



The City of Liberty City Council

Special Called Meeting

~ Agenda ~

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

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, September 24, 2013

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	Arrival
Carl Pickett	☐	☐	☐	
Diane Huddleston	☐	☐	☐	
Dennis Beasley	☐	☐	☐	
Frank Jordan	☐	☐	☐	
Louie Potetz	☐	☐	☐	
Libby Simonson	☐	☐	☐	
David Arnold	☐	☐	☐	

II. 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.

III. PRESENTATIONS / REPORTS

A. Information Item (ID # 2821)

Financial Report - N. Herrington, Finance Director

B. Information Item (ID # 2822)

Recycling Report - Councilperson Huddleston

C. Information Item (ID # 2823)

SRMPA Report - Mayor Pickett

D. Information Item (ID # 2824)

Houston-Galveston Area Council Report - Councilperson Jordan

E. Information Item (ID # 2825)

Central Appraisal District Board of Directors Nomination.

- CAD Board Nomination Info 2013 (PDF)

IV. REGULAR AGENDA

A. Regular Session

1. Council Action (ID # 2826)

Consider appointments to the Houston-Galveston Area Council 2014 General Assembly.

- HGAC General Assembly Sept 2013 (PDF)

2. Council Action (ID # 2827)

Discuss changes to the Master Fee Schedule.

3. Ordinance (ID # 2828)

Consider adoption of an Ordinance amending the Master Fee Schedule.

4. Council Action (ID # 2829)

Consider a vehicle lease for the City Manager, and take any action deemed necessary.

5. Council Action (ID # 2830)

Discuss and consider proposed annexation plan for 2013.

6. Resolution (ID # 2831)

Consider a Resolution to revoke prior authorization, if any, for the railroad to pass through the City of Liberty.

7. Ordinance (ID # 2832)

Consider adoption of an Ordinance amending Chapter 12 of the City's Code of Ordinances granting the City authority to charge a toll for railroads that cross city owned streets.

B. Executive Session

Government Code §551.071

Private Consultation with Attorney on all subjects or matters authorized by law.

1. Consider legal advice regarding items specifically listed on the agenda.

C. Reconvene into Regular Session

1. Council Action (ID # 2833)

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

V. ADJOURNMENT

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 19th day of September, 2013 at 1:00 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, 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 _____, 2013.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.A

Meeting: 09/24/13 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2821)

DOC ID: 2821



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.B

Meeting: 09/24/13 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2822)

DOC ID: 2822



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.C

Meeting: 09/24/13 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2823)

DOC ID: 2823



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.D

Meeting: 09/24/13 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2824)

DOC ID: 2824



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.E

Meeting: 09/24/13 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2825)

DOC ID: 2825 A

EXPLANATION:

Members of the CAD Board of Directors serve two-year terms and must reside in the Appraisal District for at least two years prior to taking office. A person may serve on the governing body of a taxing unit in the District and also serve as a Director of the CAD.

Each voting taxing unit may nominate one to five candidates for each of the five positions on the Board. A candidate must receive 834 votes, out of 5000, to guarantee election. In September 2011, the Council nominated John Hebert Jr. who was elected to the board.

This item will be placed on the October 8th Council agenda.

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

September 30, 2013

-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, 2013

-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, 2013

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

December 16, 2013

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

December 31, 2013

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

January 1, 2014

-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.

LIBERTY COUNTY APPRAISAL DISTRICT**2013 BOARD OF DIRECTORS****CHAIRMAN**
2012-2013J. RONNIE DANNER
100 EAST CROCKETT
CLEVELAND, TX 77327
jdanner@farmersagent.com281-592-1541(W)
281-592-6392(H)**V. CHAIRMAN**
2012-2013BOB PICKLE
479 COUNTY ROAD 427 LOOP
DAYTON, TX 77535
rrpi@lubrizol.com713-846-2738 (PAGER)
281-814-8169(CELL)**SECRETARY**
2012-2013**RESIGNED (EFFECTIVE July 31st, 2013)**FRANKIE BARNETT
454 COUNTY ROAD 2271
CLEVELAND, TX. 77327
barnettfrank@sbcglobal.net281-592-7821(H)
832-401-4021(CELL)**DIRECTOR**
2012-2013ROBERT S. EDWARDS
P.O. BOX 785
102 W. CLAYTON AVE.
DAYTON, TX 77535
babaed@swhost.net258-8051(W)
258-2797 (H)
713-898-2506(CELL)**DIRECTOR**
2012-2013JOHN J HEBERT JR
102 FEATHERSTONE CT
LIBERTY, TX 77575
jjhebert@imsday.com936-336-5232(H)
936-334-2528(CELL)**EX-OFFICIO**RICHARD BROWN TAX A/C
P.O. BOX 1810
LIBERTY, TEXAS 77575
richard.brown@co.liberty.tx.us

336-4633 (W)

§ 6.02

PROPERTY TAX CODE

1983; Acts 1991, 72nd Leg., ch. 20, § 14, eff. Aug. 26, 1991; Acts 1991, 72nd Leg., ch. 391, § 13, eff. Aug. 26, 1991; Acts 1993, 73rd Leg., ch. 347, § 4.05, eff. May 31, 1993; Acts 1997, 75th Leg., ch. 165, § 6.72, eff. Sept. 1, 1997; Acts 2007, 80th Leg., ch. 648, §§ 1, 5(2), eff. Jan. 1, 2008.

§ 6.025. Repealed by Acts 2007, 80th Leg., ch. 648, § 5(3), eff. Jan. 1, 2008

→ § 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, 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; and

(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.

(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

PROPERTY TAX ADMINISTRATION

§ 6.03

entitlement and right to nominate a person to serve as a director of the district before July 1 of each odd-numbered year.

(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.

LIBERTY COUNTY CENTRAL APPRAISAL DISTRICT 2013 VOTE CALCULATION CAD DIRECTORS

VOTING TAXING UNITS	2012 TAX LEVY	%	# OF VOTES
LIBERTY COUNTY	\$ 24,839,055	0.2874	1,436
CLEVELAND ISD	\$ 8,077,984	0.0935	467
DAYTON ISD	\$ 17,680,767	0.2046	1,023
DEVERS ISD	\$ 3,797,397	0.0439	220
HARDIN ISD	\$ 3,460,939	0.0400	200
HULL DAISSETTA ISD	\$ 3,229,198	0.0374	187
LIBERTY ISD	\$ 10,061,869	0.1164	582
TARKINGTON ISD	\$ 4,685,622	0.0542	271
CITY OF AMES	\$ 169,806	0.0020	10
CITY OF CLEVELAND	\$ 2,515,765	0.0291	146
CITY OF DAISSETTA	\$ 120,249	0.0014	7
CITY OF DAYTON	\$ 4,628,182	0.0536	268
CITY OF DAYTON LAKES	\$ 15,623	0.0002	1
CITY OF DEVERS	\$ 27,340	0.0003	2
CITY OF HARDIN	\$ 58,450	0.0007	3
CITY OF LIBERTY	\$ 3,052,723	0.0353	177
CITY OF MONT BELVIEU	\$ 3,236	0.0000	-
TOTAL	\$ 86,424,205		5,000



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.1

Meeting: 09/24/13 06:00 PM

Department: Administration
Category: Board Appointments

COUNCIL ACTION (ID # 2826)

DOC ID: 2826

EXPLANATION:

Each HGAC member city, under 25,000, is allowed one delegate and one alternate to the General Assembly. The designees must be elected officials of the governing body.

Councilperson Jordan was appointed to the 2013 General Assembly. No alternate was appointed.

**Houston-Galveston Area Council**

Office of the Executive Director

September 5, 2013

The Honorable Carl Pickett
Mayor, City of Liberty
1829 Sam Houston St
Liberty, TX 77575

Dear Mayor Pickett:

I am writing regarding the appointment of your city's representative to H-GAC's 2014 General Assembly.

H-GAC's Bylaws provide that each member Home Rule city with a population under 25,000 as of the last (2010) Federal Census is entitled to designate one representative and one alternate to the H-GAC General Assembly, which will meet in early 2014.

I am enclosing the appropriate form for your city's use in officially designating a representative and an alternate. The two designees must be elected official members of your city's governing body.

A dinner meeting of Home Rule city representatives will be scheduled for November. At that meeting, your 2013 Home Rule Cities' H-GAC Board of Directors representatives will report on this year's activities and look ahead to issues and progress in 2014.

We are sending a copy of these designation materials to your city secretary as well. We would appreciate receiving your city's designation form no later than October 7. If you have any questions during the designation process, please call Rick Guerrero at 713-993-4598.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jack Steele'.

Jack Steele

JS/kay

Enclosure

cc: City Secretary

**DESIGNATION OF REPRESENTATIVE AND ALTERNATE
HOUSTON-GALVESTON AREA COUNCIL
2014 GENERAL ASSEMBLY**

BE IT RESOLVED, by the Mayor and City Council of _____, Texas,
that _____ be, and is hereby designated as its Representative
to the **GENERAL ASSEMBLY** of the Houston-Galveston Area Council for the year 2014.

FURTHER, that the Official Alternate authorized to serve as the voting representative should
the hereinabove named representative become ineligible, or should he/she resign, is
_____.

THAT the Executive Director of the Houston-Galveston Area Council be notified of the
designation of the hereinabove named representative and alternate.

PASSED AND ADOPTED, this _____ day of _____, 2013.

APPROVED:

Mayor

ATTEST:

By: _____



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.2

Meeting: 09/24/13 06:00 PM

Department: Administration
Category: Misc. Fees

COUNCIL ACTION (ID # 2827)

DOC ID: 2827



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.3

Meeting: 09/24/13 06:00 PM

Department: Administration
Category: Misc. Fees

ORDINANCE (ID # 2828)

DOC ID: 2828 A

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS PROVIDING FOR THE AMENDMENT OF ORDINANCE 2012-3, AMENDING THE MASTER FEE SCHEDULE FOR ALL RATES AND FEES CHARGED BY THE CITY OF LIBERTY; 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 a compilation of the rates and fees charged by the City for various licenses, permits, and services.

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 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 immediately from and after its passage as indicated below.

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 24th day of September, 2013.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.4

Meeting: 09/24/13 06:00 PM

Department: Administration
Category: Misc.

COUNCIL ACTION (ID # 2829)

DOC ID: 2829



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.5

Meeting: 09/24/13 06:00 PM

Department: Administration
Category: Property Acquisition

COUNCIL ACTION (ID # 2830)

DOC ID: 2830



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.6

Meeting: 09/24/13 06:00 PM

Department: Administration
Category: Miscellaneous Issues

RESOLUTION (ID # 2831)

DOC ID: 2831 A

A RESOLUTION OF THE CITY OF LIBERTY, TEXAS, REVOKING ALLEGED GRANT OF PERMISSION TO RAILROAD TO PASS THROUGH CITY STREETS.

WHEREAS, the Board of Trustees of the Town of Liberty granted to the Texas and New Orleans Railroad Company in 1858 certain lands west of the Trinity River on condition that the railroad company would build the railroad through the Town of Liberty crossing the Trinity River at the Liberty Ferry, or just above or just below that point; and

WHEREAS, the Resolution containing such grant makes reference only to lands west of the Trinity River and it is the City's position that said land west of the Trinity River is the only land to which the Resolution applies; and,

WHEREAS, the Liberty City Council (the successor to the Board of Trustees of the Corporation of the Town of Liberty) has received a communication from the Union Pacific Railroad (successor to the Texas and New Orleans Railroad Company) that refers to a single reference within the Resolution that does not include the qualifier "west of the Trinity;" and,

WHEREAS, Union Pacific has attempted to establish that the City's predecessor granted permission to the railroad to pass through the streets of the City when it is clear that the Resolution only refers to lands west of the Trinity.

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

That, although Council does not believe the City has ever relinquished any rights to the crossings or otherwise given permission for the railroad to use its crossings east of the Trinity, to the extent that the minutes of May 31, 1858 of the Board of Trustees of the Town of Liberty reflect any grant of such permission,

Such grant of permission to the railroad to use the crossings within the City be, and is hereby, revoked.

This resolution is applicable to all successors of the Texas and New Orleans Railroad, including, but not limited to, Union Pacific Railroad.

This Resolution shall be in full force and effect from and after the date of its passage.

Resolution (ID # 2831)

City Council Meeting

September 24, 2013

Page 2

Passed and approved this _____ day of _____, 2013, by a majority vote of the Liberty City Council.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.7

Meeting: 09/24/13 06:00 PM

Department: Administration
Category: Misc. Fees

ORDINANCE (ID # 2832)

DOC ID: 2832 A

AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS, AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF LIBERTY; GRANTING THE CITY OF LIBERTY AUTHORITY TO CHARGE A TOLL FOR RAILROADS THAT CROSS CITY OWNED STREETS; BY PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PENALTY AND INTEREST FOR FAILURE TO TIMELY PAY INVOICES, 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 was created in 1831 as a result of the City's receipt of a grant of four leagues of land by the government of Coahuila and Texas; and

WHEREAS, the City of Liberty is in the unique position of owning in fee a majority of the streets running throughout the City; and

WHEREAS, railroad tracks were installed over some City owned streets without the railroad first obtaining a valid right-of-way; and

WHEREAS, these streets include but are not limited to, those at Tennessee St., Alabama St., Louisiana St., Bowie St., Crockett St., Austin St., Milam St., Travis St., Main St., Fannin St., San Jacinto St., and Independence St.; and

WHEREAS, the railroad appears to have no legal right to use the referenced crossings; and

WHEREAS, a large number of trains travel through the City of Liberty every day creating a delay and noise nuisance for the citizens of Liberty; and

WHEREAS, the City Council of the City of Liberty believes it to be in the citizen's best interest to charge a toll for every railcar crossing over a city owned crossing.

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

SECTION 1.

The Code of Ordinances of the City of Liberty, Texas, be, and the same is hereby amended by adding the following section:

Article 12.10 Railroads

12.10.001 Railroad Toll

All railroad companies shall be charged and shall be responsible for paying a fee of ONE DOLLAR (\$1.00) per railcar for every city owned crossing that is crossed by said railcar. These crossings shall include those located at Tennessee St., Alabama St., Louisiana St., Bowie St., Crockett St., Austin St., Milam St., Travis St., Main St., Fannin St., San Jacinto St., and Independence St.

SECTION 2.

That all Ordinances of the City in conflict with the provisions of this Ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provision of this Ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not effect the validity of this Ordinance as a whole or any part of provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not effect the validity of the Liberty Code of Ordinances as a whole.

SECTION 4.

Railroad companies shall be invoiced daily, weekly, or monthly, at the discretion of the City Finance Director, and such invoices shall be payable 30 days after the invoice is issued. Failure to pay invoices by the date due shall cause an immediate penalty of 10% of the invoice. If the invoice is not paid within 60 days, interest shall accrue on the amount owing at a rate of the lower of 10% or year or the highest interest charge allowed by law.

SECTION 5.

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 6.

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

Passed and approved this _____ day of _____, 2013, by a majority vote of the Liberty City Council.

Carl Pickett, Mayor

Attest:

Dianne Tidwell, City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.C.1

Meeting: 09/24/13 06:00 PM

Department: Administration
Category: Executive Session Items

COUNCIL ACTION (ID # 2833)

DOC ID: 2833