID has received a \$2 million grant from FEMA to repair the gravity flow pipes and outfall with flag gates at the pump station. WCID also received a \$2 million grant from National Resources Conservation Service for repair of the levee.

Bidding these two issues as one project could possibly create a \$1 million savings, as well as, a time savings by use of a more aggressive repair schedule. Both grants are a 75/25 match, with each the City and WCID #5 each providing a 25% portion.

A motion was made to ratify the Liberty Community Development Corporation's action to approve the combined projects, providing for a cost savings.

ATTACHMENTS:

- NRCS Slope Repair (PDF)

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

9. Council Action 2017-61

Consider an Interlocal Agreement with the Water Control Improvement District #5 for levee repairs, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz stated that in with the previous vote approving the joint projects, the City proposed to fund its 25% through the Liberty Community Development Corporation. WCID #5 will manage the grant/construction and will employ a grant administrator.

After further discussion, a motion was made to approve the contract with WCID #5, to include an expenditure of up to \$534,435, to be paid as the work is completed.

ATTACHMENTS:

- Interlocal Agreement- WCID (PDF)

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

10. Council Action 2017-62

Consider ratifying the Liberty Community Development Corporations' expenditure for the Liberty Municipal Park Trail Project, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the proposed upgrade to the walking trail at the Liberty Municipal Park, stating three bids were received. Bids were reviewed by Schaumburg & Polk, Inc., with the recommendation the project be awarded to Hayden Paving Inc., to include Addendum A, for a total contract amount of \$305,335.88. Discussion was held regarding the project to include the 6 ft. wide overlay of the trail and other project components:

- Blocking off the trail so that it may not be driven on (Addendum A - rocks)
- Additional picnic tables and benches
- Concrete crossing, with crossings marked
- Additional trash receptacles.

A motion was made to ratify the Liberty Community Development Corporation's action to award the bid to Hayden Paving, Inc, to include Addendum A, for a total cost of \$305,335.88.

ATTACHMENTS:

- Park Trail Info (PDF)

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

11. Council Action 2017-63

Consider ratifying the Liberty Community Development Corporation's action to purchase five (5) steel poles for baseball fields at the Liberty Municipal Park, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the proposed replacement of five (5) poles at the Liberty Municipal Park. The project would consist of replacing five wooden poles at the baseball field at the Liberty Municipal Park with five steel poles. A quote was received from Techline Sports Lighting for \$6500 each for a 70 ft. galvanized steel direct embedded pole. After brief discussion, a motion was made to ratify the Liberty Community Development Corporation's action to purchase five steel poles at \$6500.00 each, for a total cost of \$32,500.00.

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

12. Council Action 2017-64

Consider ratifying the Liberty Community Development Corporation's action to hire E.P. Breaux for installation of steel poles and lights at the Liberty Municipal Park, and take any action deemed necessary.

COMMENTS - Current Meeting:

Mr. Broz reported that E.P. Breaux, while working in the City of Liberty on the Express Feeder would be willing to install the steel poles at the Liberty Municipal Park, however, the cost was excessively high. After brief discussion, a motion was made to ratify the Liberty Community Development Corporation's action to authorize the City Manager to negotiate with E.P. Breaux, or other vendors, for the pole installation for a cost not to exceed \$33,000.00.

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

13. Council Action 2017-65

Consider approval of a bid for tax Resale Property described as being a Mobile Home on Lot 1-4, Block 74, Liberty, Texas (450 Alabama).

COMMENTS - Current Meeting:

City Attorney Brandon Davis reviewed a powerpoint presentation on the tax resale property located at 450 Alabama. An offer of \$2,000.00 has been made, with total taxes owed to all taxing entities in the amount of \$19,261.96. If the bid is accepted, \$565.73 will be distributed to the City of Liberty.

After brief discussion, a motion was made to accept the bid of \$2,000.00 for the tax resale property described as a mobile home on Lot 1-4, Block 74, Liberty, Label #TRA0226166.

ATTACHMENTS:

- Tax Property-450 Alabama (PDF)
- IMG_5880 (JPG)
- IMG_5881 (JPG)
- IMG_5882 (PDF)
- IMG_5883 (PDF)

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

14. Council Action 2017-66

Consider approval of a bid for Tax Resale Property described as Liberty Inner Blocks, Block 116, Lot PT 2 TR8 (919 Sam Houston).

COMMENTS - Current Meeting:

City Attorney Brandon Davis reviewed a powerpoint presentation on the tax resale property located at 919 Sam Houston. An offer of \$15,250.00 has been made, with total taxes owed to all taxing entities in the amount of \$19,933.07. If the bid is accepted, \$3,462.17 will be distributed to the City of Liberty.

After brief discussion, a motion was made to accept the bid of \$15,250.00 for the tax resale property described as Liberty Inner Blocks, Block 116, Lot PT 2 TR 8.

ATTACHMENTS:

- Tax Property-919 Sam Houston (PDF)
- IMG_5884 (PDF)
- IMG_5885 (JPG)
- IMG_5886 (JPG)
- IMG_5888 (PDF)

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

15. Information Item (ID # 3861)

Public Hearing on the 2016 Drinking Water Quality Report.

COMMENTS - Current Meeting:

At 8:44 p.m., Mayor Pickett opened the Public Hearing on the 2016 Drinking Water Quality Report. A previous public hearing on this topic was also held at the June 13, 2017 Council Meeting. As there were no questions or comments, Mr. Warner stated that there were no violations and the City's water system meets or exceeds all Federal (EPA) drinking water requirements.

At 8:45 p.m., Mayor Pickett closed the Public Hearing.

ATTACHMENTS:

- 2016 Drinking Water Quality Report (PDF)

B. Executive Session

Gov. Code §551.072 - Deliberation Regarding Real Property

Gov. Code §551.071- Private Consultation with Attorney on all subjects or matter authorized by law:

- When the governmental body seeks the advice of its attorney about pending or contemplated litigation and/or a settlement offer.
- On a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open

Meetings Act.

- Consider legal advice regarding items specifically listed on the agenda.

1. Real Estate - Branch Cemetery

At 8:46 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 9:42 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2017-60

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

COMMENTS - Current Meeting:

Council consensus was to authorize the City Attorney to inform the public and the Liberty County Historical Commission that an attorney of the Commission's choosing would be hired to handle negotiations with property owners to secure access to the Branch Cemetery. The Commission will escrow funds with the City and be responsible for all attorney fees.

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 9:50 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary