



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, November 14, 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

There was no Invocation given.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags were led by Asst. Police Chief Gary Martin 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.

- Fire Chief Hurst reported on the Department's Annual Turkey Fry and Christmas Angel Tree
- Asst. Police Chief Martin reported on the Department's Christmas Program, Silver Santa.

- City Manager Broz reported there would be a special called meeting on November 16th at Noon in regard to annexation
- Mayor Pickett reported that the Women's Club conducted a litter pickup program in the downtown area, remarked on the recent Employee Appreciation Dinner, and thanked the City Manager and Councilperson Beasley for their attendance at the International Council of Shopping Centers to promote the City of Liberty
- Ms. Julie Garrett, Public Information Officer for the Small Business Administration, reported on the programs available for disaster assistance in regard to Hurricane Harvey.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 3964)

Project Updates - City Mgr. G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on numerous City projects and the status of each, including the Levee Project, electric upgrades, Water Well and Water Tank Project, Park Trail Project, and other significant activities.

B. Information Item (ID # 3965)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported on the Sam Rayburn Municipal Power Agency (SRMPA) activities to include certain contracts between the Vinton Public Power Authority (VPPA) and the SRMPA that are to be analyzed by a consulting firm, in regard to retail load assignments.

C. Information Item (ID # 3966)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that the recent Shred-It Event was a huge success, well attended by the community, and thanked those that volunteered their assistance.

D. Information Item (ID # 3979)

Financial Report - Finance Dir. N. Herrington

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported that sales tax and property tax revenues are lower than budgeted amounts, leaving a \$540,000 deficit in the General Fund, fund balance. No transfers have been made from the operating funds, leaving a cash balance of a \$1.4 million. Ms. Herrington further reviewed the remaining funds and their status, stating that the City's annual audit will take place in January, 2018.

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, October 10, 2017
2. Thursday, October 19, 2017
3. Tuesday, October 24, 2017

VII. REGULAR AGENDA

A. Regular Session

1. Ordinance 2017-21

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS ANNEXING A 1.28 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 #183811 AND 19427; PROVIDING THAT ANNEXED TERRITORY BEARS PRO RATA PART OF TAXES; ADOPTING A SERVICE PLAN FOR THE ANNEXED PROPERTIES; AUTHORIZING DEVELOPMENT AGREEMENTS FOR CERTAIN PROPERTIES TO REMAIN IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY TO INCLUDE PROPERTY IDENTIFIED BY LIBERTY COUNTY APPRAISAL DISTRICT RECORDS AS PROPERTY ID# 13069 AND 22986; 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:

Mayor Pickett read the caption of the Ordinance into the record as stated in the agenda item. After brief discussion of the Phase 6 Annexation process and related properties, with Mr. Art Pertile, Olson & Olson, LLP, a motion was made to adopt the Ordinance as presented.

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 2017-13

Consider a Resolution declaring the intention of the City of Liberty, Texas to annex certain territory described as 1.66 square miles beginning at the Southeast Corner of 2017 Annexation Tract 6, said point being in the United States of America Tract recorded in Volume 740 Page 682, Deed Records, Liberty County, Texas having coordinates of N:9976419.62, E:4066479.28; 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, addressed the Council regarding the City's proposed Annexation Phase 7. Mr. Pertile reviewed the annexation process, the properties involved, described as 1.66 square miles, and reviewed the public hearing dates. A motion was made to approve the Resolution as proposed.

ATTACHMENTS:

- Exhibit A-Resolution of Intent (PDF)

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 2017-115

Consider award of bid for the Sanitary Sewer System Improvement Project, Phase 1.

COMMENTS - Current Meeting:

City Manager Gary Broz and Mike Halde, H.R. Green Engineers, reported on the Sanitary Sewer System Improvements, Phase I. Bids were received for this project on October 12, 2017, with Allco, Inc. being low bidder. Phase I improvements include manhole replacement, improvements to the sewer collection lines, lift stations and alternate bid for the Wastewater Treatment Plant Outfall. The bid tab was reviewed and a motion was made to award the bid to Allco, Beaumont, Texas, in the amount of \$5,359,342.57, for the base bid only. (This project will improve the sanitary sewer system in the Layl Drive area between Avenue C and Avenue G).

ATTACHMENTS:

- Agenda Form - Sanitary Sewer Improvements Phase I (DOCX)

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

4. Council Action 2017-116

Consider award of bid for Power Line Tree Trimming Services.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the power line tree trimming proposals and related bid tab. After brief discussion, a motion was made to accept the proposal from Davey Tree Surgery Company.

ATTACHMENTS:

- Power Line Tree Trimming Tab (PDF)

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

5. Council Action 2017-117

Discussion of the 2018 Liberty Jubilee and take any action deemed necessary.

COMMENTS - Current Meeting:

Discussion was held regarding the location and proposed activities of the 2018 Liberty Jubilee, to include emphasizing children's activities, possible change of the event date, and reasonably priced entertainment. City Manager Gary Broz stated that management will hold a meeting with City Staff to discuss options for a more economical and successful event.

RESULT:	NO ACTION TAKEN
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6. Council Action 2017-121

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

COMMENTS - Current Meeting:

Public Works Director/City Engineer Tom Warner reported on the current status of post Hurricane Harvey issues, and meetings with FEMA representatives regarding reimbursement of disaster expenses. Mr. Warner reported the FEMA reimbursement rate is 75/25 (City pays 25%), and with projects worksheets completed within a designated time frame, the City can receive an additional 5% reimbursement.

RESULT:	NO ACTION TAKEN
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7. Council Action 2017-122

Discuss and consider drainage issues and possible home development on W. Holly Street, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that Merrick Homes proposes to construct eight (8) new homes on West Holly Street. New development will require enlarging the existing conveyance system to handle the existing and anticipated run-off. This drainage project will also include repairs to the street, post completion. The developer will pay a pro rata share of the cost based on their contribution to the drainage, as a result of the new construction. A motion was made to hire an engineer to draw the plans and let the project for bid.

ATTACHMENTS:

- Holly Street Drainage Info (PDF)

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

8. Ordinance 2017-22

Consider adoption of an Ordinance creating a variance, allowing repairs to be made to mobile homes built prior to June 15, 1976, for those citizens affected by Hurricane Harvey, providing for an effective date; and dispensing with the requirement of Section 3.10 of the Home Rule Charter that this ordinance be read on two separate days.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported on the proposed Ordinance to allow repairs to mobile homes outside of the manufactured home zone, which were damaged by Hurricane Harvey. These homes were constructed prior to June 15, 1976, with the City's Code of Ordinances providing for only a one-time replacement due to fire or natural disaster. The proposed ordinance would allow for repairs due to this natural disaster, if the required permits are issued prior to December 31, 2017.

A motion was made to adopt the Ordinance, as presented.

ATTACHMENTS:

- Agenda Form- Mobile Home Repairs (DOCX)

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

B. Executive Session

Government Code §551.071- Private Consultation with Attorney - Contemplated / Pending Litigation

1. Discussion of the Branch Cemetery.

Government Code §551.074 - Personnel Matters. - To deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee.

2. Discussion of the City Manager's Evaluation.

Government Code §551.072 - Deliberation regarding real property.

3. Discussion of the Magnolia Ridge Golf Course.

At 7:21 p.m., Mayor Pickett recessed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:50 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2017-118

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

COMMENTS - Current Meeting:

A motion was made to authorize the signing of the interim agreement with the Ingrams, in regard to the Branch Cemetery.

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

2. Council Action 2017-119

Consider and take action, if any, on the City Manager's Evaluation, as discussed in the Executive Session.

RESULT:	NO ACTION TAKEN
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3. Council Action 2017-120

Consider and take action, if any, on the Magnolia Ridge Golf Course, as discussed in the Executive Session.

RESULT:	NO ACTION TAKEN
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VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:52 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary