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 10, 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	
Paul Glazener	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Brandon Davis	City Attorney	Present	

II. INVOCATION

An Invocation was not given.

III. PLEDGE OF ALLEGIANCE

Mayor Jeff Lambright, City of Dayton, led the pledges to the American and Texas flags.

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.

- Police Chief Tom Claunch reported on the second annual Coffe With a Cop and the Department's new Spanish Facebook page.

- Fire Chief Brian Hurst reported on the Department's Annual Turkey Fry Fundraiser.

Mayor Pickett reported that City Manager Gary Broz presented the program at Rotary on the state of the City. Mayor Pickett also asked for a moment of silence for those lost or dealing with the effects of the Las Vegas shooting.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 3942)

Project Updates - City Mgr. G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the following:

- Continuing work on Hurricane Harvey issues,
- Park Trail Project almost complete,
- Airport Drainage Project almost complete,
- Liberty Substation transformer has been changed out,
- Work to begin this week on the Express Feeder, by E. P. Breaux, with 60 days completion time, and
- Bids will be opened on October 12 for the Sanitary Sewer Rehab, Phase I.

B. Information Item (ID # 3943)

Sam Rayburn Municipal Power Agency Report - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported the next meeting of the Sam Rayburn Municipal Power Agency will be held on October 17. He also reported that the Agency will be making a distribution of profits from the Cambridge Project to each member city, in the amount of $1 million.

C. Information Item (ID # 3944)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that the next Shred-It Event will be held on Saturday, November 4 from 9:00 a.m. until Noon, in the parking lot on the west side of City Hall.

D. Information Item (ID # 3945)

City Manager Evaluation - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett passed out to the Council Members the City Manager's blank evaluation forms, to be returned to the Mayor by October 31, for placement on the November Council Agenda.

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, September 12, 2017

B. Council Action 2017-101

Consider acceptance of the 2018 Routine Airport Maintenance Program (RAMP) Grant Agreement.

ATTACHMENTS:

- RAMP Grant Info (PDF)

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2017-102

Mayor Blume, City of Hardin, will be present to discuss with Council wastewater overflow and related issues, and take any action deemed necessary. - G. Broz

COMMENTS - Current Meeting:

This agenda item was passed on as the City of Hardin representatives were not able to be present.

ATTACHMENTS:

- Hardin Request (PDF)
- City of Hardin Information (PDF)

RESULT:	**NO ACTION TAKEN**

2. Resolution 2017-12

Consider a Resolution approving renovations proposed by the Liberty County Central Appraisal District to its facilities. - B. Davis/Jeff Lambright

COMMENTS - Current Meeting:

Liberty County Central Appraisal District, Asst. Chief Appraiser Jeff Lambright was present to report on the proposed remodel of the CAD Office. Mr. Lambright reviewed the upgrades to their facility which would provide enhanced security and reorganization of current space for more efficiency. State law requires that the proposed remodel must be approved by 3/4 of the voting taxing units.

A motion was made to approve the Resolution as presented.

ATTACHMENTS:

- CAD Renovation Information (PDF)
- CAD Drawings (PDF)

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

3. Council Action 2017-103

Consider appointments to the Liberty Municipal Library Board. - G. Broz

COMMENTS - Current Meeting:

Library Director Dana Abshier reported on the Liberty Municipal Library Board Members whose terms are expiring; recommending the re-appointment of Cody Abshier, Bruce Wright and Beverly Davis. Ms. Tinya Griffin is not eligible to serve another term and her replacement will be made at a later date.

A motion was made to approve the re-appointment of Cody Abshier, Bruce Wright and Beverly Davis.

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

4. Council Action 2017-100

Consider appointments to the Houston-Galveston Area Council's 2018 General Assembly. - G. Broz/D.Tidwell

COMMENTS - Current Meeting:

A motion was made to appoint Mayor Pickett as the City's representative to the Houston-Galveston Area Council's 2018 General Assembly. No alternate designation was made.

ATTACHMENTS:

- HGAC Letter (PDF)
- H-GAC Gen Assembly Appt 2018 (DOCX)

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

5. Council Action 2017-104

Consider award of bid for the 2016 Texas Community Development Block Grant (TxCDBG) Sanitary Sewer Project on Layl Drive. - G. Broz/T. Warner

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported on bids received for repairs to the sanitary sewer system in the Layl Drive area, between Avenue C and Avenue G. These improvements will be paid for with TxCDBG Funds and local funds. Previous improvements have been made on Layl Drive between Avenue H and Avenue J. Total budget for the Layl area project is $451,210.00, with $350,000 in grant funds and $101,210 of local funds Mr. Warner stated the low bidder was Lopez Utilities Contractor, LLC, in the amount of $344,445.00.

A motion was made to award the bid to Lopez Utilities Contractor, LLC, in the amount of $344,445.00.

ATTACHMENTS:

- Agenda Form-TxCDBG - Layl Drive (DOCX)
- TxCDBG Letter (PDF)
- TxCDBG Bid Tab (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 2017-105

Consider approval of a Fire Protection Services Agreement between Liberty County and the Liberty Fire Department. - G. Broz/B. Hurst

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the agreement for fire protection services with Liberty County. Fire Chief Hurst spoke to the number of calls per year under this mutual aid agreement and that the County pays the Department for these services at a rate of $11,000.00 per year.

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

ATTACHMENTS:

- Fire Protection Svs Agreement (PDF)

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

7. Council Action 2017-106

Consider extending the Bank Depository Agreements, with Prosperity Bank, for the City of Liberty and the Liberty Community Development Corporation for an additional one year. - G. Broz/N. Herrington

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported that the City is offered a depository extension in accordance with the original depository services agreement with Prosperity Bank. Ms. Herrington also stated that bids will be let for depository services in 2018. A motion was made to approve the one-year extension with Prosperity Bank.

ATTACHMENTS:

- Bank Depository Extension (PDF)

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

8. Council Action 2017-108

Discussion and update of post Hurricane Harvey issues, and take any action deemed necessary. - G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reviewed the City's status and expenditures related to Hurricane Harvey. Reviewed were topics that included debris removal, street repairs, the Boomerang Substation, sewer line repairs, lift stations, and other related issues. Further discussion included that these repairs were being paid for with $1.2 million of unrestricted Cambridge Funds, received from the Sam Rayburn Municipal Power Agency.

RESULT:	**NO ACTION TAKEN**

9. Council Action 2017-109

Discussion of the 2017 Charter Review Commission Final Report, and take any action deemed necessary. - Councilperson Glazener

COMMENTS - Current Meeting:

Councilperson Glazener, as a member of the 2017 Charter Review Commission, discussed with Council the Commission's recommendations . After lengthy discussion, a motion was made to authorize the City Attorney to prepare the proper language for a charter amendment election in May, 2018:

1. Section 1.02 - Boundaries - remove the meets and bounds designation and replace with "as of last annexation". This eliminates the need for constant revision.

2. Section 4.06 - Health Authority - remove this section entirely. This section is outdated.

3. Section 5.07 - Conducting and Canvassing Elections - Change to read "in accordance with State law", instead of a prescribed number of days. Eliminates the need for constant revision should the law change.

4. Section 9.04 - Notice of Public Hearing on Budget - Change to read "in accordance with State law", instead of a prescribed number of days. Eliminates the need for constant revision should the law change.

5. Section 9.18 - Taxes - Change to read "in accordance with State law", instead of a prescribed number of days. Eliminates the need for constant revision should the law change.

Discussion was also held regarding Section 3.01 - Number, Selection and Term - the recommendation was to add numbers to council positions and elect accordingly. A motion was made to approve this recommendation by Councilperson Glazener, seconded by Councilperson Simonson. The motion failed 2-5.

Further discussion included Section 8.02 - Department of City Planning and Zoning - the recommendation was to add term limits to Board Members. A motion was made by Councilperson Simonson, seconded by Councilperson Arnold, to approve no more than three consecutive, three-year terms on this Board. The motion passed unanimously.

Final discussion related to Section 13.13 - Charter Review Commission - the recommendation was to add term limits to the Commission Members. A motion was made by Councilperson Glazener, seconded by Councilperson Simonson, to approve no more than two consecutive terms. The motion passed unanimously.

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

B. Executive Session

Government Code §551.074 - Personnel Matters.

To Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

1. Discussion of the Electric Department.

Government Code §551.071 - Consultation with Attorney.

Pending / Contemplated Litigation.

2. Discussion of the Branch Cemetery.

At 7:35 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:10 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2017-107

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

COMMENTS - Current Meeting:

A motion was made to approve the separation agreement and authorize execution of the agreement by the City Manager.

A motion was made by Councilperson Simonson, seconded by Councilperson Arnold, to instruct Attorney Bruce Stratton to move forward, as discussed. The motion passed unanimously.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Libby Simonson, Councilperson
SECONDER:	Dennis Beasley, 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 8:12 p.m.

.

____
Carl Pickett, Mayor

ATTEST:

____
Dianne Tidwell, City Secretary