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 13, 2018 | **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	
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Present	
Paul Glazener	Councilperson	Absent	
Chipper Smith	Councilperson	Present	
Tom Warner	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Brandon Davis	City Attorney	Present	

II. INVOCATION

There was no Invocation.

III. PLEDGE OF ALLEGIANCE

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

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 4284)

City Manager Report - T. Warner, City Manager

COMMENTS - Current Meeting:

City Manager Tom Warner reported on the following:

- Recent flooding of six structures, due to high intensity rains, and a power outage at same time,
- Construction project delays at Main “A”,
- Wastewater project slowed due to weather conditions,
- Layl Drive CDBG Project to be completed soon (Layl Drive)
- Property for water well, tower pump station and ground storage tank has been acquired,
- Electric projects, utility rate study, and information on other City projects and activities.

ATTACHMENTS:

- City Manager's Report-Nov 2018 (DOCX)

B. Information Item (ID # 4285)

Department Reports

COMMENTS - Current Meeting:

City Manager Tom Warner stated that monthly department reports are included for Council's review.

ATTACHMENTS:

- Dept Reports (PDF)

C. Information Item (ID # 4286)

Finance Report - N. Herrington, Finance Dir.

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reviewed the City's financials of an un-audited report of the fiscal year end. Ms. Herrington presented information regarding the various funds, and the status of each ending September 30, 2018. Ms. Herrington stated that the formal audit of Fiscal Year 2017-2018, to be conducted by Swaim, Brents & Associates, will begin soon.

D. Information Item (ID # 4287)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency, briefly reported on Agency activities and stated the next scheduled meeting will be held on Tuesday, November 20, 2018.

E. Information Item (ID # 4288)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

Mayor Pickett reported on the recent Veteran's Program, held on Veteran's Day, at Liberty High School, complimenting the school on sponsoring such an important and meaningful event.

City Manager Tom Warner reported that the City would be closed for the Thanksgiving Holidays on Thursday and Friday, November 22 and 23. Mr. Warner reminded the Council of the Employee Christmas Dinner to be held on December 13.

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:	Diane Huddleston, Mayor Pro Tem
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Smith
ABSENT:	Paul Glazener

A. Minutes Approval

1. Tuesday, October 09, 2018

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2018-109

Consider acceptance of Councilperson Paul Glazener's resignation from the Liberty City Council.

COMMENTS - Current Meeting:

A motion was made to accept the resignation of Council Member Paul Glazener.

ATTACHMENTS:

- Resignation Ltr-Glazener (PDF)

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

2. Council Action 2018-110

Consider authorizing the acceptance of applications to fill the unexpired term on the Liberty City Council from November 14 - 28, 2018.

COMMENTS - Current Meeting:

City Attorney Brandon Davis led discussion on the process for acceptance of applications to fill Councilperson Glazener's unexpired term. After brief discussion, a motion was made to advertise for interested citizens until November 28th at 5:00 p.m., using the application provided to Council.

ATTACHMENTS:

- Charter Section 3.05-Vacancies (PDF)

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

3. Council Action 2018-111

Consider approval of the Preliminary Minor Re-Plat of Lot 2 of the Wood Duck Subdivision.

COMMENTS - Current Meeting:

City Manager Tom Warner reported that Mike and Sharon Riley, in 2016, divided this parcel of land into two tracts using the Minor Plat process, which requires no Planning and Zoning Commission approval. Mr. & Mrs. Riley currently request approval for re-platting the 6 acre tract, into three, two-acre lots for housing development. This item was before the Planning and Zoning Commission on October 24, 2018, and was approved.

A motion was made to approve the Preliminary Re-Plat of Lot 2 of the Wood Duck Subdivision.

ATTACHMENTS:

- Wood Duck Subd-Drawing 1 (PDF)
- Wood Duck Subd-Drawing 2 (PDF)

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

4. Council Action 2018-112

Consider ratifying the Liberty Community Development Corporation's action to participate in the Houston-Galveston Area Council Traffic Study for Liberty County.

COMMENTS - Current Meeting:

City Manager Tom Warner reported that the Houston-Galveston Area Council is proposing to conduct a comprehensive traffic study of Liberty County. Cost of the study is $500,000, with H-GAC paying $450,000. Liberty County Is proposing to pay $20,000, and is requesting that the three Liberty County Economic Development Corporations each pay $10,000 toward the cost. The Liberty Community Development Corporation approved the local match of $10,000, on October 23, 2018.

After brief discussion of the advantages of this study, at a minimal cost, a motion was made to pay $10,000.00 towards the cost of the H-GAC Traffic Study for Liberty County.

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

5. Council Action 2018-113

Consider authorizing an expenditure of excess Cambridge Funds for additional electrical projects.

COMMENTS - Current Meeting:

City Manager Tom Warner reported on the previously approved expenditure of $4.0 million, in Cambridge Funds, for sixteen Phase I Electrical Projects. Those projects are scheduled to be completed by the end of the year. At the completion of these projects, it is estimated that approximately $550,000 in unexpended funds in the original budget. The following projects are recommended to be moved from Phase II to Phase I: overhead platform transformer bank, underground primary cable and Beaumont 3 laterals. Estimated cost for these projects is $524,000.

Following discussion, a motion was made to approve the expenditure up to $550,000, for the projects to be moved from Phase II to Phase 1.

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

6. Council Action 2018-116

Consider approval of an Ambulance Transportation Provider Agreement between the Liberty Fire Department and Liberty-Dayton Regional Medical Center (LDRMC).

COMMENTS - Current Meeting:

Fire Chief Brian Hurst explained that this agreement will ensure that Liberty Fire/EMS is first call for facility to facility transports from Liberty Dayton Regional Medical Center. After brief discussion, a motion was made to approve the agreement.

ATTACHMENTS:

- LDRMC EMS Contract (1) (DOCX)

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

7. Council Action 2018-117

Consider award of bid for Power Line Tree Trimming in the City of Liberty.

COMMENTS - Current Meeting:

City Manager Tom Warner reported that proposals were opened on November 8, 2018 for power line tree trimming services, in which only one proposal was received. After brief discussion, a motion was made to approve the proposal from Davey Tree Surgery Company, thru September 30, 2019.

ATTACHMENTS:

- Tree Trimming Rates-Davey (PDF)

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

8. Council Action 2018-118

Consider authorizing an expenditure for the purchase of two (2) 4WD Kubota Tractors for the Street Department.

COMMENTS - Current Meeting:

City Manager Tom Warner reported that the Street Department is in need of replacing two (2) Kubota tractors, a 2002 and 2007 model. The request for two (2) new 4WD tractors, one with a front end loader, are budgeted items from the Fixed Asset Fund, in the amount of $65,000. The purchase cost from H-GAC BuyBoard is $60,921 for both.

A motion was made to approve the purchase of the two new tractors from BuyBoard.

ATTACHMENTS:

- BuyBoard-Street Dept Tractors (PDF)

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

9. Council Action 2018-119

Consider award of contract for the 2019-2020 Texas Community Development Fund for Public Infrastructure Improvements.

COMMENTS - Current Meeting:

City Manager Tom Warner reported that services were solicited to assist with the application and administration of the 2019-2020 Texas Community Development Funds, Texas Community Development Block Grant Program. Only one proposal was received from Public Management, Inc. The City will apply for such funding, amount yet to be determined, to support public infrastructure improvements. Motion was made to accept the proposal from Public Management, Inc.

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

10. Ordinance 2018-24

CONSIDER ADOPTION OF AN ORDINANCE AMENDING ARTICLE 8.05 OF THE CODE OF ORDINANCES; REGULATING JUNKED VEHICLES; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; 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:

Mayor Pickett read the caption of the Ordinance into the record as follows:

"AN ORDINANCE AMENDING ARTICLE 8.05 OF THE CODE OF ORDINANCES; REGULATING JUNKED VEHICLES; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND 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."

City Attorney Brandon Davis reported that the old ordinance does not track state law and also applies to not only vehicles, but also boats and airplanes. After brief discussion, a motion was made to adopt the ordinance amending Article 8.05 of the Code of Ordinances, as presented.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	David Arnold, Councilperson
SECONDER:	Chipper Smith, Councilperson
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Smith
ABSENT:	Paul Glazener

11. Ordinance 2018-25

CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES, ARTICLE 3.02, ADOPTING THE INTERNATIONAL SWIMMING POOL AND SPA CODE; 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:

Mayor Pickett read the caption of the Ordinance into the record as follows:

"AN ORDINANCE AMENDING THE CODE OF ORDINANCES, ARTICLE 3.02, ADOPTING THE INTERNATIONAL SWIMMING POOL AND SPA CODE; 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."

City Attorney Brandon Davis reported that the International Swimming Pool and Spa Code regulates the minimum requirements for the design, construction, repair and maintenance of swimming pools, spas and hot tubs. After brief discussion, a motion was made to adopt the Ordinance as presented.

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

B. Executive Session

Gov. Code §551.071 - Consultation with Attorney.

1. To seek advice about Pending or Contemplated Litigation - Humphreys Cultural Center.

Gov. Code §551.072 - Deliberation Regarding Real Property.

2. To deliberate the purchase, exchange, lease, or value of real property.

At 7:24 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:01 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2018-114

Consider and take action, if any, on Pending or Contemplated Litigation regarding the Humphreys Cultural Center, as discussed in the Executive Session.

RESULT:	**NO ACTION TAKEN**

2. Council Action 2018-115

Consider and take action, if any, on the deliberation of real property, as discussed in the Executive Session.

COMMENTS - Current Meeting:

A motion was made to authorize the purchase of property, as discussed in the Executive Session.

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

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:03 p.m.

.

____
Carl Pickett, Mayor

ATTEST:

____
Dianne Tidwell, City Secretary