The City of Liberty
City Council

Regular Meeting

~ Agenda ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, November 12, 2019 **6:00 PM** **City Council Chambers**

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
Mayor Carl Pickett	☐	☐	☐	
Mayor ProTem Diane Huddleston	☐	☐	☐	
Council Member Dennis Beasley	☐	☐	☐	
Council Member Libby Simonson	☐	☐	☐	
Council Member David Arnold	☐	☐	☐	
Council Member Chipper Smith	☐	☐	☐	
Council Member Neal Thornton	☐	☐	☐	

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

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.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 4622)

City Manager Report - City Projects and Activities - City Mgr. T. Warner * Transparency In Government * Tropical Depression Imelda *Cambridge Fund *City Hall Improvements *Fire / Police Softball Game

- City Manager's Report Nov 12 (DOCX)

B. Information Item (ID # 4623)

Finance Report - Asst. City Mgr. / CFO - N. Herrington

C. Information Item (ID # 4636)

Department Reports

- Fire Dept Report-Oct (XLS)
- Inspection Dept Rpt Oct (XLSX)
- Library Oct Narrative Report (DOCX)
- Library Oct Stats Rpt (XLSX)
- Library Volunteer Rpt Oct (XLSX)
- Police Dept Report Oct (XLS)
- Public Works Rpt Oct (DOCX)
- Public Works Construction Rpt Oct (DOCX)

D. Information Item (ID # 4625)

Sam Rayburn Municipal Power Agency - Mayor Pickett

- SRMPA Minutes-Aug 2019 (PDF)

E. Information Item (ID # 4626)

Mayor, Council and Staff Comments

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.

A. Minutes Approval

1. Tuesday, October 08, 2019

VII. REGULAR AGENDA

A. Regular Session

1. Ordinance (ID # 4632)

CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES, ARTICLE 4.05, CREATING DIVISIONS 4 AND 5 REGULATING WRECKER SERVICES WITHIN THE CITY; SETTING AN EFFECTIVE DATE; ESTABLISHING PENALTIES FOR VIOLATIONS; AND DISPENSING WITH SECTION 3.10 OF THE HOME RULE CHARTER THAT ORDINANCES BE READ ON TWO SEPARATE DAYS

2. Ordinance (ID # 4633)

CONSIDER ADOPTION OF AN ORDINANCE CREATING CHAPTER 3.12 OF THE CODE OF ORDINANCES, REGULATING PARKING WITHIN THE CITY; 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.

3. Ordinance (ID # 4634)

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS PROVIDING FOR THE AMENDMENT OF THE MASTER FEE SCHEDULE

FOR ALL RATES AND FEES CHARGED BY THE CITY OF LIBERTY; PROVIDING FOR THE ESTABLISHMENT OF WRECKER PERMITS AND NON-CONSENT WRECKER TOW FEES AND CLARIFICATION OF RESIDENTIAL BUILDING PERMIT FEES AND SIGN PERMIT FEES; PROVIDING THAT ALL RATES OR SCHEDULES OF RATES CONFLICTING HEREWITH ARE AMENDED; PROVIDING FOR 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.

- Ord - MFS Exhibit-Wrecker and Bldge Permit Fees (DOCX)

4. Resolution (ID # 4627)

Consider a Resolution casting the City's voting entitlement for a position on the Liberty County Central Appraisal District Board of Directors.

- CAD Info- Board of Directors Voting Entitlement (PDF)

5. Council Action (ID # 4628)

Consider a nomination to the Liberty County Central Appraisal District, Appraisal Review Board.

- CAD Info-ARB Nomination (PDF)

6. Council Action (ID # 4629)

Consider an expenditure for replacement of the Golf Course Bridge, damaged as a result of Tropical Depression Imelda.

- Golf Course Bridge - Exhibit (PDF)

B. WORK SESSION

1. Work Session (ID # 4630)

The City Council will conduct a Work Session to discuss the regulation of game rooms, amusement redemption machines and related issues.

- ORD - Game Rooms (DOCX)

C. Executive Session

Gov. Code §551.072 - Deliberation regarding real property.

- To deliberate the purchase, exchange, lease or value of real property - Liberty Municipal Golf Course Property.

Gov. Code §551.071 - Private Consultation with Attorney.

- To seek advice regarding contemplated / pending litigation related to the Humphreys Cultural Center.

D. Reconvene into Regular Session

1. Council Action (ID # 4635)

Consider and take action on items related to the pending litigation involving the Humphreys Cultural Center.

VIII. ADJOURNMENT

A. Motion To: Adjourn

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 8th day of November, 2019 at 5:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

Dianne Tidwell

Dianne Tidwell, City Secretary

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the _____ day of _____, 2019.

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/12/19 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 4622)

DOC ID: 4622

Subject: City Manager Report - City Projects and Activities

Background: This agenda item affords the City Manager the opportunity to update the Council and public on current and future City projects, activities and other items related to City business.

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Memo

To: Mayor & City Council

From: Tom Warner, City Manager

Date: November 12, 2019

Re: City Manager Report

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1. The recent changes to State Law regarding transparency in government will result in several changes to the City Council Meeting Agenda and the City Manager's Report. Since any item in the City Manager's Report or the Department Monthly Reports could potentially become a discussion item, only significant items from either one of these reports will be included on the agenda and presented to City Council during the City Manager's Report on the Agenda. If additional information from either report is requested by City Council, the information will be provided outside of the City Council Meeting.

2. As of November 6, 2019, this area has not received a Public Assistance Presidential Disaster Declaration for Tropical Depression Imelda. To ensure reimbursement from FEMA if the declaration is made, the debris pickup and monitoring was conducted in accordance with FEMA regulations. The debris pickup and monitoring was completed on October 31, 2019, at an estimated cost of approximately $110,000. Insurance proceeds for repairs to the Public Works Service Center in the amount of $261,003.38 were received on November 5, 2019. Upon receipt of the detailed claim information from the insurance company, Staff will review to ensure all the contents damaged were included in the claim. Repairs to the Service Center are continuing.

3. The total amount of Cambridge Fund Distributions since October 2013 is $26,779,162.14. The fund balance as of November 4, 2019, is $12,822,519.98. This includes $454,413.29 and $818,386.94 in interest and a FEMA reimbursement, respectively. Expenditures to date are summarized below:

    a. Electric Buydown $ 545,828.82
    b. Electric Expenditures/Allocations $6,804,170.19
    c. Other Project Expenditures/Allocations $7,879,443.38

4. The Holly Street Drainage and Water Project is approximately 58% complete as of November 1, 2019. The intersection of N. Travis & Holly Street was closed for approximately three weeks and reopened on November 1, 2019. The contractor was installing catch basins, box culverts and a waterline during the closure.

5. The City Hall generator was replaced on November 6th and became operational on November 8, 2019.

Attachment: City Manager's Report Nov 12 (4622 : City Manager's Report)

6. The contractor performing the City Hall Interior Repairs and Improvements will begin work on November 13, 2019. The relocation of the entrance door and wall to the Municipal Court Clerk's Office will be the first work performed. Painting and floor covering replacement is anticipated to begin on November 18th and December 2nd , respectively. It is anticipated that the work will be completed by the end of December. Night and weekend work are anticipated to minimize inconveniences to customers and staff.

7. The Liberty Rotary Club has completed their District 5910 Grant Project at Canfield and Magnolia Parks. The improvements at Magnolia Park included new playground equipment, basketball goal and picnic table sun shades. Canfield Park also received new playground equipment, a basketball court and goal, soccer nets, fencing and a dog park. The dog park is divided into two areas, one for small and the other for large dogs.

8. The City of Liberty Fire and Police Departments First Annual Softball Ball Game will take place at 7:00 on Friday, November 8th at Liberty Municipal Park.

9. The following is a status of the current Electric Projects:

Project	Complete	Estimated Cost	Spent to Date
a. Pine Place Subdivision	55%	$ 46,953	$ 25,626
b. Featherstone Subdivision	58%	$105,920	$ 61,776
c. Whittington Subdivision	79%	$206,725	$163,193
d. Live Front Transformer	19%	$323,456	$ 61,582
e. Beaumont #3 Lateral	114%	$182,325	$207,394
f. UG Primary	4%	$250,000	$ 10,434
g. OH Transformer Platform	25%	$ 91,450	$ 22,991
h. Regency Place	42%	$279,040	$115,903
i. Travis Park	68%	$380,505	$258,529
j. UG Street Lighting	73%	$155,000	$112,549
k. Beaumont #2 Laterals	44%	$414,254	$181,399
l. Beaumont #4 Laterals	52%	$308,344	$158,914
m. Beaumont #5 Laterals	7%	$764,156	$ 50,011
n. Liberty #1 Laterals	0%	$345,881	
o. Liberty #3 Laterals	0%	$371,354	
p. Street Light Conversion	93%	$ 82,500	$ 78,916
Totals		$4,307,863	$1,507,117

Attachment: City Manager's Report Nov 12 (4622 : City Manager's Report)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/12/19 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 4623)

DOC ID: 4623

Subject: Finance Report

Background: This agenda item affords the Asst. City Mgr./CFO an opportunity to report on the financial activities and position of the City, to include revenues, liabilities, assets, and other financial information.

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/12/19 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 4636)

DOC ID: 4636

Subject: Department Reports

Background: Attached are reports compiled by various City departments regarding facts about projects, situations and activities of the individual department. These reports are submitted on a monthly basis.

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All Departments Weekly Activity Report

Month Of: October 1 to October 31, 2019

Department: Fire Department **Report Prepared By:** Misty Dulaney

FULL: **(All Authorized Filled)** **YES** **NO**

If No, Why Not? **Sick** **Vacancy** **Vacation**

Explain:

Accomplishements For Last Week:

1.)
2.)
3.)
4.)
5.)
6.)

Goals For Upcoming Week:

1.)
2.)
3.)
4.)
5.)
6.)

Repairs Completed: **Potholes:** **Water:** **Sewer:**

Number Of Runs: (Fire Only) **In Town** 68 **Mutual Aid** 6

Number Of Runs: (EMS Only) **911 Calls** 162 **Mutual Aid** 8

Transfers-Out of Town 52 **Transfers-In Town** 15 **Dialysis** 79

Other Information:

Total of payments that have been received at the Fire Department for EMS is: $38,016.54

6

EMS Payments received at Fire Department: Year to Date (fiscal): $38,016.54

Year to Date (calendar): $516,099.49

Attachment: Fire Dept Report-Oct (4636 : Department Reports)

MONTH:

CITY OF LIBERTY
INSPECTION PERMITING
MONTHLY REPORT

	REVENUE	OCTOBER
1	PERMIT REVENUE	$8,904.80
2	TAP FEES	
3	ALL LICENSE FEES	
4	OCCUPATIONAL LICENSE	
5	SOLICITOR'S PRTMITS	
6	OUTDOOR SALES	
	TOTAL	**$8,904.80**

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

	ACTIVITIES	
1	COM. BLDG PERMITS ISSUED	5
2	RES. BLDG PERMITS ISSUED	15
3	OTHER PERMITS ISSUED	
2	PLAN REVIEWS	5
3	INSPECTIONS	100
4	COM. C OF O'S ISSUED	0
5	RES. C OF O'S ISSUED	0
5	ADDRESSES ISSUED	3
6	DANGEROUS BUILDINGS	0
7	DEBRIS VIOLATIONS	4
8	JUNK VEHICLE VIOLATIONS	6
9	VEGETATION VIOLATIONS	4
10	UNSAFE/UNSANITARY	0
11	RV VIOLATIONS	0
12	BANDIT SIGNS	75
13		
	TOTAL	**217**

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

SPECIAL PROJECTS

1 COMMERICAL CERTIFICATE OF OCCUPANCY'S BY NAME:

2 CREATE MANUAL FILING SYSTEM FOR BACK FLOW INSTALLATION AND TESTING PAPERWORK AND ADD A ELECTRONIC BACK UP-**(TCEQ REQUIREMENT)** 50% COMPLETE

3 CREATE MANUAL FILING SYSTEM FOR PUMPED GREASE MANIFEST AND ADD ELECTRONIC BACK UP**(TCEQ REQUIREMENT)** 50% COMPLETE

Attachment: Inspection Dept Rpt Oct (4636 : Department Reports)

MONTH:

CITY OF LIBERTY
INSPECTION PERMITING
MONTHLY REPORT

4 CREATE MANUAL FILING SYTEM FOR CUSTOMER SERVICE INSPECTION SHEETS AND ADD AN ELECTRONIC BACK UP**(TCEQ REQUIREMENT)**
PROJECT COMPLETE

Attachment: Inspection Dept Rpt Oct (4636 : Department Reports)

Liberty Municipal Library October 2019 Narrative Report

October was a busy, productive month at the Liberty Municipal Library. We hosted our annual Great Pumpkin Bash and the turnout was excellent, with over 100 people attending. The staff really put a lot of thought and work into the Bash, and for the first time we really bashed some pumpkins.

The foyer was decorated with spiders and spider webs and all things Halloween, and Halloween-ish music played to set the scene. There were games and crafts galore. Little child-sized tables held craft supplies, and again this year the Friends of the Library purchased black metal buckets for the children to decorate and use to hold their Halloween candy.

But the smash hit of the festivities was the Pumpkin Patch Stomp. For this game Administrative Assistant Amber Ursprung personally blew up 178 orange balloons that each held a piece of candy. At party time the pumpkins were carefully put out on the south lawn and children were invited to come join the stomp. At first, they had no idea what to do, but as soon as the staff demonstrated how to do the pumpkin stomp, the mayhem was on. You can't imagine how much noise is made by multitudes of balloons exploding simultaneously. The kids were thrilled as the candy popped out, and then there was even more mayhem as they scrambled wildly for the sweet stuff.

We held on to a small bunch of balloons so we could accommodate stragglers and we were very glad we did. The last group, encouraged by their mother, helped Custodian Mike Kaiser and Amber pick up all the orange balloon fragments that littered the yard. Mike was very appreciative of their thoughtfulness.

Amber was very happy that the kids loved the game, because it was an exhausting experience blowing up 178 balloons, plus twelve more for decorations. She spent two weeks huffing and puffing and inserting Starburst candies and lollipops into the balloons. Next year we'll find a mechanical way to make the job easier.

Beverly Davis, Cathy Harbour and Sandy Pickett of the Friends of the Library served punch and cookies to the enthusiastic bashers.

All the work was definitely worth the effort. During the Bash a newcomer to Liberty stepped up to the refreshment table, thanked us sincerely, and said she was thrilled to see this kind of children's entertainment in Liberty. She said she and her children love the library and they're looking forward to attending more events. Another newcomer said the very large library they previously patronized could never have held such an event because there would have been too many people for it to be fun for the children. We suppose our party was the Goldilocks kind: it was just right. One of our Board members posted the following message on Facebook:

Attachment: Library Oct Narrative Report (4636 : Department Reports)

Library Board News:
The Library Board met on October 24 and discussed a policy to limit the number of DVDs that can be checked out at one time. At the meeting, Library Director Dana Abshier explained that it is not uncommon for people to check out 20 or more movies at a time and then fail to return them. She said one patron owes over $600 for just the cost of the movies. That did not include fines. The Board voted a limit of two newly released movies that can be checked out at one time, with no renewals. They set a limit of five per checkout for movies that are not new releases, and they can be renewed once. Amber prepared a list of patrons who owe the City at least $100 in fines, the cost of materials, and postage. The list was given to Assistant City Manager Chris Jarmon, who is assisting the library with various issues.

The Board also elected new officers. Paul Schmidt is President, Mitzi Kline is vice president, and Stacy Sundgren is Treasurer. We appreciate our Board members for serving our library and the community.

Library Staff News:
The staff continues to plan upcoming parties and activities for our patrons. Children's Librarian Katie Edgell and Bilingual Librarian Maggie Varela are planning a family game night on November 25. Maggie, true to the engineering career she is studying for at University of Houston, has been calculating the square footage of the foyer and plotting out the design for a giant game board. The foyer floor will be taped off to create a huge game board and the participants will be the game pieces.

A movie night activity is also being considered. Since the library has a license to show selected movies, there would be no concern about violating copyright laws. Reference/YA Librarian Kristin Gilley suggested a game night in December with everyone playing Uno. She reported that Uno is a very popular game and thought this would be a great idea for a game night activity.

Kristin keeps our Instagram account up-to-date and had several book displays for Halloween including "Killer Thrillers," a monster display, and a non-fiction display featuring ghost stories.

Amber continues to plan the Grinchmas Who-bilation holiday program and is working on a photo booth made from a sturdy box that a dehumidifier came in. It even has a door with working hinges and a door knob. She has completed the Mr. Crumpet Forest, which will be planted in the adult area in December. Amber is also figuring out the best way for the children to make Grinch Dust they can take home to keep the Grinch from stealing their Christmas trees.

Several staff members dressed up for Halloween. Peggy Carr was pretty frightening as a witch, Gail Williamson was Dr. Booker, Dana Abshier was a gypsy, (Mike thought she was a pirate), and Amber Ursprung was Evie from the *Descendants* movie. It was Maggie who absolutely stole the show with her

Attachment: Library Oct Narrative Report (4636 : Department Reports)

amazing costume. She was Fat Thor from Marvel Studio's *Avenger Endgame* movie. She was unforgettable, to say the least.

Dr. Booker, aka Gail Williamson, made an appearance at the Great Pumpkin Bash. She really is our book doctor and does an excellent job of repairing books with broken spines, torn pages, ragged edges and a host of other maladies.

Scenes from the Great Pumpkin Bash

Amber and Maggie

Dana, Katie, Maggie, Gail, Mike, Amber and Peggy

Attachment: Library Oct Narrative Report (4636 : Department Reports)

Peggy

Doing the Pumpkin Patch Stomp

Cathy Harbour & Sandy Pickett

Beverly Davis, Cathy Harbour, Sandy Pickett

Maggie's book displays for October included a rodeo theme and Day of the Dead. She also finds fun brain twister riddles that she posts weekly for patrons to try to figure out. Our patrons really enjoy the riddles and look forward to solving them each week.

Gail and Peggy Carr continue the never-ending task of trying to convince people to return borrowed books. Peggy has completed a thorough thinning of our patron base. Patrons who haven't checked out materials in over five years are considered inactive, and Peggy is examining their library card applications before the accounts are deleted. She has also gone through several groups of donated books to determine which can go into the Friends of the Library's Jubilee Book Sale.

Attachment: Library Oct Narrative Report (4636 : Department Reports)

Katie's book displays representing off-the-wall and not-really-real holiday displays included: Wear Something Gaudy Day, Plush Animal Lovers Day, and, appropriately enough, Book Lovers Day. She also created a large display of children's Halloween books. Katie participated in a webinar on juvenile book selection.

Katie is working with Liberty ISD's Mrs. Hinch to find highly descriptive children's books for Mrs. Hinch's ESL students. Apparently, Dr. Seuss books are great for introducing students to English words. Katie has been in discussion with MET Head Start about including several of their families in our Story Time. She also set up a week of Story Time programs in November for five classes from Liberty ISD's prekindergarten program.

Sometimes our patrons need extra assistance with our computers. In October Katie helped a patron create a flyer for their lost chocolate lab. Another day, a young girl and her grandpa needed help with writing the girl's first essay. Katie set her up on Google Docs and the girl was rightly very proud of herself when she finished. Katie reported the encounter as being very rewarding.

Dana visited with Bill Buchanan on the Party Line Program in October. The hour-long discussion covered numerous library topics. She also viewed several webinars to earn continuing education credits which are required annually by the Texas State Library and Archives Commission.

Streamline Mechanical did routine HVAC maintenance in October and discovered an igniter had gone out on the boiler. They were scheduled to do the repair in early November. Mike works with our vendors to get quotes for repairs and keeps a close eye on our HVAC equipment. He also prepared the theater and the foyer restrooms for the Valley Players' production of Young Frankenstein, assisted the staff in decorating the library for Halloween, set up the foyer for the Great Pumpkin Bash, and then dismantled everything when the Bash was over.

Fill-in employee Pat Craig underwent triple bypass surgery in October. The library staff wishes her a speedy recovery.

Attachment: Library Oct Narrative Report (4636 : Department Reports)

Liberty Municipal Library October 2019 Monthly Report

	This Month	Last Year	FY to Date
Circulation:			
Adult Print Materials Circulation	1,091	1,257	1,091
Juvenile Print Materials Circulation	1,645	1,869	1,645
Periodicals	20	39	20
Young Adult Print Materials Circulation	167	128	167
Adult & YA E-book Circulation	290	279	290
Adult & YA Audiobook/Video Circulation	90	112	90
Juvenile E-book Circulation	11	29	11
Juvenile Audiobook Circulation	15	19	15
Spanish Materials Circulation	51	48	51
Projectors	0	4	0
Read-alongs	14	6	14
DVDs/BluRay	382	375	382
Audiobooks & Music CDs	27	73	27
Video Tapes in English	50	35	50
Video Tapes & DVDs in Spanish	3	6	3
ILLs Received from Other Libraries	1	2	1
ILLs Provided to Other Libraries	3	8	3
Total Adult & YA Circulation All Formats	2,121	2,317	2,121
Total Juvenile Circulation All Formats	1,685	1,923	1,685
Total Circulation All Formats	3,806	4,240	3,806
	This Month	Last Year	FY to Date

Attachment: Library Oct Stats Rpt (4636 : Department Reports)

Reference Services:			
In-house Reference	141	144	141
Telephone Reference	171	123	171
Public Computer Assistance	118	146	118
Collection Statistics:			
Volumes Added to Collection	262	148	262
Volumes Removed from Collection	80	220	80
Total Volumes in Collection	51,626	53,522	51,626
Titles Added to Collection	202	75	202
Titles Removed from Collection	45	211	45
Total Titles in Collection	61,532	61,039	61,532
Cataloging:			
Books Cataloged	191	68	191
DVDs/BluRay Cataloged	13	7	13
Audiobooks & Music CDs Cataloged	0	0	0
Periodicals Cataloged	54	72	54
Building Use/Programs/Public Relations:			
Meeting Room/Pavilion Use	8	14	8
Story Time Programs	5	5	5
Story Time Attendance	53	67	53
Misc. Children's Programs/Tours	1	1	1
Misc. Children's Programs/Tours Attendance	100	142	100
	This Month	Last Year	FY to Date

Attachment: Library Oct Stats Rpt (4636 : Department Reports)

Young Adult Programs	0	1	0
Young Adult Attendance	0	7	0
Adult Programs	5	5	5
Adult Programs Attendance	44	51	44
Speaking Engagements	1	0	1
Total Programs	11	12	11
Total Attendance All Programs	197	248	197
Patron Count/Volunteers:			
New In-City Patrons	21	24	21
In-City Cards Renewed	33	13	33
In-City Cards Deleted	2	0	2
Total In-City Patrons	3,448	7,521	3,448
New Out-of-City Patrons	25	39	25
Out-of-City Cards Renewed	22	32	22
Out-of-City Cards Deleted	2	1	2
Total Out-of-City Patrons	5,219	6,577	5,219
New E-Book Users	6	2	6
Tex Share Cards Issued	0	0	0
Total Volunteers	4	10	4
Total Volunteer Hours	17.00	20.00	17.00
Traffic Count	3,022	3,310	3,022
	This Month	Last Year	FY to Date
Public Use Technology:			

Attachment: Library Oct Stats Rpt (4636 : Department Reports)

Wireless Users	10	47	10
New Computer Users	46	55	46
Deleted Computer Users	0	0	0
Public Computers Users This Month	403	587	403
Hours of Patron Computer Use	282	448	282
Website Sessions: Ploud, Online Catalog	2,994	1,001	2,994
Website Users	422	NA	422
Social Media Sessions: Facebook, Instagram	198	NA	198
Social Media Users	159	NA	159

Attachment: Library Oct Stats Rpt (4636 : Department Reports)

Liberty Municipal Library Volunteer Report for the Month of October 2019

Name of volunteer	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total
Arceneaux, Val																																0
Cash, Terry				2.5														2							2							6.5
Davis, Beverly																															3.5	3.5
Harbour, Cathy																															3.5	3.5
Pickett, Sandy																															3.5	3.5
Mealer, Kaytlin																																0
Sundgren, Josh																																0
Sundgren, Gary																																0
Sundgren, Stacy																																0
Morgan, Alec																																0
Whittington, Nell																																0
																																0
Total for month																																17

Attachment: Library Volunteer Rpt Oct (4636 : Department Reports)

YEARLY ACTIVITY REPORT FOR 2017

ACTIVITY	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL PER ACTIVI
CALLS FOR SERVICE	1606	1515	1729	1583	1651	1728	1873	1781	1625	1426	1446	1474	1943
OFFENSES REPORTED	83	75	75	62	91	93	72	35	86	77	84	48	881
OFFENSES CLEARED	24	22	22	17	28	19	11	10	6	18	10	6	193
OFFENSES EXCEPTIONALLY CLEARED	89	91	91	92	92	94	96	96	0	98	98	98	1035
TRAFFIC CITATIONS	149	176	138	179	187	135	192	205	158	128	61	39	1747
TRAFFIC ACCIDENTS	25	22	22	32	38	34	31	17	34	36	33	37	361
WARNING TICKETS	51	53	99	68	127	242	254	246	457	196	123	208	2124
ARRESTS	29	23	34	37	35	45	26	36	31	40	31	22	389
ANIMALS HANDLED	76	100	131	115	166	132	125	121	86	111	65	106	1334
ALARM CALLS	63	57	75	68	78	76	90	102	113	77	63	61	923
GARAGE/YARD SALES	0	0	1	0	2	0	0	1	0	0	1	0	2

YEARLY ACTIVITY REPORT FOR 2018

ACTIVITY	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL PER ACTIVI
CALLS FOR SERVICE	1608	1141	1560	1433	1290	1560	1679	1657	1508	1553	1521	1627	1813
OFFENSES REPORTED	74	53	62	52	50	60	72	63	68	52	69	66	741
OFFENSES CLEARED	35	9	6	9	8	11	10	11	15	11	21	15	161
OFFENSES EXCEPTIONALLY CLEARED	100	103	0	0	103	0	0	0	1	1	3	3	314
TRAFFIC CITATIONS	50	191	104	76	61	63	66	68	65	59	62	51	916
TRAFFIC ACCIDENTS	25	23	26	34	33	35	27	26	23	45	26	38	361
WARNING TICKETS	224	176	194	259	237	196	136	133	117	105	86	131	1994
ARRESTS	29	20	34	12	12	23	19	28	34	16	31	45	303
ANIMALS HANDLED	66	64	79	94	191	131	54	91	85	93	79	67	1094
ALARM CALLS	63	44	52	62	61	99	58	64	57	67	86	80	793
GARAGE/YARD SALES	0	0	0	0	0	0	0	0	0	1	0	0	1

YEARLY ACTIVITY REPORT FOR 2019

ACTIVITY	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL PER ACTIVI
CALLS FOR SERVICE	1593	1421	1566	1825	1984	1958	1985	1714	1695	1772			1751
OFFENSES REPORTED	75	66	76	91	95	75	77	73	63	85			776
OFFENSES CLEARED	17	12	13	15	7	12	14	14	11	18			133
OFFENSES EXCEPTIONALLY CLEARED	2	2	2	1	1	1	0	4	2	4			19
TRAFFIC CITATIONS	61	57	71	77	91	47	48	42	26	32			552
TRAFFIC ACCIDENTS	30	27	36	41	30	29	30	26	28	40			317
WARNING TICKETS	146	125	120	110	329	127	178	119	120	149			1523
ARRESTS	43	22	32	41	69	50	28	33	29	42			389
ANIMALS HANDLED	52	39	21	29	73	77	93	57	81	51			573
ALARM CALLS	54	69	16	91	97	86	68	69	89	64			703
GARAGE/YARD SALES	0	0	0	0	0	0	0	0	0	0			0

Attachment: Police Dept Report Oct (4636 : Department Reports)

OCT/ / 2019 / /

PUBLIC WORKS MONTHLY REPORT

STREETS DEPARTMENT -THE ROAD TO SUCCESS IS ALWAYS UNDER CONSTRUCTION

This Month's Notes

JAMES REDDING – STREETS DIRECTOR

- Notes:
- Sprayed mosquitoes
- Swept streets
- Mowed on route
- Helped Water Dept. On Texas street sewer leak
- Patched around town
- Sprayed around rock and jogging trail at park
- Repaired Texas street cut
- Repaired base failures on road at airport
- Picked up old signs at airport and golf course
- Repaired sink hole at Beaumont and Independence
- Loaded up hoses and rental pumps at Main A to be returned
- Checked flood pumps every Monday
- Checked levee at the first of month
- Pulled sign at golf course
- Set out cones and barricades for TVE parade
- Repaired street cuts
- Cleaned inlets
- Replaced various sign that went down or missing
- Leveled up on Ave E with asphalt
- formed up gutter on Lone Oak to be poured
- Repaired sink hole on Hawthorne
- Repaired sink hole on Sam Houston
- Formed up Cos and Bowie to be poured
- Picked up parts for Gradall and tail mower in Houston and Beaumont
- Replaced barricade at Texas and Beaumont

Attachment: Public Works Rpt Oct (4636 : Department Reports)

STREETS PERFORMING A REPAIR ON EDGEWOOD ST.

Attachment: Public Works Rpt Oct (4636 : Department Reports)

FIXING THESE STREETS

Streets:						
	Graded:					Miles
	Swept:				44	Hours
	Street cut repairs:				4	Each
	Curb & Gutter Repair:					Feet
Drainage:						
	Ditch Cleaning:					Feet
	Culvert Installation:					Feet
	Catch Basin/inlets cleaned:				743	Each
	Levee Inspection:				yes	
	Flap gate Debris Removal:					
Spraying:						
	Herbicide:				89	Gallons
	Mosquito:				624	Miles
Signs:						
	Installed				0	Each
	Repaired/ Replaced				6	Each

Attachment: Public Works Rpt Oct (4636 : Department Reports)

PARKS DEPARTMENT

OUT WIT, OUT LAST, OUT MOW!!!

Work completed

TOM TULLOCK – PARKS

Work Completed:

Fields:

Work Performed: Picked up trash and maintained as needed. Mowed six times and weedeated twice.

Restrooms:

Work Performed: Washed all restrooms twice a week and cleaned and swept as needed. Replaced toilet paper and other things as needed also.

Concession Stands:

Work Performed: Picked up trash and debris around concession stands as needed every day.

Splash Pad:

Work Performed: Mowed and weedeated as needed. Maintained chemicals every day, cleaned and made sure everything was in working order. Backwashed filters every other day.

Jogging Trail:

Work Performed: Picked up limbs and trash as needed also, weedeated around trees and rocks as needed. Mowed as needed

Playground Equipment:

Work Performed: Checked and made sure all playground equipment was in good working order. Pressure washed the white fence around playground.

Attachment: Public Works Rpt Oct (4636 : Department Reports)

Pocket Parks:

Work Performed: Picked up trash and other debris every day. Put locks on all maintenance gates at all pocket parks. Changed trash barrels as needed.

Trees:

Work Performed: Cut down trees that had been twisted off or rotted throughout park. Picked up limbs as needed.

Flags:

Work Performed: Checked flags every day for damage.

Notes: Filled in holes throughout park.

Mowed the ditch on Cook St. from Main all the way to

park entrance.

Made sure all lift stations were ok during storm.

Supervised Serve Pro Crew that was demoing the

Service Centre during storm

Helped with loading debris using front end loader,

backhoe, and knuckle boom.

Cleaned up all debris that was in the park due to Tropical Storm Imelda.

Took down big flag and replaced it with new one, the

old one was beyond repair.

Replaced both Texas and the American flag at the

Service Center.

Attachment: Public Works Rpt Oct (4636 : Department Reports)

PARKS EMPLOYEES GETTING AFTER IT!

Attachment: Public Works Rpt Oct (4636 : Department Reports)

HIGH QUALITY WATER NEVER GOES OUT OF STYLE!!!!

MARK REED – WATER / WASTE WATER DIRECTOR

TEXAS ST. AT HOLLY ST. SINK HOLE

Attachment: Public Works Rpt Oct (4636 : Department Reports)

COMPLETED WORK AT TEXAS ST. AT HOLLY ST.

Attachment: Public Works Rpt Oct (4636 : Department Reports)

REPAIRS COMPLETED	
WATER LINE REPAIRS	**11**
SEWER LINE REPAIRS	**15**

LINE MAINTENANCE (VACCON TRUCK)	
10	HOURS
4,000	FEET OF SEWER LINE CLEARED
8	MANHOLES CLEANED

WORK COMPLETED	
1	MANHOLE REPAIRS
15	SEWER STOPPAGES
3	METER REPAIRS
0	RADIO REPLACEMENTS
5	WATER TAPS
0	SEWER TAPS
5	CUSTOMER PROBLEMS
83	LOCATE LINES
83	TEXAS 811 LINES LOCATES
0	METER BOXES REPLACED
1	METER LIDS REPLACED
0	CLEANOUTS REPLACED/INSTALLED
1	PULLED METERS
23	CUSTOMER REQUESTED TURN ON
25	CUSTOMER REQUESTED TURN OFF
15	CUT OFF SERVICE
22	RECHECKS

LIFT-STATION MAINTENANCE	
TWICE / WEEK	FREQUENCY THAT LIFT-STATIONS CHECKED
2 DAILY	FREQUENCY THAT WATER WELLS CHECKED
40	WATER SAMPLES TAKEN
10	SAMPLES FRO MONTHLY MONITORING-CHLORINE REPORT

Misc.: HARDIN & AMES READINGS CHECKED DAILY

Attachment: Public Works Rpt Oct (4636 : Department Reports)

ELECTRICAL REPLACING A POLE

ELECTRICAL DEPARTMENT

LIGHT IS ESSENTIAL

CHARLES YPMA – ELECTRICAL SUPERVISOR

The Electrical Department received 40 request this month and closed out 28 of them with 12 carrying overs to November. The requests range from power restoration, blown fuses, saging power lines, loose guy wires to security and street lights out. The Electrical department performed all these tasks with the aid of Texas Elite Electrical Services, LLC.

COMPLETED WORK REQUESTS

MISC. MAINTENANCE	2
PARTIAL POWER	1
NO POWER	12
POWER LINE ISSUE	2
POLE ISSUE	1
SECURITY LIGHT	3
STREET LIGHT	5
TREES AND VINES	2
SET NEW METER	0
TOTAL INCIDENTS RESOLVED	**28**

Attachment: Public Works Rpt Oct (4636 : Department Reports)

SEPTEMBER / / 2019 / /

MONTHLY REPORT

CITY OF LIBERTY CONSTRUCTION PROJECTS REPORT

TEXAS STREET DRAINAGE

US 90 Sanitary Sewer Improvements-Phase I is at 75% completion

ALLCO INC.

The City of Liberty, Texas Sanitary Sewer System Improvement, Phase I project involves improvements to the sanitary sewer trunk line along US 90 from Bowie to just east of FM 2684. This section included the install of the sanitary sewer trunk line by pipe bursting (18" pipe), micro-tunneling method (24" and 30" pipe) and abandoning existing sewer lines along US 90. It also includes the replacement of sanitary sewer manholes. This part of the project is near completion.

Attachment: Public Works Construction Rpt Oct (4636 : Department Reports)

SEPTEMBER / / 2019 / / ISSUE NUMBER

MONTHLY REPORT

BYPASS LIFT STATION

The lift station at McGuire Street is currently being wired for electricity. The Beaumont Street lift station about 80% complete. The Lift stations at Johnson and Lakeland Streets are complete. There was very little work completed this month (4% by contract amount).

Attachment: Public Works Construction Rpt Oct (4636 : Department Reports)

SEPTEMBER / / 2019 / / ISSUE NUMBER

MONTHLY REPORT

TEXAS STREET: BEAUMONT AVENUE TO NORTH OF NEWMANSTREET - SANITARY SEWER, STORM SEWER AND PAVEMENT RESTORATION – PROJECTED COMPLETION MID DECEMBER

Texas Street Improvements

Improvements activities along Texas Street have just started to increase. The contractor is removing 6” and 8” sanitary sewer lines and replacing with a 15” sewer line. The storm sewer improvements include removing existing 15” and 24” pipe and replacing them with 18”, 24” and 30” pipe from Beaumont Street to just north of Newman St. The contractor will need to restore the pavement that was removed for the underground facilities. The pavement restoration work has not yet begun. This phase of the project is approximately 50% complete. The contractor has replaced old 15” sanitary sewer pipe with new 15” sanitary sewer pipe by pipe bursting method. Manholes have been removed and replaced. The project is being performed by ALLCO, Inc. out of Beaumont, Texas.

Attachment: Public Works Construction Rpt Oct (4636 : Department Reports)

SEPTEMBER / / 2019 / / ISSUE NUMBER

MONTHLY REPORT

IN THIS ISSUE

MAIN B LEVEE REPAIR PROJECT

LEVEE SLOPE AND PIPE REPAIR

BOWIE STREET

CONSTRUCTION IS 1% COMPLETE

BY TLC & CONTRACTING

TCL Trucking and Contracting was awarded the contract and the start date was September 6th, 2019. The project is to perform repairs to the Main B levee which include earth levee repairs and culvert repairs. The project shall be substantially completed in 120 calendar days and all work shall be completed in 165 calendar days. The final completion date is February 18th, 2020. TLC Trucking and Contracting is out Houston, Texas. The contractor has mobilized this month and is performing prep work for the site.

MAIN B PREP WORK

Attachment: Public Works Construction Rpt Oct (4636 : Department Reports)

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MONTHLY REPORT

MAIN B LEVEE REPAIR

Attachment: Public Works Construction Rpt Oct (4636 : Department Reports)

SEPTEMBER / / 2019 / / ISSUE NUMBER

MONTHLY REPORT

Attachment: Public Works Construction Rpt Oct (4636 : Department Reports)

HOLLY STREET

WATER AND STORM DRAINAGE IMPROVEMENT PROJECT 82% COMPLETE

WADECON, LLC

The Construction of the Holly Street involves upgrading the existing water line and storm drainage from North Travis heading west to the end of the Holly Street right of way. The contractor has installed the drainage culverts and waterline on the project. The intersection of N.Travis and Holly has been opened, completed and reopened to traffic. The contractor is currently working on the pavement restoration and inlets. The contractor started work on July 22nd, 2019. The work is being performed by Wadecon, LLC out of Kingwood, Texas. The projected completion of this project is the end of December 2019.

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MONTHLY REPORT

BOWIE STREET PROJECT

SANITARY SEWER IMPROVEMENTS

FROM US 90 TO GRAND ST.

TEXAS PRIDE UTILITIES

Texas Pride has performed the CIPP sanitary sewer repair from M.L.K to Cos St.

Attachment: Public Works Construction Rpt Oct (4636 : Department Reports)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/12/19 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 4625)

DOC ID: 4625

Subject: SRMPA Report

Background: The Sam Rayburn Municipal Power Agency supplies the wholesale electrical energy needs of the member cities of Liberty, Jasper and Livingston. Mayor Pickett is the President of the Sam Rayburn Municipal Power Agency and desires to provide the Council and the public with updates on the Agency's projects and activities.

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9:30 a.m. Livingston, Texas August 20, 2019

The regular meeting of the Board of Directors of the Sam Rayburn Municipal Power Agency was held on the above date at the City of Livingston Administration Building with the following members present:

Carl Pickett	President
Clarke Evans	Vice President
Denise Kelley	Secretary
Judy Cochran	Director
Gary Gatlin	Director
Tom Warner	Director

Bill Wiggins of the City of Livingston, Jarod Taylor of Nowlin & Assoc., Inc., Lyman Wilkes and Chris Martin representing Casa Blanca Capital, LLC, and Bruce Mintz were also present.

1. Board President Carl Pickett presided over the meeting and called the meeting to order with a quorum present at 9:37 a.m.

2. Carl Pickett invited public comment and there was none.

3. The Board considered the minutes of the special meeting of June 25, 2019. A motion was made by Clarke Evans, seconded by Denise Kelley, to approve the minutes subject as presented. The motion passed with five (5) affirmative votes, Gary Gatlin abstaining.

4. The Board next considered the ratification of payment of the June 2019 payables. A motion to ratify the payment of the June 2019 payables was made by Denise Kelley, seconded by Gary Gatlin, and passed unanimously.

5. The Board next considered the July 2019 payables. Bruce Mintz presented one (1) additional payable, FedEx in the amount of $61.90. A motion was made by Tom Warner, seconded by Judy Cochran, to approve payment of the payables as presented. The motion passed unanimously.

6. Jarod Taylor of Nowlin & Assoc., Inc., presented the Engineer's Report.

7. At 9:53 a.m., the Board went into closed session discuss competitive matters pursuant to Texas Government Code §551.086. The Board returned into open session at 10:44 a.m. having taken no formal action.

8. The Board discussed the possible transfer of Agency substations to their respective cities subsequent to October 1, 2021. No formal action was taken.

9. Bruce Mintz presented a draft of the FY2020 operating budget. Mintz stated that, though data was still coming in, he hoped and believed that the Agency would be able to adopt its FY2020 without a rate increase to the member cities. The Board discussed the proposed budget but took no formal action.

10. The Board passed on item 9 of the agenda.

11. Bruce Mintz presented the Executive Director's update.

12. There being no further business before the Board, the meeting was adjourned at 11:46 a.m..

Attachment: SRMPA Minutes-Aug 2019 (4625 : SRMPA Report)

Carl Pickett, President

ATTEST: Denise Kelley
Denise Kelley, Secretary

Attachment: SRMPA Minutes-Aug 2019 (4625 : SRMPA Report)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/12/19 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 4626)

DOC ID: 4626

Subject: Department Reports

Background: Attached are reports compiled by various City departments regarding facts about projects, situations and activities of the individual department. These reports are submitted on a monthly basis.

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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 8, 2019 **6:00 PM** **City Council Chambers**

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

The meeting was called to order on October 8, 2019 at the City Council Chambers, 1829 Sam Houston Liberty, TX at 6:05 PM by Mayor Carl Pickett.

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Diane Huddleston	Mayor ProTem	Present	
Dennis Beasley	Council Member	Present	
Libby Simonson	Council Member	Present	
David Arnold	Council Member	Present	
Chipper Smith	Council Member	Present	
Neal Thornton	Council Member	Present	
Tom Warner	City Manager	Present	
Chris Jarmon	Asst. City Manager	Present	
Naomi Herrington	Asst. City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Brandon Davis	City Attorney	Present	

II. INVOCATION

The Invocation was given by Pastor Harry Laxton, Central Baptist Church, Liberty, Texas.

III. PLEDGE OF ALLEGIANCE

The Pledges to the American and Texas flags were given by Fire Chief Brian Hurst and Police Chief Gary Martin, 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

Minutes Acceptance: Minutes of Oct 8, 2019 6:00 PM (Minutes Approval)

individuals wishing to address the Council. There were no comments.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 4606)

City Manager's Report - City Mgr. T. Warner

COMMENTS - Current Meeting:

City Manager Tom Warner reported on various City projects and activities including, but not limited to:

- Recent storm and power outage
- Union Pacific in the design stages to replace the bridge over the Trinity River
- Contractor for the Hwy. 146 Sanitary Sewer Line Project is close to completion
- Main “B” Levee repairs rescheduled for the week of October 7, due to recent Tropical Storm Imelda
- Shred-It event scheduled for October 5
- Holly Street Drainage and Water Project is approximately 40% complete

ATTACHMENTS:

- City Manager's Report(DOCX)

B. Information Item (ID # 4607)

Finance Report - Asst. City Mgr./CFO - N. Herrington

COMMENTS - Current Meeting:

Asst. City Mgr. / CFO Naomi Herrington reported on the City's financials as of August 31, 2019. Ms. Herrington stated that revenues are at 108%, while expenditures are 105% of budgeted amounts. Property tax collections are above the budgeted amount, with sales tax collections at 90%. Ms. Herrington concluded by reporting that the current cash in bank is $1.75 million.

C. Information Item (ID # 4608)

Department Reports

COMMENTS - Current Meeting:

City Manager Tom Warner requested questions and concerns regarding the monthly reports. There were none.

ATTACHMENTS:

- Monthly Rpt - Fire Dept (XLS)
- Monthly Rpt-Inspection Dept. (XLSX)
- Monthly Rpt - Library Narrative (DOCX)
- Monthly Rpt - Library Stats (XLSX)
- Monthly Rpt -Library Volunteer (XLSX)
- Monthly Rpt - Police Dept (XLS)
- Monthly Report-Public Works (DOCX)
- Monthly Rpt - PW CONSTRUCTION (DOCX)

Minutes Acceptance: Minutes of Oct 8, 2019 6:00 PM (Minutes Approval)

D. Information Item (ID # 4609)

SRMPA Report - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency (SRMPA), reported that the Agency recently authorized a distribution of funds to each member city, in the amount of $4 million. The next SRMPA Meeting will be held on October 15 and a copy of the Agency's new budget was distributed for Council's review.

E. Information Item (ID # 4610)

Recycling Report - Council Member Huddleston

COMMENTS - Current Meeting:

City Manager Tom Warner reported on the success of the Shred Event, held on Saturday, October 5. Mr. Warner stated that more e-cycle materials were presented for recycling, than in prior events.

F. Information Item (ID # 4611)

Mayor, Council and Staff Commnents

COMMENTS - Current Meeting:

Mayor Pickett remarked upon the passing of former Street Department employee, Filmore Williams. Officer Chris Watson, Liberty Police Department, reported on the upcoming baseball game between the Liberty Fire and Police Departments.

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, Council Member
SECONDER:	Libby Simonson, Council Member
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Smith, Thornton

A. Minutes Approval

1. Tuesday, September 10, 2019

2. Tuesday, September 17, 2019

3. Tuesday, October 01, 2019

Minutes Acceptance: Minutes of Oct 8, 2019 6:00 PM (Minutes Approval)

VII. REGULAR AGENDA

A. Regular Session

1. Information Item (ID # 4612)

Discussion and review of recent Tropical Depression Imelda and related issues.

COMMENTS - Current Meeting:

City Manager Tom Warner reported on the September 19, Tropical Depression Imelda, the large amount of rain accumulated in a short period of time, and flooding issues caused by this storm.

Mr. Burl Kelton, Small Business Association, was present to explain the options available for assistance to those affected by the tropical depression.

Numerous residents from the Oak Forest Subdivision, and other areas, addressed Council regarding these flooding issues in their neighborhoods. Lengthy discussion of issues included drainage, pump processes, new road Woodsprings Drive, location of the neighborhood, buyouts, no-wake ordinance, and various additional topics.

2. Council Action 2019-93

Consider approval of a contract with the Liberty Independent School District for use of the Liberty Municipal Park Baseball Facilities.

COMMENTS - Current Meeting:

City Manager Tom Warner reported on a proposed contract with Liberty Independent School District (LISD) for use of baseball facilities at the Liberty Municipal Park. Mr. Warner reported that the school has previously used a baseball field on the south end of the Park for games, but no formal agreement has ever been executed. The school district intends to make improvements and pay the expenses for the proposed renovations. The contract also addresses maintenance, lights, insurance and other related items.

Motion was made to approve the contract.

ATTACHMENTS:

- Park Baseballl Facilities Contract (PDF)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Libby Simonson, Council Member
SECONDER:	David Arnold, Council Member
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Smith, Thornton

3. Council Action 2019-94

Consider award of proposal for City Hall Interior Repairs and Improvements.

COMMENTS - Current Meeting:

Mr. Warner reported to Council on various repairs and improvements to the City Hall Facility. Bids were let, with two responding bids submitted, in the amount of $129,191 and

Minutes Acceptance: Minutes of Oct 8, 2019 6:00 PM (Minutes Approval)

$114,900. After brief discussion of the project, budgeted and non-budgeted funds, a motion was made to award the bid to Myron McDowell Construction for $114,900.

ATTACHMENTS:

- Tabulation-City Hall Repairs (PDF)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Libby Simonson, Council Member
SECONDER:	Neal Thornton, Council Member
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Smith, Thornton

4. Council Action 2019-95

Consider award of proposal for Bank Depository Services for the City of Liberty and the Liberty Community Development Corporation.

COMMENTS - Current Meeting:

Finance Officer Naomi Herrington reported on four proposals submitted for Bank Depository Services for the City and the Liberty Community Development Corporation. After brief discussion of pledged securities held in collateral, and other related issues, Ms. Herrington stated the new contract will be effective November 1, 2019. Submitted proposals were received from Prosperity Bank, First Liberty National Bank, Wells Fargo and Texas First.

A motion was made to award the proposal for bank depository services to First Liberty National Bank.

ATTACHMENTS:

- Bank Depository Comparison (XLSX)

RESULT:	**APPROVED [5 TO 0]**
MOVER:	Libby Simonson, Council Member
SECONDER:	Dennis Beasley, Council Member
AYES:	Beasley, Simonson, Arnold, Smith, Thornton
ABSTAIN:	Carl Pickett, Diane Huddleston

5. Council Action 2019-96

Consider approval of an Interlocal Agreement with Liberty County for the acquisition of property located at 522 Garrett Street.

COMMENTS - Current Meeting:

Mr. Warner conveyed that Liberty County, LISD, and the City have an ownership interest in property at 522 Garrett Street. The County owns property adjacent to this location and would like full ownership in 522 Garrett Street. The County will pay LISD and the City the taxes owed on the property, $5,213.20 and $1,977.79, respectively. If approved, a quitclaim deed will be issued for the property.

A motion was made to approve the Interlocal Agreement with Liberty County for the property located at 522 Garrett Street.

ATTACHMENTS:

- Interlocal Agreement with Liberty County (DOCX)

Minutes Acceptance: Minutes of Oct 8, 2019 6:00 PM (Minutes Approval)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Libby Simonson, Council Member
SECONDER:	David Arnold, Council Member
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Smith, Thornton

6. Council Action 2019-91

Consider designating a Representative and Alternate to the Houston-Galveston Area Council 2020 General Assembly.

COMMENTS - Current Meeting:

A motion was made to designate Mayor Carl Pickett and Council Member Dennis Beasley as the representative and alternate, respectively, to the H-GAC 2020 General Assembly.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Libby Simonson, Council Member
SECONDER:	Diane Huddleston, Mayor ProTem
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Smith, Thornton

7. Council Action 2019-97

Consider award of proposal for development of a Master Plan for the Liberty Municipal Golf Course.

COMMENTS - Current Meeting:

Asst. City Manager Chris Jarmon spoke to proposals received for the development of a Master Plan at the Liberty Municipal Golf Course, a 2-3 month process. Mr. Jarmon stated six responses were received and those responses were reviewed and scored by a four-person committee. Jeff Blume was rated the highest of all the firms. After brief discussion, a motion was made to award the proposal to Jeff Blume.

ATTACHMENTS:

- Golf Course Master Plan - Tabulation (PDF)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Dennis Beasley, Council Member
SECONDER:	Diane Huddleston, Mayor ProTem
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Smith, Thornton

8. Ordinance (ID # 4620)

CONSIDER ADOPTION OF AN ORDINANCE GRANTING TO CENTERPOINT ENERGY RESOURCES CORP., DBA CENTERPOINT ENERGY TEXAS GAS OPERATIONS, THE RIGHT, PRIVILEGE AND FRANCHISE TO CONSTRUCT, INSTALL, EXTEND, REMOVE, REPLACE, ABANDON, OPERATE AND MAINTAIN ITS FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF LIBERTY, TEXAS FOR THE TRANSPORTATION, DELIVERY, SALE AND DISTRIBUTION OF NATURAL GAS; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Minutes Acceptance: Minutes of Oct 8, 2019 6:00 PM (Minutes Approval)

COMMENTS - Current Meeting:

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

"AN ORDINANCE GRANTING TO CENTERPOINT ENERGY RESOURCES CORP., DBA CENTERPOINT ENERGY TEXAS GAS OPERATIONS, THE RIGHT, PRIVILEGE AND FRANCHISE TO CONSTRUCT, INSTALL, EXTEND, REMOVE, REPLACE, ABANDON, OPERATE AND MAINTAIN ITS FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF LIBERTY, TEXAS FOR THE TRANSPORTATION, DELIVERY, SALE AND DISTRIBUTION OF NATURAL GAS; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE."

Following discussion of the ordinance and proposed changes, the document will be modified and brought before Council at a later date.

RESULT: NO ACTION TAKEN

9. Work Session (ID # 4619)

The City Council will conduct a Work Session to discuss off-street parking requirements.

COMMENTS - Current Meeting:

A work session was held regarding off-street parking, which will assist developers and builders by addressing the number of parking spaces required for commercial development. After brief discussion, consensus was that an ordinance will be prepared to address these issues for future use.

ATTACHMENTS:

- EXHIBIT A - Proposed Parking Ordinance (DOCX)

B. Executive Session

EXECUTIVE SESSION:

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

- Discussion of the City Manager's Evaluation.

Gov. Code §551.072 - Deliberation regarding real property.

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

Gov. Code §551.071 - Private Consultation with Attorney. To seek advice regarding contemplated/pending litigation.

- Humphreys Cultural Center
- Cities of Hardin and Ames Litigation

At 8:34 P.M., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 9:40 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2019-92

Minutes Acceptance: Minutes of Oct 8, 2019 6:00 PM (Minutes Approval)

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

COMMENTS - Current Meeting:

Mayor Pickett reported that the Council appreciated Mr. Warner's performance as City Manager, since August, 2018.

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 9:41 P.M.

.

_____
Carl Pickett, Mayor

ATTEST:

_____
Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Oct 8, 2019 6:00 PM (Minutes Approval)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/12/19 06:00 PM

Department: Administration
Category: Miscellaneous Issues

ORDINANCE (ID # 4632)

DOC ID: 4632 B

Department: Police

Subject: Wrecker Services

Background: The current City Code of Ordinances regulating automobile wrecking, salvage and storage yards does not address wrecker companies. The proposed ordinance amendment a includes local wrecker permit, compliance with Texas Department of Licensing and Regulation's (TLDR's) Towing Administrative Rules, local operation regulations and regulations relating to the Police Department's non-consent tow system. The ordinance also includes penalties for violation of any division of this ordinance.

Funding Source: N/A.

Staff Recommendation: Staff recommends amending Article 4.05 of the Code of Ordinances creating Divisions 4 and 5.

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, ARTICLE 4.05, CREATING DIVISIONS 4 AND 5 REGULATING WRECKER SERVICES WITHIN THE CITY; SETTING AN EFFECTIVE DATE; ESTABLISHING PENALTIES FOR VIOLATIONS; AND DISPENSING WITH SECTION 3.10 OF THE HOME RULE CHARTER THAT ORDINANCES BE READ ON TWO SEPARATE DAYS

WHEREAS, the City of Liberty understands the public necessity of regulating wreckers within the city limits; and

WHEREAS, the City Council of the City of Liberty, Texas, finds it to be in the public interest to create new regulations related to wrecker services.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

Section 1: Article 4.05 of the Code of Ordinances shall be amended adding divisions 4 and 5 to read as follows:

ARTICLE 4.05 WRECKING SERVICES, SALVAGE AND STORAGE YARDS, JUNKYARDS AND JUNK DEALERS

Division 4. Generally

Sec. 4.05.080 Definitions

Auto Wrecker. Means any automobile, truck or other motor vehicle used for the purpose of towing, carrying, pushing or otherwise transporting any motor vehicle or other object which has been wrecked or disabled in any manner. The term "auto wrecker" shall not include a service car or other motor vehicle not equipped with mechanical devices for transporting wrecked or disabled vehicles or objects. If any vehicle, although not equipped with devices primarily used for towing wrecked or disabled vehicles, is actually used for such purposes through means of ropes, chains or otherwise, the same shall be considered an "auto wrecker."

Owner. Means any person engaged for hire in the business of towing, carrying, pushing or otherwise transporting any motor vehicle or other object with an auto wrecker, whether such person owns title to the auto wrecker or engages in such business under some contractual or other arrangement.

Person. Means a natural person, a corporation, a general or limited partnership or any other entity recognized in law.

Wrecker Driver. Means any person who operates any auto wrecker on the public streets or highways of the City of Liberty, either for himself or in the employment or under contract for another person.

Sec 4.05.081 Unlawful to Operate Wrecker Without Wrecker Permit

(a) It shall be unlawful for an owner to drive or operate or cause to be driven or operated by a wrecker driver any auto wrecker upon any public street or highway in the city for the purpose of towing or hauling wrecked or disabled vehicles or other objects without first having obtained a wrecker permit from the city. In addition to the City's permit, all auto wreckers operating within the City of Liberty must abide by the TDLR's Towing Administrative Rules. It shall be unlawful for a wrecker driver to operate an auto wrecker not permitted under this article or that is not in compliance with the TDLR's Towing Administrative Rules. This article shall apply only to auto wreckers that originate their tow of a motor vehicle or other object within the corporate limits of the city or when the tow call is originated through the City of Liberty's Police Department.

(b) In a situation where an auto wrecker bears multiple company names, the chief of police shall examine the auto wrecker's registration, insurance, subcontract agreement documents, if any, and the Texas Secretary of State's listing for businesses licensed to do business in the state. This examination shall determine the name of the principal company operating said auto wrecker. In turn, this is the name that will be reflected on the City's auto wrecker permit and the name that will be placed in the City's police department's rotation list.

(c) No single auto wrecker company shall be allowed to hold more than one (1) city wrecker permit and no permit shall be issued to any owner, operator or subcontractor whose auto wrecker unit does not bear the true and correct identification of said auto wrecker or who fails to comply with the requirements of this article, as determined by the City of Liberty's Chief of Police.

Sec. 4.05.082 Application Regulations

All applications for wrecker permits shall be completed by the owner and shall state the following in the application:

(1) The name and address of the owner of the auto wrecker, and the name of the business.

(2) The number of auto wreckers the owner desires to operate, listing the make, model, motor number and correct state license number of each auto wrecker.

(3) The true ownership of each auto wrecker, and if not owned by the applicant, the name and address of the true owner shall be given. If the auto wrecker is operated under the terms of a contract with some other person, a copy of the contract shall also be attached.

(4) A statement that the applicant will obey the provisions of this article, and, that upon failure to do so, this permit may be revoked by the Chief of Police following investigation, notice and hearing.

(5) The location of the storage facility where all damaged, inoperative and abandoned vehicles will be taken for safe keeping by the applicant. A statement that the storage facility is enclosed, lighted or guarded in such manner as to provide a secure premise for the storage of damaged, inoperative or abandoned vehicles, and provides proof of coverage by insurance of such storage facility as provided in this ordinance.

(6) Proof of insurance coverage that meets or exceeds TDLR requirements.

(7) The application shall state the names, driver's license numbers, addresses and telephone numbers of those persons who will operate the applicant's auto wreckers and have access to the storage area used by the applicant.

(8) A statement of applicant's fees for towing and storage.

(9) The Chief of the Liberty Police Department, or his duly authorized deputy or assistant, shall inspect each auto wrecker to be operated within the corporate limits of the city and determine that the auto wrecker complies with the following:

a. The auto wrecker must meet all TDLR requirements, as adopted.

(10) The permit fee for each auto wrecker shall be as provided for by the city council and shall be paid before a permit is issued. Permits are valid for four (4) years after issuance, unless revoked earlier by the Chief of Police.

(11) A permit shall be carried on each auto wrecker and shall be shown upon demand to police officers of the City of Liberty.

(12) The permit shall be issued by the City after compliance with all provisions hereof, including approval of the Liberty Police Chief. All permits are non-transferable.

Sec. 4.05.083 Wrecker Responsible for Disposing of Debris at Work Site

Each auto wrecker called to the scene of an accident or vehicle removal shall completely remove from the street or highway all resulting wreckage and debris, including broken glass, before leaving the site, and shall properly dispose of such debris and wreckage.

Sec. 4.05.084 Notice to Police Department Required

No wrecked, damaged or inoperative motor vehicle or other object shall be removed from the scene by an auto wrecker without giving prior notification to the City of Liberty's Police Department.

Sec. 4.05.085 Suspension of Auto Wrecker Permit

The City of Liberty's Police Chief may suspend or revoke an auto wrecker's permit for violations of this ordinance. Any person whose permit has been suspended or revoked may file an appeal to the City Manager. The City Manager's decision on an appeal shall be final.

4.05.086 Soliciting at Accident Scenes by Wreckers Prohibited

At no time shall a wrecker company be on a collision or accident scene unless they have been called by the police department or are rendering emergency aid to victims. Soliciting of accident victims at the scene of a collision or accident by wrecker companies is strictly prohibited.

Sec. 4.05.087 - 4.05.100 Reserved

Division 5. Non-Consent Tows

Sec. 4.05.101 Non-Consent Tow System

(a) The Liberty Police Department's approved wrecker call-out list, hereafter referred to as the non-consent tow system, is approved for the purpose of establishing a fair and equitable wrecker selection process for vehicles needing non-consent tows. The police department shall maintain a non-consent call-out list of approved wrecker services which are permitted to respond, when contacted, to police-initiated calls for assistance by police department personnel.

(b) The non-consent tow system is subject to the governance of the Liberty Police Department. Participation by wrecker companies and related businesses are considered to be a privilege and not a right. All owners, drivers, employees or anyone acting on behalf of member companies must comply with all local, state, and federal laws. The Chief of Police, or his designee, may select permitted wrecker companies to be included on the non-consent tow list and may determine the number of wrecker companies appropriate for the City to maintain on the non-consent call-out list. All wrecker companies chosen to be on the non-consent tow list shall be required to sign contracts with the City of Liberty regarding non-consent tows. Wrecker companies may appeal the Chief of Police's decision regarding their addition to the non-consent tow list to the City Manager in writing. The City Manager's decision shall be final.

(c) Wrecker companies on the non-consent tow list must store all non-owner consent towed vehicles in a Texas Department of Transportation licensed storage facility in accordance with Texas law. This storage facility must be located within the City of Liberty's city limits. In the event that none of the towing companies on the non-consent tow list are capable of towing a certain vehicle, the Liberty Police Department may contact a wrecker company located outside the Liberty city limits. In these special circumstances, said wrecker company does not have to have a storage facility located within the Liberty city limits.

Sec. 4.05.102 Operation of Non-Consent Tow System

(a) **Wreckers Designated by Rotation Schedule.** When a police officer determines that any vehicle which has been involved in a collision or accident, or is otherwise disabled or abandoned upon a public street, and is unable to proceed safely under its own power, or the owner or operator of the vehicle is unable, unwilling or unavailable to designate the wrecker company that such owner or operator desires to remove the vehicle, or where circumstances justify, in the judgment and discretion of the police officer, due to the immediate need to address traffic safety and control, the police officer shall instruct the police dispatcher to call the permitted wrecker company from the non-consent tow list that is next on the schedule.

(b) **Wreckers Designated by Owner or Operator.** When a police officer determines that any vehicle which has been involved in a collision or accident, or is otherwise disabled upon a public street and is unable to proceed safely under its own power, or when the owner or operator of the vehicle is physically unable to drive such vehicle, the officer shall request the owner or operator to designate the permitted wrecker company that such owner or operator desires to remove the vehicle. When the owner or operator of the vehicle has designated a desired wrecker company, the police officer shall communicate that fact immediately to the police dispatcher, and the dispatcher shall call the designated wrecker company provided the designated wrecker company holds a valid permit to operate within the City.

(d) Failure of Called Auto Wrecker to Respond. If a wrecker company, whether designated by the owner or operator of the vehicle or designated from the rotation schedule established above, fails to respond within fifteen (15) minutes, the police officer may request the dispatcher to call the next permitted wrecker service on the non-consent tow rotation schedule. At no time will a wrecker company or its employees come to a police department scene when they are not requested by the officer(s) on scene or the Liberty Police Department's dispatcher.

In the event that the wrecker company that is next "up" on the wrecker service call-out list, and has been contacted by the Liberty Police Department's dispatcher, does not answer, refused or is unable to respond to the scene, that wrecker company will at that time be moved to the bottom of the non-consent tow list by dispatch.

If any wrecker company refuses twice in one month to come to a scene, if requested by LPD dispatch, and has no legitimate reason for the refusal, that company will be disciplined under the guidelines as set forth in this ordinance.

(e) Emergency Use of Unpermitted Wreckers. The Police Chief or his designee may exercise discretion to call unpermitted wreckers when traffic safety and control requires it, or specialized or heavy-duty wrecker service is required and not available on the permitted wrecker rotation schedule.

(f) Rates and Allowable Fees for Wrecker Services Coming Through the Police Department's Rotation List. The rates and fees charged by Wrecker Services on calls coming through the Police Department's non-consent tow rotation schedule shall abide by the fees set forth in the City's Master Fee Schedule. Rates and fees for wrecker services involving super-sized wrecker equipment and commercial trucks (18-wheel rigs) are exempted from this section. Accordingly, services for this type of haul will be subject to market charges as dictated by the wrecker service provider.

Sec. 4.05.103 Storage Facility for Towed Vehicles

(a) Insurance. A storage facility shall not be used for towed, wrecked or disabled vehicles picked up via the non-consent tow list unless the operator of such facility has garage keeper's legal liability insurance, as required by the administrative rules of the Texas Department of Licensing and Regulation, to cover motor vehicles or other objects towed, carried or transported and stored at such facility for damage due to fire, explosion, theft, vandalism and collision. A certificate of insurance coverage by such storage operator shall be provided by each applicant for an auto wrecker permit under this ordinance.

(b) All storage facilities for wrecker companies on the non-consent tow list shall conform to the rules set forth in division three (3) of this ordinance related to automobile wrecking, salvage, and storage yards.

(c) Heavy haul services are exempt from storage facility requirements.

(d) All towed vehicle storage facilities must comply with TDLR rules and regulations.

Sec. 4.05.104 Requirements

All wrecker companies on the non-consent tow list must conform to the following laws, rules, regulations, and ethical procedures.

(a) Wrecker operators are required to remove debris from the roadway as specified by Texas law.

(b) Liability insurance requirements shall be complied with, and only those vehicles covered by proof of financial responsibility shall be utilized.

(c) Solicitation will not be permitted on the scene once an officer arrives or a wrecker call is broadcast by the police department dispatch.

(d) Wrecker operators will obtain a copy of the officer's property inventory form prior to the vehicle's removal from the scene.

(e) No person may officially act on his company's behalf at a scene, unless he has an available wrecker already on the scene and the on-scene wrecker is capable of removing the vehicle.

(f) Use of alcohol and/or drugs by an operator at a scene is strictly prohibited.

(g) Responding wreckers shall be equipped with the following: dolly, broom, shovel, pry bar, flares, and fire extinguishers.

(h) Wreckers designated to pick up a vehicle will be responsible for securing any additional assistance they need to execute the tow.

(i) Business cards may contain any information but must contain the name, address of the business, storage lot location and a 24-hour telephone number.

(j) Employees/Representatives or wrecker companies shall not record crime/accident scenes by video, still photography or any other means unless specifically authorized by a police department supervisor on the scene.

(k) Towing companies will not address their complaints to dispatchers or officers by phone or in person at any time. Complaints regarding the department's actions or another towing company's actions will be addressed, in writing, to the Chief of Police's designated representative. In addition, all written complaints received will also be forwarded to the Texas Department of Licensing and Regulation.

(l) Towing companies will not request wrecker logs or any other documents directly from dispatch or any employee. The department will provide wrecker logs to towing companies only after receiving a written request under the Texas Public Information Act.

(m) While on a scene towing company employees will work together to resolve the scene. Any unprofessional conduct, displays of temper, arguing, or harassment will not be tolerated.

Sec. 4.05.105 Removal from non-consent tow list

The Chief of Police is empowered to suspend or remove any wrecker company or driver from the non-consent tow list for violations of any terms of this ordinance or any agreement between the wrecker company and the City. This determination may be appealed to the City Manager. The City Manager's decision is final. Reasons for removal from the non-consent tow list shall include, but not be limited to the following:

(a) Charging excessive fees and fees that are not allowed by the wrecker system cooperative agreement.

(b) Illegal operation.

(c) Improper handling or entrusted property.

(d) Refusing to provide services after responding to a call.

(e) Willful misconduct at a scene where wrecker services are required.

(f) Any apparent use of alcohol and/or drugs by wrecker service personnel present at a scene.

(g) Failure to provide the proper security at the storage facility.

(h) Arriving, being present, or being within 300 feet of a police department scene when not requested to be there by LPD dispatch.

(i) Any violations of this ordinance.

(j) Making any misrepresentations to the Liberty Police Department or any City of Liberty official or employee.

(k) Any other reasons considered by the Chief of Police and/or the City Manager to be grounds for removal.

Sec. 4.05.106 Penalties.

Any violation of any division of this ordinance shall be considered a class "c" misdemeanor and citations can be issued for each day that said offense exists.

Section 2: That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two days is hereby dispensed with.

Section 3: This Ordinance shall be in full force and effect after its passage and once it has been published in the newspaper as required by Texas law.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of

Liberty, this ____ day of _____, 2019.

_____
Carl Pickett, Mayor

ATTEST:

_____
Dianne Tidwell, City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/12/19 06:00 PM

Department: Administration
Category: Miscellaneous Issues

ORDINANCE (ID # 4633)

DOC ID: 4633 C

Department: Permits & Inspections

Subject: Off-Street Parking

Background: The City's Code of Ordinances does not currently provide any guidance on the number of off-street parking spaces required for new commercial developments. The International Building Code also does not provide any guidance on this topic. However, both brokers and architects have contacted the City asking for information about off-street parking requirements.

On October 8, 2019, the City Council held a work session to review and discussed a proposed off-street parking ordinance.

The proposed ordinance will assist developers and builders by providing guidance on the number of off-street parking spaces required for commercial development.

The proposed ordinance is attached for your review.

Funding Source: n/a

Staff Recommendation: Approval of the ordinance

AN ORDINANCE CREATING CHAPTER 3.12 OF THE CODE OF ORDINANCES, REGULATING PARKING WITHIN THE CITY; 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.

WHEREAS, THE City Council recognizes the importance of having adequate off-street parking; and

WHEREAS, the City Council of the City of Liberty, Texas, finds it to be in the public interest to regulate parking within the City of Liberty.

AN ORDINANCE CREATING CHAPTER 3.12 OF THE CODE OF ORDINANCES, REGULATING PARKING WITHIN THE CITY; 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.

WHEREAS, THE City Council recognizes the importance of having adequate off-street parking; and

WHEREAS, the City Council of the City of Liberty, Texas, finds it to be in the public interest to regulate parking within the City of Liberty.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

Section 1: Section 3.12 of the Code of Ordinances of the City of Liberty is created to read as follows:

Section 3.12.001 General Requirements

a) At the time any building, use, or structure is erected, enlarged, structurally altered, or converted from one use to another which requires an increase in the number of parking spaces, off-street parking spaces shall be provided in accordance with these regulations for the use of occupants, employees, visitors and patrons. Where off-street parking facilities are provided in excess of the minimum amounts specified by this article, or when off-street parking facilities are provided but not required, said off-street parking facilities shall comply with the minimum requirements for parking and maneuvering space as specified in this article.

b) Off-street parking facilities shall be maintained and continued as long as the building, use or structure is continued. No person shall utilize such building, use or structure without providing the required off-street parking facilities. In addition, it shall be unlawful to discontinue or dispense with, or cause the discontinuation or reduction of, the required parking facilities apart from the discontinuation of the building, use or structure, without establishing alternative off-street parking facilities, which meet these requirements.

c) The number of off-street parking spaces for each use shall be determined by section 3.12.003.

d) The building official shall not issue a building permit for any structure that does not conform to these parking requirements. Any variation to these standards must be approved by the Planning and Zoning Commission.

3.12.002 Minimum Parking Space Requirements

COMMERCIAL & CIVIC	
Bowling Alley	Five (5) parking spaces per lane
Churches	1 parking space per 4 seats in auditorium or sanctuary
Medical or dental clinic, doctor's office, retail or personal service	1 parking space per 200 square feet of floor area
Hospitals	1 parking space per 2 beds
Hotel or Motel	1 parking space per room, unit, or guest accommodation
Manufacturing, storage, processing, repairing	1 parking space per 1,000 square feet of

or warehousing	floor area
Business, professional or governmental offices	1 parking space per 300 square feet of floor area
Mortuary or funeral home	1 parking space for every two persons to be normally accommodated in services
Elementary and Middle Schools	1 parking space per classroom
High Schools, colleges or universities	3 parking spaces per classroom
Restaurant or cafeteria	1 parking space for every four (4) seats under maximum seating arrangements
Country club or golf course	4 parking spaces per hole
Theaters, Stadiums or gymnasium	1 parking space for every three (3) seats
Motor vehicle sales room or car lot	1 parking space for every 500 square feet of sales floor area (3 parking space minimum)
Library or museum	1 parking space for every 400 square feet
All other commercial uses not listed	1 parking space for every 250 square feet
RESIDENTIAL	
Duplex, Triplex, Fourplex, Townhomes and Multi-family	2 parking spaces per dwelling unit (must be hard surface parking)

3.12.003 Minimum dimensions for off-street parking

Angle of Parking (Degrees)	Width of Stall	Depth of Stall 90° to Aisle	Width of Aisle (One-Way)	Width of Stall Parallel to Aisle	Width of Stall Parallel to Aisle	Width for 2 Rows and Aisle (One-Way)
30	9.0	16.5	12.0	22.0	18.0	45.0
30	9.5	17.2	12.0	22.0	19.0	46.4
30	10.0	17.7	12.0	22.0	20.0	47.4
45	9.0	19.0	12.0	22.0	12.7	50.0
45	9.5	19.5	12.0	22.0	13.4	51.0
45	10.0	19.8	12.0	22.0	14.1	51.6
60	9.0	20.0	16.0	24.0	10.4	56.0
60	9.5	20.3	16.0	24.0	11.0	56.6
60	10.0	20.6	16.0	24.0	11.5	57.2
90	9.0	18.0	24.0	24.0	9.0	60.0
90	9.5	18.0	24.0	24.0	9.5	60.0
90	10.0	18.0	24.0	24.0	10.0	60.0

Minimum stall widths shall be nine (9) feet. The dimensions of up to twenty (20) percent of the

total number of off-street parking spaces may be reduced to eight (8) feet in width and sixteen (16) feet in depth to accommodate compact automobiles.

3.12.004 Parking Spaces for Disabled Persons

a) Access to buildings for individuals with disabilities shall be provided from rights-of-way and parking areas in accordance with the Americans with Disabilities Act, Accessibility Guidelines for Buildings and Facilities as the same may be amended from time to time. Curb cuts shall typically have a gradient of not more than one (1) foot in twelve (12) feet and a width of not less than four (4) feet. Such access shall be cleared of all obstructions related to construction activity prior to the opening of the building to the general public.

b) A parking lot servicing each entrance pathway shall have the number of level parking spaces as set forth in the following table, identified by signs. Such parking spaces and signs shall conform to the rules promulgated by the state purchasing and general services commission under subsection (c) of section 7.05 of the state Purchasing and General Services Act (chapter 2151 Government Code) and be in accordance with the Americans with Disabilities Act, Accessibility Guidelines for Buildings and Facilities, as the same may be amended from time to time, relating to the identification and the dimensions of parking spaces for the disabled. Such parking spaces shall typically be a minimum of twelve (12) feet in width. The Building Official shall maintain a copy of the above-mentioned guidelines.

Total Spaces	Required Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 to more	20 plus 1 for each 100 over 1,000

c) Parking spaces for the physically disabled shall be located so that such persons may reasonably wheel or walk to reach entrance ramps, walkways and elevators. All parking lot plans submitted for city review shall clearly designate the intended access routes for individuals with disabilities.

Section 2: That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two days is hereby dispensed with.

Section 3: This Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Liberty, this _____ day of _____, 2019.

_____
Carl Pickett, Mayor

ATTEST:

_____
Dianne Tidwell, City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/12/19 06:00 PM
Department: Administration
Category: Permits

ORDINANCE (ID # 4634)

DOC ID: 4634

Department: Inspections and Police

Subject: Master Fee Schedule Amendment

Background: The proposed amendments establish a fee for sign permits and clarifies when single-trade permits are required. This amendment also sets application fees and non-consent towing fees.

The proposed amendments are attached for your review.

Funding Source: n/a

Staff Recommendation: Approval of the Master Fee Schedule Amendment

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS PROVIDING FOR THE AMENDMENT OF THE MASTER FEE SCHEDULE FOR ALL RATES AND FEES CHARGED BY THE CITY OF LIBERTY; PROVIDING FOR THE ESTABLISHMENT OF WRECKER PERMITS AND NON-CONSENT WRECKER TOW FEES AND CLARIFICATION OF RESIDENTIAL BUILDING PERMIT FEES AND SIGN PERMIT FEES; PROVIDING THAT ALL RATES OR SCHEDULES OF RATES CONFLICTING HEREWITH ARE AMENDED; PROVIDING FOR 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.

WHEREAS, the City previously adopted a Master Fee Schedule which sets forth all rates and fees charged by the City of Liberty; and

WHEREAS, the City Council finds it more efficient to have the City's fees set in one Ordinance, which can be amended as necessary by Ordinance; and

WHEREAS, the attached "Exhibit A" represents the rates and fees to be charged by the City, providing for wrecker permit and non-consent wrecker tow fees and clarification of the residential building permit fees and sign permit fees.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

Section 1.

That all rates or schedules of rates which are in conflict herewith are to the extent of such conflict only, expressly amended, changed and repealed.

Section 2.

That the fee schedule attached hereto as "Exhibit A" amends the previous Master Fee Schedule to include the new rates shown in "Exhibit A" providing for wrecker permit and non-consent wrecker tow fees and clarification of the residential building permit fees and sign permit fees and is hereby adopted as fully set forth herein.

Section 3.

That the Ordinance containing all current rates and fees charged by the City of Liberty shall take effect November 13, 2019.

Section 4.

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two separate days is hereby dispensed with.

PASSED AND ADOPTED this the 12th day of November 2019.

_____

Carl Pickett, Mayor

ATTEST:

_____

Dianne Tidwell, City Secretary

EXHIBIT "A"

Wrecker Permit Application Fee (non-refundable): **$100.00**

Police Department Initiated Tows

Tow Company Annual Fee: $ 50.00

The following rates and fees will be in effect for pulls that originate by and through the City of Liberty's Police Department rotation list. No charges other than those specifically shown below will be allowed. In the event of a conflict between City ordinance and State law regarding fees charged, state law shall prevail.

1. Custody Arrest
   a. $175.00 Tow Fee
   b. $20.00 per day Impound yard fee for vehicles less than 25 feet in length
   c. $35.00 per day Impound yard fee for vehicles longer than 25 feet in length
2. Accident Rate
   a. $225.00 Tow Fee (plus)
   b. $3.50 Per loaded mile not to exceed 20 miles
   c. $50.00 Per hour standby and clean up fee/after 1st hour
   d. $20.00 Per day impound yard fee if applicable
   e. $75.00 Additional charge for rollover
   f. $50.00 Additional charge for broken drive shaft
   g. $100.00 Additional charge for dolly
   h. $100.00 Additional charge for extra truck
3. No fee may be charged for moving a vehicle within the storage lot facility.
4. No fee shall be charged for a vehicle "hooked" up to, but not removed from the scene, if a police officer directs that the vehicle be released by the wrecker for whatever reasons.

Permit and Inspection Department

Residential Building Permit Fees		
Residential Lawn Sprinkler	$110.00	Residential is considered Single-Family, Townhome, Duplex, and Triplex
Residential Swimming Pools	In-Ground: $190.00 Above Ground: $110.00	
Residential Re-roof	$75.00	Residential is considered Single-Family, Townhome, Duplex, and

Attachment: Ord - MFS Exhibit-Wrecker and Bldge Permit Fees (4634 : Ord - MFS-Permits and Wreckers)

		Triplex
Window Replacement	$20.00 per window	
Standby Generator Installation (residential)	$50.00	Residential Electrical and Plumbing single-trade permits are also required
Driveway Permit	Residential - $75.00	Includes inspections. See detail sheet for construction standards
~~Cell Tower Permit~~ (Move to Commercial Building Permit Fees)	~~$150.00~~	Includes Inspections
Plat Filing Fees	Preliminary Plat - $25.00 Final Plat - $100.00 Courthouse Filing Fee - $50.00	
Permit Fee for moving a House/Building/Structure	$50.00	
Demolition Permit	$0.00	Demolition permits are issued at no charge
New construction - Single-Family, Townhome, Duplex, and Triplex	$0.43 per square foot	Per square foot of all floor area under roof. Includes plan review, 1 driveway access, and certificate of occupancy. New construction MEP are separate permits.
Residential Additions (any enclosed square footage)	$0.43 per square foot (minimum fee of $235.00)	Per square foot of all floor area under roof. Single-trade permits may be required.
Residential Alterations, Garages (residential detached), and Fire Repair	$0.28 per square foot (minimum fee of $112.00)	Single-trade permits may be required.
Multi-Family (4 or more units)	Permit - $405 per unit Garages - $62.00 per vehicle section Carports - $31.00 per vehicle section	Each clubhouse, office, laundry, etc. shall be counted as one unit. Each unit requires a separate residential MEP single-trade permit.
New Residential Construction - Electrical	$0.032 per square foot	Per square foot of all floor area under roof
New Residential Construction - Mechanical	$0.032 per square foot	Per square foot of all floor area under roof
New Residential Construction - Plumbing	$0.032 per square foot	Per square foot of all floor area under roof
Single Trade Fees - Residential		
Residential Electrical Single Trade – Temporary Service	$45.00	Each Multi-family unit is considered a separate permit

Attachment: Ord - MFS Exhibit-Wrecker and Bldge Permit Fees (4634 : Ord - MFS-Permits and Wreckers)

Poles, Manufactured Home Service, Service Changes, etc.		
Residential Plumbing Single Trade – Water, Sewer, Gas Service Line, Water Heaters and Similar Plumbing Work	$45.00	Each Multi-family unit is considered a separate permit
Residential Mechanical Single Trade – Heating, A/C Installations of Replacements and Related Work	$45.00	Each Multi-family unit is considered a separate permit
Commercial Building Permit Fees		
Building Area (square feet) 1. 0 – 10,000 2. 10,001 – 50,000 3. 50,001 – 100,000 4. 100,001 – 300,000 5. 300,001 and over	Permit Fee 1. $260 + $0.28 per square foot 2. $645 + $0.25 per square foot 3. $1,940 + $0.22 per square foot 4. $3,220 + $0.21 per square foot 5. $7,110 + $0.20 per square foot	
Shell Buildings (includes parking garages and modular	$0.20 per square foot	
Interior finish, repairs, or remodel	$0.20 per square foot	Certificate of occupancy included, if required
Commercial swimming pool	$320.00	Sewer P-trap, gas line, pool equipment electrical included
Certificate of Occupancy (Commercial)	$100.00	
Re-Inspections	$50.00	
Re-roofing and roofing overlay	Commercial and multi-family - $125.00	Fee is per structure or building
Commercial Parking Lots	1. Resurface/Overlay - $0.00 2. New Parking Lot - $150.00	
Driveway Permit	Commercial - $150.00	Includes inspections. See detail sheet for construction standards
After-hours inspection	$100.00 per hour	Two (2) hour minimum
Irrigation system	1. Commercial and multi-family - $160.00	
Standby Generator Installation (Commercial)	$125.00	Commercial Electrical and Plumbing single-trade permits are also required
	All costs related to Third Party	

Attachment: Ord - MFS Exhibit-Wrecker and Bldge Permit Fees (4634 : Ord - MFS-Permits and Wreckers)

Third Party Plan Review	Plan Review will be paid by the applicant or contractor	
Sign Permit	Temporary Sign - $25 Permanent Sign - $100	Fee is per sign
Cell Tower Permit	$150.00	Includes inspections
Single Trade Fees - Commercial		
Electrical Single Trade – temporary service poles, mobile home service, utility releases, clean and shows, service changes	$75.00	Each multi-family unit is considered a separate permit
Plumbing Single Trade – water, sewer, gas service line replacements, water heaters, and similar plumbing work	$75.00	Each multi-family unit is considered a separate permit
Mechanical Single Trade – heating, air conditioning, installations or replacements and related work	$75.00	Each multi-family unit is considered a separate permit

Attachment: Ord - MFS Exhibit-Wrecker and Bldge Permit Fees (4634 : Ord - MFS-Permits and Wreckers)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/12/19 06:00 PM

Department: Administration
Category: CAD Voting Entitlement

RESOLUTION (ID # 4627)

DOC ID: 4627 C

Subject: CAD Board of Directors-Voting Entitlement

Background: On September 10, 2019 the City Council nominated Mr. John Hebert, Jr. for a position on the CAD Board of Directors. The CAD now requests that each taxing entity cast its votes for one candidate or distribute its votes among any number of the candidates. Texas Tax Code Sec 6.03(d) addresses the formula for how the taxing units voting entitlement is determined. The City of Liberty has 160 votes.

Current Board Members are: Bobby Coats, Mark Sjolander, John Hebert, Jr., Billy Yarbrough, Josh Day.

A RESOLUTION OF THE CITY OF LIBERTY, TEXAS CASTING ITS' VOTING ENTITLEMENT FOR THE POSITION OF DIRECTOR ON THE LIBERTY COUNTY CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS.

Whereas, the City of Liberty is a voting taxing unit in the Liberty County Central Appraisal District; and

Whereas, it is the intent of this voting Taxing Unit to cast its votes for the position of Director of the Liberty County Central Appraisal District Board;

NOW, THEREFORE, BE IT RESOLVED that the City of Liberty casts its votes as follows:

Nominees	**Votes**
Bobby Coats	_____
Josh Day	_____
John Hebert, Jr.	_____
Mike Penry	_____
Mark Sjolander	_____
Craig Russell	_____

PASSED AND APPROVED this the 12th day of December, 2019.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

LIBERTY COUNTY CENTRAL APPRAISAL DISTRICT
P.O. BOX 10016/2030 SAM HOUSTON, LIBERTY, TEXAS 77575
(936) 336-5722 FAX (936) 336-8390

DATE: October 16, 2019

TO: City of Liberty

FROM: Liberty County Central Appraisal District

RE: Board of Directors Election- Term 2020-2021

VOTING ENTITLEMENT 160

Attached please find a copy of the official ballot in resolution form with nominees listed in alphabetical order.

You must cast your votes for one candidate or distribute the votes among any number of candidates, but you must cast your votes for persons nominated on the ballot. There is no provision for write-in votes.

Please return your ballot and resolution by the statutory deadline of December 15, 2019, to:

Liberty County Central Appraisal District
Attn: Lana McCarty, Chief Administrator
P.O. Box 10016
Liberty, Texas 77575

Votes received after the statutory deadline will not be counted.

Should you have any questions concerning this election, please feel free to contact me.

Sincerely,

Lana McCarty RPA,RTA,CTA
Chief Administrator

Attachment: CAD Info- Board of Directors Voting Entitlement (4627 : CAD Board of Directors-Voting Entitlement)

TIMETABLE FOR ELECTION OF BOARD OF DIRECTORS
LIBERTY COUNTY CENTRAL APPRAISAL DISTRICT

September 30, 2019 -Chief Appraiser must notify each taxing unit of the number of votes it may cast and deliver to the following:

- County Judge and each Commissioner
- Mayor and City Manager of each city
- School Board President and Superintendent for each school

October 15, 2019 -Each of these voting taxing units nominates by Resolution, one candidate for each of the five (5) positions and submits their nominations to the Chief Administrator.

October 30, 2019 -The Chief Administrator prepares a ballot listing the candidates alphabetically and delivers ballot to each voting taxing unit.

December 15, 2019 -Each voting unit casts its vote by written resolution and submits it to the Chief Administrator by this date.

December 31, 2019 -Chief Administrator must count votes, declare winners and notify all taxing units of results by this date.

January 1, 2020 -Directors begin their two-year term of office.

NOTE: If any of the above deadlines fall on a holiday or weekend, the deadline will be the next working day.

Attachment: CAD Info- Board of Directors Voting Entitlement (4627 : CAD Board of Directors-Voting Entitlement)

RESOLUTION

Whereas, _____ is a voting taxing unit in the Liberty County Central Appraisal District; and

Whereas, it is the intent of this voting Taxing Unit to cast its votes for the position of Director of the Liberty County Central Appraisal District Board;

Therefore, be it resolved, that the _____ cast its votes as follows:

Nominees	**Votes**
Bobby Coats	_____
Josh Day	_____
John Hebert Jr.	_____
Mike Penry	_____
Mark Sjolander	_____
Craig Russell	_____

NOTE: Return ballot and resolution to Chief Administrator by December 15, 2019.

Approved this the _____ day of _____, 2019.

_____

_____
TITLE

ATTEST:

_____

_____
TITLE

Attachment: CAD Info- Board of Directors Voting Entitlement (4627 : CAD Board of Directors-Voting Entitlement)

Sec. 6.03. BOARD OF DIRECTORS. (a) The appraisal district is governed by a board of directors. Five directors are appointed by the taxing units that participate in the district as provided by this section. If the county assessor-collector is not appointed to the board, the county assessor-collector serves as a nonvoting director. The county assessor-collector is ineligible to serve if the board enters into a contract under Section 6.05(b) or if the commissioners court of the county enters into a contract under Section 6.24(b). To be eligible to serve on the board of directors, an individual other than a county assessor-collector serving as a nonvoting director must be a resident of the district and must have resided in the district for at least two years immediately preceding the date the individual takes office. An individual who is otherwise eligible to serve on the board is not ineligible because of membership on the governing body of a taxing unit. An employee of a taxing unit that participates in the district is not eligible to serve on the board unless the individual is also a member of the governing body or an elected official of a taxing unit that participates in the district.

(b) Members of the board of directors other than a county assessor-collector serving as a nonvoting director serve two-year terms beginning on January 1 of even-numbered years.

(c) Members of the board of directors other than a county assessor-collector serving as a nonvoting director are appointed by vote of the governing bodies of the incorporated cities and towns, the school districts, the junior college districts, and, if entitled to vote, the conservation and reclamation districts that participate in the district and of the county. A governing body may cast all its votes for one candidate or distribute them among candidates for any number of directorships. Conservation and reclamation districts are not entitled to vote unless at least one conservation and reclamation district in the district delivers to the chief appraiser a written request to nominate and vote on the board of directors by June 1 of each odd-numbered year. On receipt of a request, the chief appraiser shall certify a list by June 15 of all eligible conservation and reclamation districts that are imposing taxes and that participate in the district.

(d) The voting entitlement of a taxing unit that is entitled to vote for directors is determined by dividing the total dollar amount of property taxes imposed in the district by the taxing unit for the preceding tax year by the sum of the total dollar amount of property taxes imposed in the district for that year by each taxing unit that is entitled to vote, by multiplying the quotient by 1,000, and by rounding the product to the nearest whole number. That number is multiplied by the number of directorships to be filled. A taxing unit participating in two or more districts is entitled to vote in each district in which it participates, but only the taxes imposed in a district are used to calculate voting entitlement in that district.

(e) The chief appraiser shall calculate the number of votes to which each taxing unit other than a conservation and reclamation district is entitled and shall deliver written notice to each of those units of its voting entitlement before October 1 of each odd-numbered year. The chief appraiser shall deliver the notice:

(1) to the county judge and each commissioner of the county served by the appraisal district;

(2) to the presiding officer of the governing body of each city or town participating in the appraisal district, to the city manager of each city or town having a city manager, and to the city secretary or clerk, if there is one, of each city or town that does not have a city manager;

(3) to the presiding officer of the governing body of each school district participating in the district and to the superintendent of those school districts; and

(4) to the presiding officer of the governing body of each junior college district participating in the district and to the president, chancellor, or other chief executive officer of those junior college districts.

(f) The chief appraiser shall calculate the number of votes to which each conservation and reclamation district entitled to vote for district directors is entitled and shall deliver written notice to the presiding officer of each conservation and reclamation district of its voting entitlement and right to nominate a person to serve as a director of the district before July 1 of each odd-numbered year.

Attachment: CAD Info- Board of Directors Voting Entitlement (4627 : CAD Board of Directors-Voting Entitlement)

(g) Each taxing unit other than a conservation and reclamation district that is entitled to vote may nominate by resolution adopted by its governing body one candidate for each position to be filled on the board of directors. The presiding officer of the governing body of the unit shall submit the names of the unit's nominees to the chief appraiser before October 15.

(h) Each conservation and reclamation district entitled to vote may nominate by resolution adopted by its governing body one candidate for the district's board of directors. The presiding officer of the conservation and reclamation district's governing body shall submit the name of the district's nominee to the chief appraiser before July 15 of each odd-numbered year. Before August 1, the chief appraiser shall prepare a nominating ballot, listing all the nominees of conservation and reclamation districts alphabetically by surname, and shall deliver a copy of the nominating ballot to the presiding officer of the board of directors of each district. The board of directors of each district shall determine its vote by resolution and submit it to the chief appraiser before August 15. The nominee on the ballot with the most votes is the nominee of the conservation and reclamation districts in the appraisal district if the nominee received more than 10 percent of the votes entitled to be cast by all of the conservation and reclamation districts in the appraisal district, and shall be named on the ballot with the candidates nominated by the other taxing units. The chief appraiser shall resolve a tie vote by any method of chance.

(i) If no nominee of the conservation and reclamation districts receives more than 10 percent of the votes entitled to be cast under Subsection (h), the chief appraiser, before September 1, shall notify the presiding officer of the board of directors of each conservation and reclamation district of the failure to select a nominee. Each conservation and reclamation district may submit a nominee by September 15 to the chief appraiser as provided by Subsection (h). The chief appraiser shall submit a second nominating ballot by October 1 to the conservation and reclamation districts as provided by Subsection (h). The conservation and reclamation districts shall submit their votes for nomination before October 15 as provided by Subsection (h). The nominee on the second nominating ballot with the most votes is the nominee of the conservation and reclamation districts in the appraisal district and shall be named on the ballot with the candidates nominated by the other taxing units. The chief appraiser shall resolve a tie vote by any method of chance.

(j) Before October 30, the chief appraiser shall prepare a ballot, listing the candidates whose names were timely submitted under Subsections (g) and, if applicable, (h) or (i) alphabetically according to the first letter in each candidate's surname, and shall deliver a copy of the ballot to the presiding officer of the governing body of each taxing unit that is entitled to vote.

(k) The governing body of each taxing unit entitled to vote shall determine its vote by resolution and submit it to the chief appraiser before December 15. The chief appraiser shall count the votes, declare the five candidates who receive the largest cumulative vote totals elected, and submit the results before December 31 to the governing body of each taxing unit in the district and to the candidates. For purposes of determining the number of votes received by the candidates, the candidate receiving the most votes of the conservation and reclamation districts is considered to have received all of the votes cast by conservation and reclamation districts and the other candidates are considered not to have received any votes of the conservation and reclamation districts. The chief appraiser shall resolve a tie vote by any method of chance.

(l) If a vacancy occurs on the board of directors other than a vacancy in the position held by a county assessor-collector serving as a nonvoting director, each taxing unit that is entitled to vote by this section may nominate by resolution adopted by its governing body a candidate to fill the vacancy. The unit shall submit the name of its nominee to the chief appraiser within 45 days after notification from the board of directors of the existence of the vacancy, and the chief appraiser shall prepare and deliver to the board of directors within the next five days a list of the nominees. The board of directors shall elect by majority vote of its members one of the nominees to fill the vacancy.

Attachment: CAD Info- Board of Directors Voting Entitlement (4627 : CAD Board of Directors-Voting Entitlement)

LIBERTY COUNTY APPRAISAL DISTRICT
2019 BOARD OF DIRECTORS

CHAIRMAN 2018-2019	BOBBY RAY COATS 109 E HOUSTON CLEVELAND, TX 77535 clevelandjewelers@sbcglobal.net	281-592-2763(W) 281-659-5185(CELL)
V. CHAIRMAN 2018-2019	MARK SJOLANDER 1405 FORD AVE DAYTON, TX 77535 mark@marksjolander.com	713-813-7730(CELL)
SECRETARY 2018-2019	JOHN J HEBERT JR 102 FEATHERSTONE CT LIBERTY, TX 77575 jjhebert@imsday.com	936-336-5232(H) 936-334-2528(CELL)
DIRECTOR 2018-2019	BILLY YARBROUGH 11774 HIGHWAY 146 N LIBERTY, TX 77575 Clevelandjewelers@sbcglobal.net	936-298-2186(W) 936-334-7854(CELL)
DIRECTOR 2018-2019	JOSH DAY 952 COUNTY ROAD 612 DAYTON, TX 77535 JDay@fosterfence.com	713-376-1617 (CELL)
EX-OFFICIO	RICHARD BROWN TAX A/C P.O. BOX 1810 LIBERTY, TEXAS 77575 richard.brown@co.liberty.tx.us	936-336-4633 (W)

Attachment: CAD Info- Board of Directors Voting Entitlement (4627 : CAD Board of Directors-Voting Entitlement)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/12/19 06:00 PM

Department: Administration
Category: Board Appointments

COUNCIL ACTION (ID # 4628)

DOC ID: 4628

Subject: CAD Appraisal Review Board

Background: On September 10, 2019, the City Council considered nominations for the Central Appraisal District, ARB. However, a nomination was not made. The CAD states that one of the new members does not meet the qualifications for service on this Board, per Texas Tax Code Sec. 6.41(c). This section addresses resident requirements to be eligible to serve.

Therefore, the CAD is requesting a nomination for the At Large Position on the ARB. The individual must be a resident of the District for two (2) years and cannot be an officer or employee of the ARB or a Taxing Unit. Neither can anyone serve who contracts for any purpose with the Appraisal District or a Taxing Unit. An application must be completed by the nominee.

This Board meets once a month and at least twice weekly during May and June. These Board Members are compensated $150 per meeting.

Current Board Members are: Horace Green, Lester Wisegerber, Connie Campbell, Bernie Brown, Howard Brister, Walt Saucier, and Cordella Kirkham.

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LIBERTY COUNTY CENTRAL APPRAISAL DISTRICT
P.O. BOX 10016/2030 SAM HOUSTON
LIBERTY, TEXAS 77575
(936) 336-5722 FAX (936) 336-8390

October 10, 2019

To: All Voting Taxing Units

From: Lana McCarty

Re: ARB Nominations

Dear Taxing Units:

Due to the recent Appraisal Review Board nominations, one of the new members did not meet the qualifications of serving on the Appraisal Review Board, per Property Tax Code Section 6.41 (c)

Position	Board Member
At Large	Board Member

The Board of Directors has requested you submit a nominee(s) to the District's office by 12:00 P.M. on November 18, 2019. The Board will fill the position at their regularly scheduled meeting on Thursday, November 21, 2019 at 11:00 A.M. Please have your nominee **complete the enclosed application**.

According to Sec. 6.41(c) of the Property Tax Code, to be eligible to serve on the Appraisal Review Board, an individual must be a resident of the Appraisal District for two (2) years, cannot be an officer or an employee of the Appraisal District or a Taxing Unit and can only serve three (3) consecutive two (2) year terms. Additionally, the law also bars from service a person who contracts for any purpose with the Appraisal District or a Taxing Unit. In addition, all members will be required to attend an ARB training session.

Typically, the ARB meets at 9:00 A.M. once a month and at least twice a week during the months of May and June. ARB members are compensated one hundred and fifty dollars per meeting.

If you should have any questions concerning these nominations, please give me a call.
If your nomination is someone currently on the Board, please do not require them to complete the attached application.

Sincerely,

Lana McCarty

cc: Board of Directors

Attachment: CAD Info-ARB Nomination (4628 : CAD Appraisal Review Board)

APPLICATION FOR APPRAISAL REVIEW BOARD APPOINTMENT
LIBERTY COUNTY CENTRAL APPRAISAL DISTRICT

APPLICANT INFORMATION

LAST NAME	FIRST NAME	MIDDLE INITIAL
ADDRESS		
CITY		ZIP CODE
SOCIAL SECURITY NUMBER	TELEPHONE NUMBERS: DAYTIME ( )	EVENING ( )

APPRAISAL REVIEW BOARD QUALIFICATION STATEMENT

Please answer the following questions by checking "Yes" or "No"

1. Are you a resident of the Liberty County Central Appraisal District and have you resided within the District for the past two years? Yes _____ No _____

2. Are you currently employed by or are you an officer or director of the State Comptroller's Office, an appraisal district, or a taxing unit (i.e. county, school district, or special district) in any capacity? Yes _____ No _____
   If you answered "Yes" please indicate in what capacity you are employed or serve below:
   _____

3. Have you ever been employed by or been an officer or director of the Liberty County Central Appraisal District or any taxing unit (i.e. county, school district, city or special district) served by the Liberty County Central Appraisal District? Yes _____ No _____

4. Do you, or does any relative of yours within the second degree by either blood or marriage, do business in the Liberty County Central Appraisal District as a paid property tax agent or as an appraiser who performs appraisals for use in property tax proceedings? Yes _____ No _____

   These are the degrees of relationship included:
   1st Degree by Consanguinity (blood): Parents, children
   1st Degree by Affinity (marriage): Spouse, spouses of relatives listed under consanguinity, stepparents, spouse's children, and stepchildren
   2nd Degree by Consanguinity (blood): Grandparents, grandchildren, brothers, and sisters
   2nd Degree by Affinity (marriage): Spouse's grandparents, spouse's brothers and sisters

5. Are you, or a business in which you hold substantial interest, a party to a contract with the Appraisal District or with a taxing unit in the District? A substantial interest means that you and your spouse together own at least 10% of the voting stock or shares in the business, or that either of you is a partner, limited partner, or officer of the business entity. Yes _____ No _____

6. Is any relative of either you or your spouse employed by the Liberty County Central Appraisal District?
   Relative's Name: _____
   Degree of Relationship: _____

7. Do you own property in Liberty County? Yes _____ No _____
   If "Yes" are the property taxes current? Yes _____ No _____

Attachment: CAD Info-ARB Nomination (4628 : CAD Appraisal Review Board)

PERSONAL BACKGROUND

1. Have you ever been convicted of a felony or of a misdemeanor involving moral turpitude, or are you presently under indictment or other legal accusation of theft or for any felony? If "Yes" explain below the nature of the offense, date, and location: Yes _____ No _____

   _____

   _____

2. Are you a U.S. citizen? Yes _____ No _____
   If "No" are you eligible to be employed under a visa or entry permit? Yes _____ No _____

3. Use the space below to list professional society memberships, job related licenses registrations, certificates (with their numbers), and expiration dates. Provide additional comments or information that would be of assistance in considering you for this position.

   _____

   _____

   _____

EDUCATION AND TRAINING

Please indicate your level of education below:

Less than high school education _____ High school education _____ College education _____
Number of years attended college _____
Degree(s) attained _____

WORK HISTORY

(List most recent jobs first)
Include paid or verifiable non-paid experience including military service. If you have had more than one position with the same employer, please list each position separately.

Company Name _____	Address _____	
Type of Business _____	Position Held _____	Yrs of Service _____
Company Name _____	Address _____	
Type of Business _____	Position Held _____	Yrs of Service _____
Company Name _____	Address _____	
Type of Business _____	Position Held _____	Yrs of Service _____
Company Name _____	Address _____	
Type of Business _____	Position Held _____	Yrs of Service _____

In your own words, please explain why you would like to serve on the Appraisal Review Board:

_____

_____

_____

_____

_____

I affirm that the information provided in this application is true and correct. I further affirm that to the best of my knowledge and belief, I am not disqualified by law from accepting an appointment to the Appraisal Review Board for the Liberty County Central Appraisal District.

Signature: _____ Date: _____

Attachment: CAD Info-ARB Nomination (4628 : CAD Appraisal Review Board)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/12/19 06:00 PM

Department: Administration
Category: Golf Course

COUNCIL ACTION (ID # 4629)

DOC ID: 4629

Department: Golf Course

Subject: Bridge

Background: Tropical Storm Imelda caused considerable damage to one of the bridges at the Golf Course. Staff has contacted three firms to provide estimates to install a new bridge at the golf course. Each bid was required to include (1) bridge pilings (2) rip rap for erosion control and (3) a set of plans stamped by a Texas engineer. Cost estimates are below:

1 - Fregia Construction: No bid
2 - Greenscapes Six: $58,207.20
3 - Fusion Golf: $67,375.00

The bids are attached for your review.

Funding Source: Cambridge Fund

Staff Recommendation: Staff recommends approval of the contract

.

Proposal

Date:	10/17/2019
Proposal #	2019-101701R
Customer #	2019-LGC

Greenscapes Six
7020 FM 3180
Baytown, Texas 77523

Proposal For:

Magnolia Ridge Golf Course
100 Magnolia Ridge
Liberty, Texas 77575

Contact:

Chris Jarmon
Assistant City Manager
cjarmon@cityofliberty.org

Magnolia Ridge Golf Course Bridge

Bid Item		Bid Item Description	Quantity	Unit	Unit Price	Total
		Install 10 Ft. Wide Cart Path Bridge				
1		Install 6" Piles 10 ft. Span	60	Ln.Ft.	$ 192.50	$ 11,550.00
2		Install 6" Pile Cap	60	Ln.Ft.	$ 49.63	$ 2,977.80
3		Install 4"x 12" Stringers	60	Ln.Ft.	$ 126.00	$ 7,560.00
4		Install 3"x 8" Decking	60	Ln.Ft.	$ 239.75	$ 14,385.00
5		Install 4" Bumper Rail on 4" Blocks	120	Ln.Ft.	$ 44.31	$ 5,317.20
6		Install 4"x 4" Post with 2"x 6" Hand Rail	120	Ln.Ft.	$ 86.81	$ 10,417.20
7		Install Rip Rap at Bridge Abutments	2	Ea	$ 1,500.00	$ 3,000.00

Sub Total	$ 55,207.20
Sales Tax	
Grand Total	$ 55,207.20

Other Comments

Invoices will be submitted at the completion of project or the end of the current month.
Payment will be made by the 15th of the following month
25% of each line item will be Invoiced upon acceptance of this proposal.
Due to variations in material pricing this proposal is valid for 30 days from date of this proposal.
No Sales Tax included in this proposal

Greenscapes Six Representative

Client Representative

Attachment: Golf Course Bridge - Exhibit (4629 : Golf Course Bridge)

Chris Jarmon

From: Mike Archer <marcher@greenscapes6.com>
Sent: Tuesday, October 22, 2019 4:06 PM
To: Chris Jarmon
Cc: Joey Taylor
Subject: RE: Liberty Municipal Golf Course
Attachments: g6 Proposal Liberty GC Bridge Rev.pdf

Chris, here is the revised pricing. I reduced the length of the bridge and added the rip rap, I do have stamped drawings of a cart path bridge, but am not sure it is stamped by a Texas Engineer. I could have a Texas Engineer stamp it but it will cost an additional $3,000.00. I will send you some pictures of a similar bridge. I hope this helps. Let me know if you have any more questions. Thanks Chris.

Attachment: Golf Course Bridge - Exhibit (4629 : Golf Course Bridge)

FUSIONGOLF

Estimate Status: Active
Relationship Contact: Chris Jarmon

Estimate: 5506 City of Liberty Golf Course

Date: 10/28/2019

Scope

Installation of 40 ft long 12' foot wide, 11' clear timber bridge, with Texas Stamped plans.

Inclusions

Labor, materials and equipment to install bridge described.

Exclusions

Division Items

Description	Quantity	Unit Price	Total Estimate
12 Lake Construction			**$67,375.00**
60 foot, 12' Wide 11' clear pile supported wood bridge with railings.	1.00 LS	$59,625.00	$59,625.00
Rip Rap base of bridge as erosion control	1.00 LS	$7,750.00	$7,750.00
Total Estimate			**$67,375.00**

Payments

Attachment: Golf Course Bridge - Exhibit (4629 : Golf Course Bridge)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/12/19 06:00 PM

Department: Administration
Category: Miscellaneous Issues

WORK SESSION (ID # 4630)

DOC ID: 4630

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AN ORDINANCE AMENDING CHAPTER 4, BUSINESS REGULATIONS, OF THE CITY OF LIBERTY CODE OF ORDINANCES, BY AMENDING ARTICLE 4.11 REGULATING GAME ROOMS AND AMUSEMENT REDEMPTION MACHINES IN THE CITY; ESTABLISHING 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

WHEREAS, the City of Liberty is a Texas municipal corporation existing under the laws of the State of Texas; and

WHEREAS, the City of Liberty currently has an ordinance regulating coin-operated machines and game rooms within the city limits; and

WHEREAS, the City of Liberty finds it necessary and desirable to amend its Code of Ordinances relative to coin operated machines and game rooms within the City limits.

NOW THEREFORE, BE IT ORDAINED by the City of Liberty, Liberty County, Texas:

SECTION 1. That Article 4.11, Amusements and Entertainments, of the Code of Ordinances of the City of Liberty, Texas shall be amended to read as follows:

CHAPTER 4

BUSINESS REGULATIONS

ARTICLE 4.11 GAME ROOMS AND AMUSEMENT REDEMPTION MACHINES

Division 1: Coin-Operated Machines

Sec. 4.11.001 Definitions.

The terms “owner,” “operator,” “coin-operated machine,” “music,” “skill or pleasure-operated machine,” “service coin-operated machine,” “business operator,” “general business license,” “import license,” and “repair license,” as used in this ordinance shall have the meanings given to them in the Texas Occupations Code.

Sec. 4.11.002 Occupation tax required.

Every owner or operator who owns, controls, possesses, exhibits, imports, displays, or who permits to be exhibited or displayed in this City, any coin-operated machines which are not exempt from payment by section 4.11.003, shall pay the appropriate annual occupation taxes as provided in section 4.11.004.

Sec. 4.11.003 Machines exempt from tax.

Gas meters, pay telephones, pay toilets and cigarette vending machines, which are subject to any other occupation or gross receipts tax, service coin-operated machines, coin-

Attachment: ORD - Game Rooms (4630 : WS - Game Rooms)

operated amusement rides for children, and machines used exclusively for the amusement of children are expressly exempt from the provisions of this article.

Sec. 4.11.004 Occupation tax levied.

(a) Levied. There is levied an annual occupation tax equal to the maximum amount of money allowed by the state on coin-operated machines used for recreation or amusement purposes. The occupation tax shall be levied upon the owner of such coin-operated machines, save and except local religious, charitable and educational organizations authorized under the laws of the state; and the tax levied in this section shall be paid to the city, who shall issue an occupation tax receipt and, for each machine on which the occupation tax is paid, an occupation tax tag. The occupation tax shall be due and payable on January 1st of each year. Such occupation tax receipt and tax tag shall specify the number of recreation or amusement machines for which it is used and the address of the legal owner. The occupation tax tag shall be affixed to each machine on which the occupation tax is paid. No tax receipt shall be issued for longer than one (1) year.

(b) Substituting machines. In the event the owner of any of the recreation or amusement machines wishes to substitute a different machine for one within the city on which the occupation tax has been paid, the owner will remove the tax tag from the machine to be replaced and place it upon the substitute machine; provided, however, that the machine that is replaced by the substitute machine shall not be operated for profit within the city again until an occupation tax tag is affixed to it. In the event the tax tag is mutilated, the owner will turn in the mutilated occupation tax tag to the permit department and receive a new tag. There shall be a $6.00 charge for the new tag.

Sec. 4.11.005 Location of machines.

Within each place of business in which recreation or amusement machines are operated for a profit, the machines will be so situated that they will be in full, open public view.

Sec. 4.11.006 Failure to pay occupation tax; liability of damage or removal of seal.

The Chief of Police, or his designee, is authorized to seal any coin-operated machine on which the occupation tax has not been paid. The City is authorized to charge a fee as established in this code for the release of any coin-operated amusement machine that is sealed as provided above for non-payment of the occupation tax. The owner or operator shall be responsible should any seal affixed in the city's name be broken, displaced or removed from the location and be guilty of a class "c" misdemeanor.

Secs. 4.11.007 – 4.11.050 Reserved.

Division 2. Game Rooms

Sec. 4.11.051 Definitions.

For the purpose of this Article, the following terms shall have the meanings respectively ascribed to them:

Attachment: ORD - Game Rooms (4630 : WS - Game Rooms)

Amusement Redemption Machine. A recreational machine that provides a single user or multiple users with an opportunity to receive something of value other than the right of replay. A coin-operated amusement machine designed primarily for children is not an Amusement Redemption Machine.

Applicant. A natural person who applies for a Game Room Permit on behalf of a Permittee.

Game Room. A building, facility, or other place that is operated for profit and that contains one or more operational amusement redemption machines.

Operational Machine. A machine that is ready to be played and is accessible to the public.

Permittee. A business entity which has been issued a Game Room Permit or which has been named in a Game Room Permit application as the intended recipient of the Game Room Permit.

Property Owner. The owner of the lot, parcel, tract, or other real estate on which a permittee operates or intends to operate a Game Room.

Scaled Drawing. A drawing that indicates real objects with accurate sizes reduced or enlarged by a certain amount (called the scale). The scale is shown as the length in the drawing, then a colon (":"), then the matching length on the real thing. By way of example, if a drawing has a scale of "1 inch:10 feet" (alternatively written 1″:10′), then anything drawn with the size of 1 inch would have a size of 10 feet in the real world.

Scaled Parking Plan. A scaled drawing that shows a view from above of the entire property, and which indicates the size and distance between streets, compliant parking spaces, driveways, driveway aisles, spaces, sidewalks, ADA compliant handicapped parking spaces, and other elements as required by Section 4.11.002(B) below.

Scaled Floor Plan. A scaled drawing that shows a view from above of entire building, and which indicates the size and distance between rooms, walls, windows, and other elements as required by Section 4.11.002(B) below.

Sec. 4.11.052 Game Room Permit.

A. *Permit required.* It is a misdemeanor offense to operate a Game Room within the City without a currently valid Game Room Permit. Every person desiring to operate any Game Room shall make application to the City Manager, or his designee, on a form provided for that purpose, for a Game Room Permit.

1. Game Room Permits shall be issued only to business entities which have been registered and are currently active with the Texas Secretary of State and to whom the Texas Comptroller of Public Accounts has issued a currently valid Texas Tax Identification Number.

2. Game Room Permits shall not be issued to a Permittee unless the application is signed by an Applicant:

   a. who is named in public filings with the Texas Secretary of State as either an officer or a managing member of the Permittee;

   b. who signs the following acknowledgement on the face of the application:

      (1) I am applying for a Permit on behalf of the Permittee and I have actual knowledge of the operation of a Game Room under this permit; I

Attachment: ORD - Game Rooms (4630 : WS - Game Rooms)

acknowledge that any person operating a Game Room under this permit will do so under my direction and control, and I further acknowledge that I may be held criminally liable for illegal activity associated with the Game Room under this permit, including gambling, gambling promotion, or keeping a gambling place under Chapter 47 of the Penal Code; operating an unauthorized Game Room under Chapter 4 of the City Code; and other applicable penal statutes.

3. Game Room Permits shall not be issued to a Permittee unless the application is signed by a natural person:

   a. who is:

      (1) the Property Owner or,

      (2) if the Property Owner is a business organization, a natural person who attaches to the application documentary evidence demonstrating that they are authorized to sign the application on behalf of the Property Owner; and

   b. who signs the following acknowledgement on the face of the application:

      (1) I own the property described in this application, and I have actual knowledge of the proposed or current operation of a Game Room on my property. I acknowledge that I may personally be held criminally liable for illegal activity associated with the Game Room on my property, including keeping a gambling place under Chapter 47 of the Penal Code, operating an unauthorized Game Room under Chapter 4 of the City Code, and other applicable penal statutes.

B. *Contents of permit application.* The application for a Game Room Permit to be issued pursuant to this article shall be sworn and shall contain information required by the City Manager, or his designee, on a form provided for that purpose, including:

1. The full and correct business name of the Permittee, as currently filed with the Texas Secretary of State's office;
2. The trade name of the Permittee, if different from the business name on file with the Texas Secretary of State's office;
3. The Texas Tax ID number of the Permittee, as issued by the Texas Comptroller of Public Accounts;
4. All addresses and telephone numbers of the Permittee;
5. The names and dates of birth of each and every officer, managing member, or person who owns twenty percent (20%) or greater interest in the Permittee.
6. A list of all prior criminal convictions of each and every officer, managing member, or person who owns twenty percent (20%) or greater interest in the Permittee, for all felony offenses, and for misdemeanors involving drug offenses, fraud, theft, gambling, or weapons offenses, or offenses against public administration;
7. Whether alcoholic beverages will be sold or permitted on the premises of the business;
8. The address of the premises where the Permittee will operate the Game Room, and the full and correct name of the property owner of such premises as recorded in the deed records of Liberty County;

Attachment: ORD - Game Rooms (4630 : WS - Game Rooms)

9. A Scaled Parking Plan drawn on sheets no smaller than 11- by 17-inches, to a minimum scale of one inch to fifty (50) feet, except where variations are approved by the City Manager, or his designee. The site plan shall consist of, at minimum, the following submittals:
    a. The name, location, owner, and designer of the proposed development, including the owner's home or business address and telephone number;
    b. Date, north arrow, and scale;
    c. The locations and dimensions of all property lines, rights-of-way, and easements; and the existing and proposed topographic characteristics of the site;
    d. The locations and dimensions of all existing and proposed driveways, parking facilities, maneuvering areas, loading areas, commercial garbage dumpster pads and related screening, sidewalks, curbs, gutters, buildings, structures, screening fences, and other walls and fences, and exterior lighting;
    e. Information and calculations necessary to verify compliance with the off-street parking and loading regulations, including land use, gross floor area, gross leasable area, number of dwelling units, seating capacity, projected number of employees and/or any other appropriate data; and
    f. All information required to comply with the stormwater drainage master plan, Design Manual and Maps, and the location of any property rights to be dedicated to the City pursuant to said documents.
10. A Scaled Floor Plan of each public space of the game room in which Amusement Redemption Machines may be located during the term of the permit, including the following;
    a. The maximum number of Amusement Redemption Machines in each space;
    b. The total square footage of the building, and each space within the building;
    c. Dimensions of each redemption machine;
    d. Location and measurements of entrances and exits;
    e. Measured foot traffic pathways/aisles;
    f. Location and measurements of office, bathrooms;
    g. Number of fixtures, such as HVAC units, sinks, toilets, windows, and walls; and
    h. Location and area of any redemption area, snack bar, and/or customer service area.
11. If the premises where the Permittee will operate the Game Room is located within a multiple tenant structure where tenants share collective parking, a list of all tenants in the structure, the use of each leased space in the structure, and the square footage of the structure used by each tenant in the structure; and
12. Each Application shall be accompanied by the following:
    a. The fee required by this chapter or separate ordinance; and
    b. A copy of a receipt from the Texas Comptroller of Public Accounts showing the total number of Amusement Machines for which the state occupations tax has been paid and for which registration decals have been issued by the Texas

Attachment: ORD - Game Rooms (4630 : WS - Game Rooms)

Comptroller of Public Accounts for the time period of the relevant permit application.

C. *Background check.*

1. The Chief of Police, or a duly authorized representative, shall investigate the publicly filed business records of the Permittee and the background of all Applicants and each officer, managing member, or owner of twenty percent (20%) or greater interest in the Permittee. The investigation may be completed by the Liberty Police Department or by a third-party vendor approved in advance by the Chief of Police. Any fees associated with the investigation shall be paid by the Applicant. The investigation shall include fingerprinting the individual and a check of the individual's local, state, and national criminal records in accordance with Texas Government Code, Sections 411.087 and 411.122. The investigation shall include making a permanent record of the identity of all individuals described in this paragraph.

2. The City shall deny issuance of a permit if the application or investigation shows any of the following:

   a. The Applicant or an officer, managing member, or owner of 20% or greater interest in the Permittee has been convicted, within the five (5) years preceding the date of the application, of any crime required to be listed on the permit application and not disclosed thereupon, or of a felony, or for gambling, gambling promotion, keeping a gambling house, fraud, theft, an offense against public administration, or another crime that directly relates to the duties and responsibilities of a permittee pursuant to this article;

   b. The permit application includes a false statement by the Applicant;

   c. The City of Liberty has revoked the Applicant's permit of the type requested within the past one (1) year.

   d. The permit application does not meet all the requirements of this ordinance.

D. *Issuance of Game Room Permit to Qualified Applicant.* Once an Applicant is approved for a Game Room Permit, a printed permit form shall be issued to the Permittee. The permit form will be signed by the City Manager, or his designee.

1. The cumulative number of Amusement Redemption Machines allowed to operate or be displayed on the premises of a Permittee shall not exceed the number of off-street parking spaces available to the Permittee on the premises of the permitted Game Room.

2. The cumulative number of Amusement Redemption Machines allowed to operate or be displayed on the premises of a Permittee shall be stated clearly on the face of each Game Room Permit in both letters and numerals, such as "Eighteen (18)"

3. A person commits an offense if the person cumulatively operates or displays more Amusement Redemption Machines on any premises than allowed under the valid Game Room Permit for that premises.

4. For the Purpose of this section, any Amusement Redemption Machine that allows more than one person to play simultaneously shall be counted as multiple machines, based on the maximum number of simultaneous players. For example, a machine that is designed to be simultaneously played by up to four players shall be counted as four Amusement Redemption Machines.

Attachment: ORD - Game Rooms (4630 : WS - Game Rooms)

E. *Administrative Suspension or Revocation of Game Room Permit.*

1. Suspension. Upon receipt of information tending to show that illegal activities are occurring or have occurred on the premises of a Permittee, the Chief of Police may provisionally suspend a Game Room Permit.

   a. The Chief of Police or designee shall notify the Permittee, the Applicant, and the Property Owner of the provisional suspension by first class mail sent to the addresses listed in the game room permit application. Such notification shall include the date on which the provisional suspension is to begin, a description of the illegal activity alleged to have occurred on the premises, and the date, time, and location of the hearing described below.

   b. The provisional suspension shall not begin before the third calendar day after the notice is placed in the mail.

   c. It is a misdemeanor offense for a Permittee to operate a game room, or for an Applicant or Property Owner to allow the operation of a game room during the provisional suspension of a game room permit.

   d. The Chief of Police, or his designee, shall hold a hearing not earlier than ten (10) days after the notice is placed in the mail, and not later than twenty (20) days after the notice is placed in the mail, at which hearing the Permittee, the Applicant, and the Property Owner may present any relevant information tending to refute the allegations described in the notice. The hearing described in this paragraph is not intended to be a full evidentiary hearing, but rather an opportunity for the Permittee, the Applicant, and the Property Owner to be heard.

   e. Within five (5) business days after the hearing, if a preponderance of the evidence shows that the illegal activity occurred or is occurring on the premises of the Permittee, the Chief of Police shall suspend the Game Room Permit and notify the Permittee, the Applicant, and the Property owner of the suspension. Such suspension is effective immediately and remains in effect until the expiration of the permit so suspended. A Permittee, Applicant, or Property Owner may not submit a new Game Room Permit application during the term of the suspension. If a preponderance of the evidence shows that the illegal activity did not occur and is not occurring, the Chief of Police shall reinstate the Game Room Permit and notify the Permittee, the Applicant, and the Property owner of the reinstatement.

   f. The Applicant, Permittee, or Property owner can appeal the Police Chief's decision to the City Manager. The appeal must be filed, in writing to the City Secretary, within five (5) days after receiving the Police Chief's decision. The City Manager shall then hold an appeal hearing within twenty (20) days of said request for an appeal. The City Manager's determination is final.

2. Revocation. The Chief of Police may revoke a Game Room permit if the Applicant or an officer, managing member, or owner of twenty percent (20%) or greater interest in the Permittee is convicted of any felony, or of any offense involving gambling, fraud, theft, an offense against public administration, or another crime that directly relates to the duties and responsibilities of a permittee pursuant to this article. A Game Room permit can also be revoked for any violation of this ordinance. The Chief of Police shall notify the Permittee, the Applicant, and the Property Owner of the revocation by first class mail sent to the addresses listed in

Attachment: ORD - Game Rooms (4630 : WS - Game Rooms)

the game room permit application. Such notification shall include the date on which the revocation is to begin, which shall be no earlier than the third calendar day after the date the notice is placed in the mail.

F. *Expiration date for permits.* Any Game Room Permit shall expire on December 31st of each year and the Permittee will be required to obtain a new permit to be effective January 1st of each year. The applicant shall pay a permit fee as prescribed by separate ordinance, enacted from time to time, copies of which are on file in the City Secretary's office. Each new permit shall be subject to the rules, regulations, ordinances, and codes applicable during that permit year and as such rules, regulations, ordinances and codes may be amended from time to time; no Game Room Permit shall create any vesting of rights in the privileges established during prior permit years.

Sec. 4.11.053 Manner of operation of a permitted game room.

A. At all times during which a Permittee holds a valid Game Room Permit, the Permittee shall display a sign which says "Game Room" on the premises of the permitted game room which

1. Is displayed in a conspicuous manner clearly visible to the public from the entrance of the premises,
2. Appears in contrasting colors with block letters at least four (4) inches in height.

B. At all times during operation of a Game room, a Permittee shall display signs which

1. Are displayed in a conspicuous manner clearly visible to the public,
   a. at each entrance to the Game Room, and
   b. at each location within the Game Room where patrons may collect winnings, and
2. Include written language identical to the following, in English and Spanish: "Gambling is a crime. If you win more than $5.00 per play, you may be arrested and fined $500.00," and "El juego es un crimen. Si usted gana más de $5.00 por jugada, es posible que sea arrestado y deba pagar una multa de $500.00," and
3. Appear in contrasting colors with block letters at least one inch in height.

C. A Permittee shall not cause or allow the following:

1. Operation of the game room during the following hours:
   a. For game rooms where no alcoholic beverages are sold, between 1:00 a.m. and 1:00 p.m. on a Sunday, or between 1:00 a.m. and 7:00 a.m. on any other day.
   b. For game rooms where alcoholic beverages are sold, any time when the sale of alcoholic beverages is prohibited.
2. Permitted game rooms shall have transparent unobstructed windows or open space on at least one (1) side so that the open area is open to view by the general public passing by on a public street or using a corridor, lobby or other room to which the public has access and is admitted without charge. The owner, manager or employee of a game room shall not permit any obstruction of any window by the use of drawn shades, blinds, partitions, tinting or other structures or obstructions.
   a. It is an affirmative defense to prosecution under subsection (C)(2) above that:

Attachment: ORD - Game Rooms (4630 : WS - Game Rooms)

(1) The game room is located in a structure registered as a historic landmark, or the structure is within a historic district and deemed to have architectural or historic significance which would qualify the structure for registration as a historic landmark; and

(2) Compliance with the unobstructed view requirement would require alterations to the structure that would have a substantially detrimental effect on its historic or architectural features.

3. Allowing any person under the age of eighteen (18) years to play on an amusement redemption machine.

4. Failure to promptly report to the police department any violations of state law or City ordinances committed by employees or patrons on game room premises.

5. Require Game Room memberships for any purpose.

   a. A Game Room shall not restrict entry to a Game Room and/or prohibit the participation in any activity inside a Game Room by a patron through the requirement of a Game Room membership.

   b. Game Rooms shall not issue membership cards to any individual for any purpose.

   c. Game Rooms shall not have, make use of, employ, and/or require check-in procedures of any kind prior to entering or before exiting a Game Room.

6. A Person who operates a Game Room in violation of any section of this ordinance commits an offense. Each person denied entry is considered a separate offense. Each membership card issued is considered a separate offense. Each individual subjected to any check in procedure prior to entering or before exiting a Game Room is considered a separate offense. Each day a violation occurs or continues to occur is considered a separate offense. Any violation of this Subsection is grounds for denial, revocation, or suspension of a Game Room permit.

D. Inspection. Peace Officers, Fire Safety Officials, and designated City Employees are authorized to inspect any business in the city of Liberty for violations of these Regulations. These Regulations do not authorize a right of entry prohibited by law. Peace Officers, Fire Safety Officials, and designated City Employees may enter a business with consent, whether that consent is implied or express, with a warrant, or under exigent circumstances. A Game Room permit issued pursuant to these Regulations gives Peace Officers, Fire Safety Officials, and designated city employees implied consent to enter and to inspect any Game Room for violations of these Regulations.

   1. Any Peace Officer, Fire Safety Official or designated City employee may inspect a permitted Game Room located within the City to determine whether the Game Room is in compliance with this Section.

   2. A Person who does not allow a Peace Officer, Fire Safety Official, or designated City employee to inspect a Game Room commits an offense. Each Peace Officer, Fire Safety Official, and Designated County Employee denied entry is considered a separate violation. Each denial is considered a separate offense. Each day a violation occurs or continues to occur is considered a separate offense.

E. Location of Game Room. Subsequent to the passage of the ordinance from which this article is derived, no game room shall be located within 300 feet of a church, school, or hospital. Any game rooms currently existing within the location restricted areas as of the

Attachment: ORD - Game Rooms (4630 : WS - Game Rooms)

time of the passage of this article shall be permitted to continue, however, if they should cease operations, or violate any of the provisions of this article or any other applicable city, state or federal law, their permit shall be subject to revocation and such may not be renewed unless they meet all provisions of any applicable law, including the spacing requirements of this section

Sec. 4.11.054 Compliance with article.

A. A person commits an offense if the person:

1. operates or allows operation of a game room within the City limits without a current, valid Game Room Permit issued by the City;
2. operates a permitted Game Room during the time that the Game Room Permit is provisionally suspended, or revoked;
3. knowingly leases, rents, lets, subleases, or sublets property within the City limits on which a game room operates without a valid Game Room Permit issued by the City;
4. knowingly leases, rents, lets, subleases, or sublets property within the City limits on which a permitted game room operates during the time that the Game Room Permit is provisionally suspended, suspended, or revoked;
5. operates a permitted game room within the City limits without displaying a current Game Room Permit in a conspicuous location within an area of the business accessible to the public;
6. operates a permitted game room within the City limits in any manner that violates the "manner of operation" standards set forth in Section 4.11.053 of this article;
7. forges, alters, or counterfeits a Game Room Permit required by this section; or
8. possesses a forged, altered, or counterfeited Game Room Permit required by this section.
9. violates any section of this article.

B. It is an affirmative defense to prosecution under this section that:

1. The Game Room Owner or Game Room Permit holder is a religious, charitable, or educational organization authorized under state law to operate a game room.

C. An offense under this section is a Class "C" misdemeanor.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of this ordinance.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given as required by law.

SECTION 5. That this ordinance shall take effect from and after the date of its publication in the newspaper in accordance with Texas law.

SECTION 6. That the requirement that this ordinance be read on two separate occasions is

Attachment: ORD - Game Rooms (4630 : WS - Game Rooms)

waived in accordance with Section 3.10 of the Home-Rule Charter.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of

Liberty, this _____ day of _____, 2019.

_____
Carl Pickett, Mayor

ATTEST:

_____
Dianne Tidwell, City Secretary

Attachment: ORD - Game Rooms (4630 : WS - Game Rooms)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/12/19 06:00 PM

Department: Administration
Category: Library Misc.

COUNCIL ACTION (ID # 4635)

DOC ID: 4635

Subject: Action Taken Following an Executive Session

Background: A vote on a matter deliberated in a closed session may only be made in an open meeting that is held in compliance with the notice provisions.

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