

City Council Members

Nancie Bailly
Marie Middleton
Philip Loving
Roland Agrella
Arthur Fuhrmann

The City of Liverpool
Regular City Council Meeting Minutes
8901 CR 171, Liverpool, TX
February 6, 2024, AT 6:30 PM
Mayor, Ric Bogue

Hours of Operation
Mon-Thurs 8:00am – 5:00pm
Friday 8:00am – Noon
www.cityofliverpooltexas.com

CALL TO ORDER- Mayor Ric Bogue called the meeting to order at 6:30 PM

INVOCATION & PLEDGE OF ALLEGIANCE-

- Invocation was rendered by Council Member Marie Middleton
- Pledge of Allegiance was led by Council Member Marie Middleton

ROLL CALL- Catherine Long called attendance.

- All Council Members in attendance

APPROVAL OF MINUTES FROM PREVIOUS MEETING- The minutes for January 2, 2024, were approved.

- Motion made by Council Member Roland Agrella to accept the minutes from the January 2, 2024, meeting.
- 2nd by Council Member Nancie Bailly
- All approved

UNSCHEDULED VISITORS & COMMENTS

Dan Key with the ESD#3 was present and gave a little back story on the fire department, regarding the fire department being shut down, and paid fire fighters being put in the station during the day. He stated that they now have volunteers now, and that he is now the Intern Fire Chief, and that as of February 1, 2024 the volunteers are active and they are a 24 hour fire station now.

CLOSED MEETING/EXECUTIVE SESSION

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

Mayor Bogue closed the regular meeting and opened the Closed Session at 6:35 PM.

REGULAR AGENDA – Mayor Bogue opened the Regular Council Meeting at 7:25 PM.

NEW BUSINESS – Discussion and Possible Action may be taken on the following:

- a. Krystal Bailey – Requesting a subdivide property located at 1771 CR 192 (Mark Roller's property).

Kayla Porche presented the Council with a layout picture of how the property was to be subdivided. She stated that they wanted to build houses on each portion of property and have a little part along the bayou that is community property so that they can fish. The total acreage is 53.7 and the subdivide of the property is: 6.18 acres, 4.05 acres, 6.06 acres, 3.02 acres, 2.51 acres, 10.36 acres, 8.09 acres, 10.71 acres, and 2.72 acres. Mrs.

Porche also asked if they could use crushed concrete for the private roadway on the property.

-Council Member Roland Agrella made a motion to approve the subdivide of the property, and to allow the crushed concrete private roadway.

-2nd by Council Member Philip Loving

-All Approved

- b. Jose Arturo Lara – Requesting to add on to the storage building and to build porches on his manufactured home located at 8331 CR 171.

Yamilette Sweet was present to represent Mr. Lara. She stated that they wanted to add on to the exiting storage building and to build porches on the home. Drainage Commissioner Brandon Middleton asked if they had gotten a master drainage plan done like Brazoria County Drainage District #5 asked them. She replied that they had not gotten the drainage plan. Brandon went on to explain to council that she had been told several times by DD5 and by Joe Ripple's office that they could not bring in any more dirt, and that they continued to bring in dirt after being told, and after they had received several letters regarding the matter. He explained to Ms. Sweet that they are in the flood plain and that they cannot bring in dirt, and that if they continue to bring in dirt charges can be brought up against them. That they have to have the master drainage plan to continue any work that is being done on the property to prevent them from flooding out their neighbors. Council felt that they should not take any action on this until Ms. Sweet complies with getting a master drainage plan done.

-Motion was made by Council Member Roland Agrella to table until Ms. Sweet gets the drainage plan to Brazoria County Drainage District 5.

-2nd by Council Member Philip Loving

-All Approved

- c. Krystal Leyva – Requesting to place a manufactured home on property located at 2707 St. Phillips., also inquiring about easements.

Mr. Leyva was not present.

-No action was taken.

- d. City Staff taking a water class for a Class D Certification.

Water Clerk, Kim Calhoun stated that she had read where Danbury is allowing the water clerk to take a class to get a Class D, and that she spoke to Mayor Bogue and City Secretary, Catherine Long, regarding the possibility of her taking the classes and getting the certification. She feels that it would benefit the City so that she is aware of what is going on with the water, and could be a backup for Rodney Garrett if needed. She stated that she looked into the classes, and the application is \$110, the classes run from \$375-\$385, and the test is \$89.00. She stated that she could take the courses online.

-Motion was made by Council Member Philip Loving to allow Kim to get the Class D License.

-2nd by Council Member Arthur Fuhrmann

-All Approved

- e. TownHome Bank CD's – Request to remove Mike Peters on the CE's and replace with someone else

City Secretary, Catherine Long, stated that she called HomeTown Bank to ask about pulling the money out of the CD's and how much the penalty was for withdrawing the money early, and that she was told that the Bank could not even talk to anyone other than the person the CD, which is Mike Peters. And that in order to have his name removed and someone else added, the Bank would need Council Meeting Minutes. Council discussed it, and decided to put Mayor Ric Bogue, and Intrem Mayor Marie Middleton on the CD's.

-Motion was made by Council Member Marie Middleton to take Mike Peters name off the CD's and put Mayor Ric Bogue and Mayor intrem Marie Middleton on the CD's at TownHall Bank.t
-2nd by Council Member Nancie Bailly
-All Approved

- f. Payment for new installation of water services.

City Secretary, Catherine Long, stated that with all the growth and new water customers coming to the City, that currently there are 7 new customers on a payment plan to pay for new installation. She stated that this includes a \$100 deposit, \$495 for the meter and anywhere from \$700 to \$1200 for the water line depending on what the contractor charges. Water Clerk Kim Calhoun stated that it has been around \$1600. Catherine stated that it is taking over a year for the customers to pay the installation back by making small monthly payments, and that the City is financing that payment arrangement. That the city pays the bill, and the customer pays the city back. She stated that she is asking if the City could start requiring a downpayment be made on the installation to cut back on the length of time that the city is getting reimbursed. Mayor Bogue suggested that the City require the deposit and the full amount of the meter, which would be \$595.

-Motion was made by Council Member Roland Agrella that all new customers must pay \$595, the deposit and the cost of the meter, and that the remaining installation payments must be paid off within a year, or the water will be turned off.
-2nd by Council Member Marie Middleton
-All Approved

- g. Building permit application fees.

City Secretary, Catherine Long, stated that when someone comes in to get a building application that the inspector charges \$75 a piece for the 3 inspections that he does, plus he charges \$200 for the inspection of the plans. And that she would like to request that we raise the application fee to include all 4 of these charges to cut back on the amount of time to get reimbursement payments from the builder. As it is now, they come in and pay the \$100 for residential, and \$500 for Commercial, and then when the inspections are done, the City gets the bill, pays it and then sends the bill to the builder for reimbursement. She proposes to raise the residential to \$525, and the commercial to \$925.

- Motion was made by Council Member Marie Middleton to raise the building application fees to include the inspections
- 2nd by Council Member Roland Agrella
- All Approved.

h. Building ordinance – lot size requirements

Mayor Bogue stated that he wanted to look at possibly changing the lot size from 1 acre due to there is really no property left in the City that is 1 acre, and that a lot of the lots that already have homes on them are not 1 acre lots. The council stated that it should be based off TCEQ regulations for a septic. Brandon Middleton stated that per TCEQ, the size of the septic depends on how many bathrooms are in the home. The council discussed keeping the square footage of 1000 feet for a home, and to base the lot size off the requirements from TCEQ.

- Motion was made by Council Member Philip Loving to change the lot requirements from 1 acre to be determined by TCEQ requirements on septic size and house size, and to keep the 1000 sq. foot home size.
- 2nd by Council Member Arthur Fuhrmann
- All Approved.

i. ARP Grant/Quote from Mercer Controls, Inc. for SCADA system (to update and automate the water system).

City Secretary Catherine Long stated that she wanted to combine line items I, j, and k due to they all pertain to the same subject matter. See line item k.

j. Quote on repairs for the water system.

City Secretary Catherine Long stated that she wanted to combine line items I, j, and k due to they all pertain to the same subject matter. See line item k.

k. Quote to do road to the heli-pad.

City Secretary, Catherine Long, presented Council with a spreadsheet for the ARP fund, and the quote from Mercer Controls. She stated that she sat down with the CPA, Phyllis, and they went over the numbers and had come up with a plan and payment schedule that would get almost all the repairs done. Catherine stated that there is \$71,005.39 left of the ARP fund. She then stated that there is a total of \$27,362.80 that is already in the works of being done to the water plant, which would leave \$43,642.59 of the ARP Grant. The quote from Mercer is in the amount of \$68,687.00, which would put the city over by \$25,044.41 after using the remaining \$43,642.59 of the ARP grant. However, the City has a budget line item for Capital Overlay in the amount of \$40,440.00. Therefore, the City could use the Capital Overlay to pay the \$25,044.41 for Mercer that was left after the ARP fund was used. That would leave \$15,395.59 in Capital Overlay, and with that remaining money, the City could do the remaining repairs in the amount of \$8,992.00, which would leave \$6,403.59 in the Capital Overlay. At this time there is no money left to cover the road to the heli-pad, which was quoted at \$33,495.30.

- Motion was made by Council Member Roland Agrella to move forward with the upgrade and repairs which include the SCADA system from Mercer Controls and

all the items listed on the spreadsheet, and to not move forward on the roadway to the heli-pad.

-2nd by Council Member Marie Middleton

-All Approved.

1. Ordinance No 2014-A Animal

City Secretary stated that there was an incident on Treasure drive with a resident that has anywhere from 10 – 30 dogs. She stated that the City has been told that they have anywhere from 10 to 30 dogs at the home, and that no one really knows how many dogs they have. And that last week 4 of the dogs got out and were being aggressive to the neighbors. She stated that Chief Nance went over, and that one dog was aggressive, and that 2 dogs started fighting. A warning for dogs at large was given to the owner of the dogs. There had been several complaints from the neighbors, one neighbor even called Judge Langston. Catherine also stated that the next day the owner of the dogs came in and complained about other dogs on the street being out and was told that if the dogs are out to call City Hall and an officer would go and check it out. Council Member Nancie Bailly stated that one neighbor reached out to her and told her that they had gone into the house where all the dogs are, and that it was in bad shape, that dogs were in cages stacked on top of each other, and that there was poop and pee all over the house, and that she has reached out to Alvin Animal Control and without proof nothing can be done, that there has to be pictures, she also stated that there were complaints of the dogs barking all night. Council Member Roland Agrella asked if there was a noise ordinance, or a nuisance ordinance. Catherine along with Chief Nance stated that there was not a noise ordinance, and that there is no mention of barking as nuisance in the current animal ordinance. Catherine also stated that if an ordinance was made for the number of animals that the resident would probably be grandfathered in.

-Motion was made by Council Member Roland Agrella to table until an ordinance could be amended to include nuisance and number of dogs.

-2nd by Council Member Philip Loving

-All Approved

OLD BUSINESS –Discussion and possible action may be taken on the following items:

- a. Melissa Shinde – Request to use dedicated roadways on property located at the corner of Calhoun Street and St. Phillips Street.

Ms. Shinde was not present.

-Motion was made by Council Member Philip Loving to table.

-2nd by Council Member Nancie Bailly

-All Approved

- b. Basel Mujarkeshh – Request to place a manufactured home located at 2104 1st Street.

Mr. Mujarkesh was not present.

-Motion was made by Council Member Philip Loving to table.

- 2nd by Council Member Nancie Bailly
- All Approved.

c. Riverhaven dedicated roadway

Mayor Bogue stated that Council, with the consultation of City Attorney, Chris Duncan has decided to accept the offer from Mark Ricketts, that Mr. Ricketts owns all the property from his gate back, and the City owns the paved part of Riverhaven.

- Motion was made by Council Member Philip Loving to finalize and approve the offer.
- 2nd by Council Member Roland Agrella
- Council Members Nancie Bailly and Marie Middleton opposed
- Council Member Arthur Fuhrman approved.
- Vote 3 to 2, motion passed.

d. Petition for release of ETJ – 060.07 Acres

Attorney Daniel Ringold was present and stated that his firm, at the request of their clients, sent in a request to be released from the ETJ, and that he received a response from the City Attorney that the City had denied the request stating that there were deficiencies in the request. He stated that his firm followed the law and they did the process just as it is set out by the statute and that he wanted clarification as to what else they needed to do. City Attorney, Chirs Duncan informed Mr. Ringold that there were things left out of the request, and that he need to go back and look at the statute carefully and follow it to the fullest. He stated that small cities do not like the new statute, and that his firm needed to fix the deficiencies.

- Motion was made by Council Member Marie Middleton to table.
- 2nd by Council Member Nancie Bailly
- All Approved.

STAFF/COUNCIL REPORTS-

- Chief Nance reported the activity for the city's Police Department.
- Catherine Long reported the activity for the city's Finance Department/Water Dept.
- No one reported activity for fire department.
- Catherine Long reported the activity for the Town Hall Community.
- Council Member Nancie Bailly stated that she thinks the city needs to look at the dates to see when the RV Variances are up and to send them a letter, she also stated that ENOS called and asked if there was anything that they could do to help the city, so if anyone knew of anything to let her know..
- Mayor Ric Bogue reported on water plant.
- Kim Calhoun reported activity for the city's Municipal Court

ADJOURNMENT-

- Motion by Council Member Roland Agrella to adjourn the meeting @ 8:25 p.m.
- 2nd by Council Member Marie Middleton

- All approved

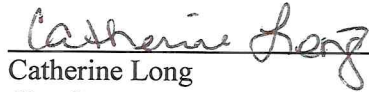
CERTIFICATION

I, Ric Bogue, Mayor, certify that these minutes are a true and correct record of the abovementioned council meeting.



Fredric "Ric" Bogue
Mayor

ATTEST:



Catherine Long
City Secretary