



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, June 23, 2020

6:00 PM

City Hall - Liberty Center

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 Driggers	☐	☐	☐	
Council Member Dennis Beasley	☐	☐	☐	
Council Member Libby Simonson	☐	☐	☐	
Council Member David Arnold	☐	☐	☐	
Council Member Chipper Smith	☐	☐	☐	
Council Member Neal Thornton	☐	☐	☐	

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

1. Information Item (ID # 4822)

City Manager's Report-T. Warner - Future Meeting Dates

IV. REGULAR AGENDA

A. Regular Session

1. Resolution (ID # 4814)

Consider a Resolution awarding the City's credit card processing to OpenEdge.

2. Resolution (ID # 4815)

Consider a Resolution approving a Contingent Fee Contract with the Law Firm of Perdue Brandon Fielder Collins & Mott LLP.

3. Resolution (ID # 4816)

Consider a Resolution authorizing the City Manager to execute a Managed Plan Agreement with Liberty Computer Systems.

- Managed Service Plan Agreement (PDF)

4. Resolution (ID # 4817)

Consider a Resolution transferring the deeds for five (5) properties from the Liberty Community Development Corporation (LCDC) to the City of Liberty.

5. Resolution (ID # 4818)

Consider a Resolution approving Change Order No. 1 and Final Payment to TLC Trucking & Contracting for the Main B Levee Project.

- Main B Levee-Att #1 (PDF)
- Main B Levee-Att #2 (PDF)

6. Resolution (ID # 4819)

Consider a Resolution approving Change Order No. 2 and Final Payment to Wadecon, LLC for the Holly Street Improvement Project.

- Holly Street Imp Project (PDF)

7. Ordinance (ID # 4820)

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS AMENDING CHAPTER 3, BUILDING REGULATIONS, OF THE CITY OF LIBERTY CODE OF ORDINANCES, BY CREATING ARTICLE 3.13 REQUIRING CERTIFICATES OF OCCUPANCY OR CERTIFICATES OF COMPLIANCE FOR CERTAIN RESIDENTIAL AND COMMERCIAL STRUCTURES IN THE CITY; REQUIRING LIFE, HEALTH AND SAFETY INSPECTIONS AND FIRE SAFETY INSPECTIONS FOR CERTAIN RESIDENTIAL AND COMMERCIAL STRUCTURES IN THE CITY; ESTABLISHING AN EFFECTIVE DATE; AND DISPENSING WITH SECTION 3.10 OF THE HOME RULE CHARTER THAT ORDINANCES BE READ ON TWO SEPARATE OCCASIONS.

- Certificate of Occupancy Fees-Other Cities (XLSX)

8. Ordinance (ID # 4821)

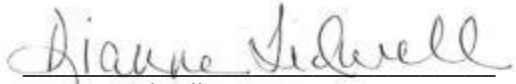
CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS AMENDING THE MASTER FEE SCHEDULE CREATING FEES FOR CERTIFICATES OF OCCUPANCY AND CERTIFICATES OF COMPLIANCE; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS.

- Certificate of Occupancy Fees-Other Cities (XLSX)

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 June, 2020 at 4:00 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 _____, 2020.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.1

Meeting: 06/23/20 06:00 PM

Department: Administration
Category: Miscellaneous Issues

INFORMATION ITEM (ID # 4822)

DOC ID: 4822

Department: Administration

Subject: Meeting Dates

Background: The City Manager will report to Council on future meeting dates for the conduct of City business.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.1

Meeting: 06/23/20 06:00 PM

Department: Administration
Category: Miscellaneous Issues

RESOLUTION (ID # 4814)

DOC ID: 4814 B

Department: Finance

Subject: Credit Card Processor

Background: The City of Liberty currently uses Elavon, formerly ETS, as the processor for our credit cards. Since Elavon became the credit card processor for the City, the customer service has not been satisfactory. Additionally, Elavon is not integrated with the City's financial software. A proposal was requested from OpenEdge to provide credit card processing for the City. In addition to saving the City approximately \$1,980 per year, their payment integration with the City's financial software will increase productivity through time saved, less errors and flexible reporting out of the financial software.

Funding Source: The City does not charge the credit card processing fee to the utility customer. The annual credit card processing fees, included in the Utility Billing Budget, is \$65,000.

Staff Recommendation: Staff recommends approval of the resolution awarding the contract for credit card processor to OpenEdge. This credit card processor is integrated with our financial software and is the only source with this integration capability.

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY,
TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE
LAWS OF THE STATE OF TEXAS, AWARDING THE CONTRACT FOR
CREDIT CARD PROCESSING TO OPENEDGE, A DIVISION OF
GLOBAL PAYMENTS**

WHEREAS, the City of Liberty currently uses Elavon as the processor for our credit cards; and

WHEREAS, the customer service provided to the city by Elavon has not been satisfactory; and

WHEREAS, OpenEdge, a division of Global Payments, submitted a proposal to provide credit card processing for the City; and

WHEREAS, OpenEdge is a sole source provider of the services they provide that seamlessly integrates with the City's financial software; and

WHEREAS, OpenEdge's integration with the City's financial software will increase productivity through time saved, less errors, and flexible reporting out of the financial software; and

WHEREAS, contracting with OpenEdge will save the city approximately \$1,980 per year; and

WHEREAS, the City does not charge the credit card processing fee to the utility customer; and

WHEREAS, the city currently pays approximately \$65,000 annually in credit card processing fees.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Liberty, Texas awards the contract for credit card processor to OpenEdge, a division of Global Payments, and authorizes the execution of any documents necessary to enter into the contract with OpenEdge.

PASSED AND APPROVED this 23rd day of June, 2020.

CITY OF LIBERTY, TEXAS

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 06/23/20 06:00 PM

Department: Administration
Category: Misc. Fees

RESOLUTION (ID # 4815)

DOC ID: 4815 A

Department: Municipal Court

Subject: Section 2254 of the Government Code requires a contingent fee contract to be considered and approved at an open meeting by the City.

Background: City Council awarded the collection contract to Perdue, Brandon, Fielder, Collins and Mott on April 14, 2020. They are ready to begin collections starting in July 2020. Since this is a contingent fee contract this resolution must be approved by Council as a matter of formality before they can begin.

Funding Source: The delinquent funds collected will go against the bad debt funds that are currently on our books. Court collection fees are added to the citation.

Staff Recommendation: Staff recommends approval of the resolution.

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, APPROVING A CONTINGENT FEE CONTRACT WITH THE LAW FIRM OF PERDUE BRANDON FIELDER COLLINS & MOTT, LLP

WHEREAS, the City of Liberty currently collects municipal fines and fees related to its municipal court; and

WHEREAS, the City of Liberty also currently collects fees related to utility services and library services; and

WHEREAS, occasionally individuals fail to timely pay their fees and fines to the city when due; and

WHEREAS, the City desires to contract with a law firm that specializes in the collection of delinquent fines and fees related to municipal court, utilities, and library billing; and

WHEREAS, the City Council seeks to follow the industry standard by using a contingent fee contract for the collection of said delinquent fines and fees; and

WHEREAS, the City has posted the proper notices as required by Texas Law; and

WHEREAS, the City seeks to contract with the law firm of Perdue Brandon Fielder Collins and Mott, LLP for the collection of delinquent fines and fees; and

WHEREAS, in an open meeting, the City Council for the City of Liberty considered all matters listed in Section 2254.1036(a)(1) of the Government Code, as they relate to contingent fee contracts with Perdue Brandon Fielder Collins & Mott, LLP.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Liberty, Texas, pursuant to Section 2254.1036, of the Government Code, hereby finds the following to be true: 1) there is a substantial need for the legal services specified in said contracts; (2) these legal services cannot be adequately performed by the attorneys and supporting personnel of the City of Liberty; and (3) these legal services cannot reasonably be obtained from attorneys in private practice under contracts providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the matter for which these services will be obtained or because the City of Liberty does not have funds to pay the estimated amounts required under contracts providing only for the payment of hourly fees.

Therefore, this City Council hereby approves the contracts by and between the City of Liberty and Perdue Brandon Fielder Collins & Mott, LLP for professional legal services regarding the collection of delinquent municipal court fines and fees, and delinquent utility and library accounts with services to be paid in accordance with Article 103.0031(b), Texas Code of Criminal Procedure, and City of Liberty Code of Ordinances Chapter 13 Article 13.02, Chapter 1 Article 1.09, and Ordinance Ord-2011-3.

PASSED AND APPROVED this 23rd day of June, 2020.

CITY OF LIBERTY, TEXAS

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.3

Meeting: 06/23/20 06:00 PM

Department: Administration
Category: Miscellaneous Issues

RESOLUTION (ID # 4816)

DOC ID: 4816 A

Department: Finance

Subject: Liberty Computer Systems Managed Plan Agreement

Background: The City's IT Coordinator position is currently vacant and is in the process of being filled. In the interim, the City will need assistance with IT related issues. Liberty Computer Systems has offered their services on a month to month basis until a new person is hired. In the past, the City has retained Liberty Computer Systems to assist the City with various IT issues. The agreement includes operational responsibilities, non-critical and critical technical support and participation in all technology meetings to help with the planning and budgeting of IT equipment. The cost for their services is \$5,000 upon execution of the agreement and \$10,000 per month. A copy of the agreement is enclosed.

Funding Source: General Fund

Staff Recommendation: Staff recommends City Council Approve the resolution authoring the City Manager to execute a Managed Plan Agreement with Liberty Computer Systems.

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A MANAGED PLAN AGREEMENT WITH LIBERTY COMPUTER SYSTEMS

WHEREAS, the City's IT Coordinator position is currently vacant and is in the process of being filled; and

WHEREAS, in the interim the City will need assistance with IT related issues; and

WHEREAS, Liberty Computer Systems, Inc. has previously provided quality IT assistance to the City of Liberty; and

WHEREAS, Liberty Computer Systems, Inc. has offered their services on a month to month basis until a new person is hired; and

WHEREAS, the agreement includes operational responsibilities, non-critical and critical technical support and participation in all technology meetings to help with the planning and budgeting of IT equipment; and

WHEREAS, the cost for their services is \$5,000 upon execution of the agreement and \$10,000 per month thereafter.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Liberty, Texas hereby authorizes the City Manager to execute a Managed Plan Agreement with Liberty Computer Systems, Inc. on a month to month basis with an initial cost of \$5,000 and a monthly fee of \$10,000 thereafter.

PASSED AND APPROVED this 23rd day of June, 2020.

CITY OF LIBERTY, TEXAS

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

Managed Service Plan Agreement

This Managed Service Plan Agreement ("Agreement") is by and between Liberty Computer Systems, Inc. ("LCSi") and the City of Liberty, a Texas municipality ("Client").

1. **Term:** This Agreement shall begin on **June 15, 2020** and thereafter shall be **month-to-month** beginning on July 1, 2020 until terminated. The Agreement may be terminated by either party with or without cause upon **thirty (30) days written notice** to the other party.
2. **Payment:** Client will pay LCSi as follows: (1) \$5,000.00 upon the execution of this Agreement; and (2) \$10,000.00 per month as a flat fee, due and payable on the first of each month, for the duration of this Agreement.
3. **Services:** LCSi will provide the following services to Client:
 - a. **Operations:** LCSi will assume **operational responsibility**, including installations and upgrades but excluding purchases of hardware, components and/or software, for all of Client's computers and servers (except the library patron computers). The routers, switches and other network devices will be maintained by Brad Caldwell, who will be paid directly by Client but whose work will be contracted by LCSi.
 - b. **Support:** LCSi will provide to Client the following support:
 - i. **Noncritical Issues:** LCSi will provide non-critical support services to Client only during the hours of 8:00 a.m. to 5:00 p.m. on Monday to Friday. Client will report non-critical issues by email to support@libertysys.com.
 - ii. **Critical Issues:** LCSi will provide critical support services, including "system shutdown events" to Client on a 24/7/365 basis. Client will report critical support issues to LCSi at 936-336-1122. LCSi will provide after-hours critical support for Police Department supervisors as needed to cell phone 713-907-0979.
 - c. **Technology:** LCSi will participate in all of Client's **technology meetings** to help with planning and budgeting. Client will not make any technology additions without LCSi approval, to assure Client has available resources for implementation.
4. **Non-compete & NDA:** Client will not hire an employee of Liberty Computer Systems, Inc. for a period of one (1) year after the termination of this Agreement, without the written approval by LCSi's Board of Directors.
5. **Limitation of Liability:** LCSi will perform all services using the same level of care or better than that is expected in the industry. However, in no event shall LCSi be held liable for indirect, special, incidental or consequential damages arising out of service provided hereunder, including but not limited to loss of profits or revenue, loss of use of equipment, lost data, costs of substitute equipment, or other costs and damages.

Dated: _____

Dated: _____

LIBERTY COMPUTER SYSTEMS, INC.,
A Texas for profit corporation

CITY OF LIBERTY
A Texas municipality

By: _____
Bill Takach, President

By: _____
Tom Warner, Manager



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.4

Meeting: 06/23/20 06:00 PM

Department: Administration
Category: Property

RESOLUTION (ID # 4817)

DOC ID: 4817 B

Department: Community Development

Subject: Transfer of Deeds

Background: A recent review of deed records revealed five (5) tracts of property that were in the name of the Liberty Community Development Corporation. LCDC does not own any assets and historically have transferred any assets they purchased to the City of Liberty. The tracts of land proposed for transfer are associated with the Liberty Fire Department Station along U.S. 90; Liberty Municipal Airport (3 tracts) and Woodsprings Lift Station. A copy of the deeds are enclosed. The LCDC Board of Directors, during their June 16th meeting, approved the transfer of these properties to the City.

Funding Source: NA

Staff Recommendation: Staff recommends City Council approve the resolution transferring the properties from LCDC to the City.

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY,
TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE
LAWS OF THE STATE OF TEXAS, APPROVING THE TRANSFER OF
REAL PROPERTY TO THE CITY OF LIBERTY FROM THE LIBERTY
COMMUNITY DEVELOPMENT CORPORATION**

WHEREAS, a recent review of deed records revealed five (5) tracts of property that were in the name of the Liberty Community Development Corporation (LCDC); and

WHEREAS, the LCDC has historically transferred its assets to the City of Liberty; and

WHEREAS, the tracts of land proposed for transfer are associated with the Liberty Fire Department substation along U.S. 90, the Liberty Municipal Airport, and the lift station along Woodsprings Drive; and

WHEREAS, the LCDC Board of Directors approved the transfer of these properties to the City of Liberty at their meeting on June 16, 2020.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Liberty, Texas hereby approves the transfer of property outlined above from the LCDC to the City of Liberty.

PASSED AND APPROVED this 23rd day of June, 2020.

CITY OF LIBERTY, TEXAS

Carl Pickett, Mayor

Resolution (ID # 4817)

City Council Meeting

June 23, 2020

Page 2

ATTEST:

Dianne Tidwell, City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.5

Meeting: 06/23/20 06:00 PM

Department: Administration
Category: Project Updates

RESOLUTION (ID # 4818)

DOC ID: 4818 B

Department: Public Works

Subject: Main B Levee Repairs - Final Payment

Background: On August 13, 2019, City Council approved the award of bid for repairs to the Main B Levee west of Bowie Street. The contractor, TLC Trucking and Contracting has completed all work in accordance with the plans and specifications. The original contract amount was \$754,814.20. Change Order No. 1 reflects final line item quantities installed on the project. There was an increase in slope treatment (FLEXMAT or equal) and rockfill toe stabilization. There was a decrease in 48" RCP and Concrete for Structure (Pipe Cradle). The net increase in cost for these items is \$3,903.00. This will result in a total project cost of \$758,717.20. A copy of Change Order No. 1 and the Final Pay Application are enclosed. The total cost of the project, including engineering fees, is \$900,778.20

Funding Source: FEMA (75%) upon final funding increase approval and Cambridge (25%).

Staff Recommendation: Staff recommends approval of Change Order No. 1 and authorization to make Final Payment in the amount of \$75,871.72.

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, APPROVING CHANGE ORDER NUMBER 1 AND FINAL PAYMENT TO TLC TRUCKING & CONTRACTING FOR THE MAIN B LEVEE REPAIR PROJECT

WHEREAS, on August 13, 2019, the City Council approved the award of bid for repairs to the Main B Levee west of Bowie Street; and

WHEREAS, the contractor, TLC Trucking & Contracting, has completed all work in accordance with the plans and specifications; and

WHEREAS, proposed Change Order Number 1 reflects final line item quantities installed on the project; and

WHEREAS, there was an increase in slope treatment (FLEXMAT or equal) and rockfill toe stabilization; and

WHEREAS, there was a decrease in 48" RCP and Concrete for Structure (Pipe Cradle); and

WHEREAS, the net increase in cost for these items is \$3,903.00; and

WHEREAS, this project is 75% funded by FEMA and 25% funded with Cambridge funds; and

WHEREAS, a final pay application in the amount of \$75,871.72 has been submitted to the city; and

WHEREAS, the City Council recognizes how important it is to maintain and protect the City's levee.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Liberty, Texas hereby approves Change Order Number 1 for the Main B Levee Repair Project in the amount of \$3,903.00. Furthermore, the City Council authorizes staff to make the final payment in the amount of \$75,871.72 on the Main B Levee Repair Project. The Main B Levee Repair Project shall be funded 75% by FEMA and 25% by Cambridge funds.

PASSED AND APPROVED this 23rd day of June, 2020.

CITY OF LIBERTY, TEXAS

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

**CHANGE ORDER NO. 1 & FINAL
CITY OF LIBERTY TEXAS**

PROJECT DESCRIPTION: MAIN B LEVEE REPAIR PROJECT
 CONTRACTOR: TLC - TRUCKING AND CONTRACTING, INC.
 DATE: 6/11/2020
 PROJECT START DATE: 9/6/2019
 CONTRACT CALENDAR DAYS: 165
 PREVIOUS CHANGE ORDERS:
 PERCENT CHANGE OF THIS C.O.: 0.52%

ITEM NO.	ITEM DESCRIPTION	UNIT	ORIGINAL QUANTITY	NEW QUANTITY	UNIT PRICE	ORIGINAL TOTAL	NEW TOTAL	DIFFERENCE
C2	SLOPE TREATMENT (FLEXMAT OR EQUAL)	SF	8060	8540	\$8.00	\$64,480.00	\$68,320.00	\$3,840.00
C4	ROCKFILL TOE STABILIZATION	TON	810	822	\$60.00	\$48,600.00	\$49,320.00	\$720.00
D6	48" RCP AND CONCRETE FOR STRUCTURE (PIPE CRADLE)	LF	75	72	\$219.00	\$16,425.00	\$15,768.00	(\$657.00)

NO ADDITIONAL CALENDAR DAYS WILL BE ADDED TO THE CONTRACT DURATION BY THE EXECUTION OF THIS CHANGE ORDER

THIS CHANGE ORDER AMOUNT: \$3,903.00
 PREVIOUS CHANGE ORDER AMOUNT: \$0.00
 ORIGINAL CONTRACT AMOUNT: \$754,814.20
 NEW CONTRACT AMOUNT: \$758,717.20
 PERCENT CHANGE OF THIS CHANGE ORDER: 0.52%



CONTRACTOR - (TLC - TRUCKING AND CONTRACTING, INC)

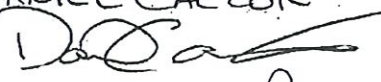
DAMON JONES - PUBLIC WORKS DIRECTOR

TOM WARNER, P.E. - CITY MANAGER

Attachment: Main B Levee-Att #1 (4818 : Main B Levee Project)

CONTRACTOR: TLC - TRUCKING AND CONTRACTING, INC.					PAY ESTIMATE NO.: 8 & FINAL					
JOB:	MAIN B LEVEE REPAIR				CALENDAR DAYS USED TO DATE: 165					
RAIN DAYS	38				PAY PERIOD (Release of Retainage)					
C.O.No.:					ORIGINAL CONTRACT AMOUNT: \$754,814.20					
CONSTRUCTION START DATE: SEPTEMBER 6TH, 2019					CURR. CONTRACT AMOUNT: \$758,717.20					
PERCENT WORK COMPLETED: 100.0%					CURR. CONTRACT CALENDAR DAYS: 165					
#	DESCRIPTION	UNIT	Quantity	UNIT PRICE	QUANTITY This Estimate	\$ AMOUNT This Estimate	QUANTITY Prev Estimates	QUANTITY TO DATE	\$ AMOUNT To Date	% Comp.
GENERAL CIVIL										
A1	MOBILIZATION / DEMOBILIZATION (5% OF TOTAL PROJECT	LS	1	\$47,885.00	0.00	\$0.00	1.00	1.00	\$47,885.00	100.00%
A2	STORM WATER POLLUTION PREVENTION PLAN (SWPPP)	LS	1	\$7,344.00	0.00	\$0.00	1.00	1.00	\$7,344.00	100.00%
A3	TRAFFIC CONTROL (ACCESS OF MATERIALS ON SITE)	LS	1	\$34,329.00	0.00	\$0.00	1.00	1.00	\$34,329.00	100.00%
A4	UTILITY COORDINATION	LS	1	\$850.00	0.00	\$0.00	1.00	1.00	\$850.00	100.00%
SITE DEVELOPMENT										
B1	STABILIZED CONSTRUCTION ACCESS	EA	1	\$3,125.00	0.00	\$0.00	1.00	1.00	\$3,125.00	100.00%
B2	CLEARING AND GRUBBING	AC	0.60	\$21,570.00	0.00	\$0.00	0.60	0.60	\$12,942.00	100.00%
B3	FINAL GRADING, HYDROMULCH, CLEAN UP	AC	0.60	\$25,982.00	0.00	\$0.00	0.60	0.60	\$15,589.20	100.00%
MAIN -B LEVEE REPAIR										
C1	EXCAVATION (OFF SITE DISPOSAL)	CY	1,140	\$33.00	0.00	\$0.00	1140.00	1140.00	\$37,620.00	100.00%
C2	SLOPE TREATMENT (FLEXMAT OR EQUAL)	SF	8,060.00	\$8.00	0.00	\$0.00	8540.00	8540.00	\$68,320.00	105.96%
C3	COMPACTED SELECTFILL (IMPORTED)	CY	1,050.00	\$52.00	0.00	\$0.00	1050.00	1050.00	\$54,600.00	100.00%
C4	ROCKFILL TOE STABILIZATION	TON	810	\$60.00	0.00	\$0.00	822.00	822.00	\$49,320.00	101.48%
CULVERT #7 REPLACEMENT										
D1	EXCAVATION (OFF SITE DISPOSAL)	CY	1,340	\$33.00	0.00	\$0.00	1340.00	1340.00	\$44,220.00	100.00%
D2	COMPACTED SELECTFILL (IMPORTED)	CY	1,250	\$52.00	0.00	\$0.00	1250.00	1250.00	\$65,000.00	100.00%
D3	TEMPORARY COFFERDAM (SHEETPILE)	LS	1	\$130,295.00	0.00	\$0.00	1.00	1.00	\$130,295.00	100.00%
D4	CARE OF WATER (SUMPS/PUMPS AND WELLPOINT DEWATERING SYSTEM)	LS	1	\$37,151.00	0.00	\$0.00	1.00	1.00	\$37,151.00	100.00%
D5	SHEET PILE (PZ-27.5)	SF	60	\$432.00	0.00	\$0.00	60.00	60.00	\$25,920.00	100.00%
D6	48" RCP AND CONCRETE FOR STRUCTURE (PIPE CRADLE)	LF	75	\$219.00	0.00	\$0.00	72.00	72.00	\$15,768.00	96.00%
D7	REINFORCED CONCRETE INLET (LANDSIDE)	EA	1	\$53,833.00	0.00	\$0.00	1.00	1.00	\$53,833.00	100.00%
D8	REINFORCED CONCRETE OUTLET (RIVERSIDE)	EA	1	\$11,523.00	0.00	\$0.00	1.00	1.00	\$11,523.00	100.00%
D9	FLAP GATE ("WATERMAN" OR EQUAL)	EA	1	\$13,063.00	0.00	\$0.00	1.00	1.00	\$13,063.00	100.00%
D10	ROCK RIPRAP OR BEDDING STONE (18" THICK)	TON	60	\$186.00	0.00	\$0.00	60.00	60.00	\$11,160.00	100.00%
D11	SAND FILTER DIAPHRAGM AND SAND DRAIN	CY	60	\$297.00	0.00	\$0.00	60.00	60.00	\$17,820.00	100.00%
D12	GEOTEXTILE FABRIC	SY	80	\$13.00	0.00	\$0.00	80.00	80.00	\$1,040.00	100.00%
						THIS ESTIMATE		TO DATE		
WORK COMPLETED:						\$0.00		\$758,717.20		
LESS RETAINAGE OF 10%:						\$0.00		\$0.00		
TOTAL DUE:						\$0.00		\$758,717.20		
						LESS PREVIOUS ESTIMATES:		\$682,845.48		
						DUE THIS ESTIMATE:		\$75,871.72		

Inspector DAMON JONES

DANIEL CALCOTE

 TLC-SENIOR PROJECT MANAGER

Attachment: Main B Levee-Att #2 (4818 : Main B Levee Project)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.6

Meeting: 06/23/20 06:00 PM

Department: Administration
Category: Project Updates

RESOLUTION (ID # 4819)

DOC ID: 4819 A

Department: Public Works

Subject: Holly Street Improvement Project - Final Payment

Background: In 2017, a developer contacted the City regarding the potential construction of eight homes on Holly Street. These homes were to be constructed on a vacant piece of property located near the Holly Street and N. Milam intersection. During the platting process, it was determined that the existing drainage and waterlines were not able to handle the storm water runoff and water demand of the new homes. City Council awarded the bid in April 2019, to construct the new storm sewer system and increase the size of the waterlines. The developer entered into a 380 Agreement with the City agreeing to pay for the upsizing of the storm sewer as a result of the new development. Change Order No. 1 was approved by City Council on September 10, 2019, in the amount of \$58,500, for the installation of up to nine (9) manholes at storm sewer and water line conflicts. Change Order No. 2 reflects final line item quantities installed on the project. The net increase in cost for these items is \$22,944.00. This will result in a total project cost of \$920,597.00. A copy of the Final Pay Application is enclosed. The total cost of the project, including engineering fees, is \$996,834.50

Funding Source: The project is being funded by 2016 Bond Proceeds, Cambridge Funds and the developers share for the cost of upsizing the storm sewer. The contractor will reimburse the City as each home is completed per the 380 Agreement.

Staff Recommendation: Staff recommends approval of Change Order No. 1 and authorization to make Final Payment in the amount of \$93,409.70.

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, APPROVING CHANGE ORDER NUMBER 2 AND FINAL PAYMENT TO WADECON, LLC FOR THE HOLLY STREET IMPROVEMENT PROJECT

WHEREAS, in 2017 a developer contacted the City regarding the potential construction of eight (8) homes on Holly Street; and

WHEREAS, during the platting process, it was determined that the existing drainage and waterlines were unable to handle the storm water runoff and water demand of the new homes; and

WHEREAS, the area surrounding Holly Street has routinely experienced drainage issues in the past prior to construction of the new houses; and

WHEREAS, the developer entered into a 380 Agreement with the City agreeing to pay for the upsizing of the storm sewer as a result of the new development; and

WHEREAS, the City awarded the bid to the contractor in April 2019 for the Holly Street project; and

WHEREAS, the City Council approved Change Order Number 1 on September 10, 2019 in the amount of \$58,500 for the installation of up to nine (9) manholes at storm sewer and water line conflicts; and

WHEREAS, proposed Change Order Number 2 reflects the final line item quantities installed on the project resulting in an increased cost of \$22,944.00; and

WHEREAS, said change order will result in a total project cost of \$920,597.00; and

WHEREAS, a final pay application in the amount of \$93,409.70 has been submitted to the city; and

WHEREAS, the City Council recognizes the importance of providing quality drainage and utilities to its citizens.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Liberty, Texas hereby approves Change Order Number 2 for the Holly Street Improvement Project in the amount of \$22,944.00. Furthermore, the City Council authorizes staff to make the final payment in the amount of \$93,409.70 on the Holly Street Project. The Holly Street Improvement Project shall be funded by a combination of the 2016 Bond Proceeds, Cambridge Funds, and the developers share for the cost of upsizing the storm sewer.

PASSED AND APPROVED this 23rd day of June, 2020.

CITY OF LIBERTY, TEXAS

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

CHANGE ORDER NO. 1 & FINAL
CITY OF LIBERTY TEXAS

PROJECT DESCRIPTION: HOLLY STREET PROJECT
 CONTRACTOR: WADECON, LLC
 DATE: 6/11/2020
 CONTRACT CALENDAR DAYS: 120
 PREVIOUS CHANGE ORDERS: NO.1
 PERCENT CHANGE OF THIS C.O.: 2.56%

ITEM NO.	ITEM DESCRIPTION	UNIT	ORIGINAL QUANTITY	NEW QUANTITY	DIFFERENCE	UNIT PRICE	ORIGINAL TOTAL	NEW TOTAL	DIFFERENCE
3	FURNISH AND INSTALL ASPHALT PAVEMENT REPAIR	SY	305	195	-110	\$55.00	\$16,775.00	\$10,725.00	(\$6,050.00)
9	FURNISH AND INSTALL CONCRETE BOX CULVERT 5X2	LF	884	866	-18	\$292.00	\$258,128.00	\$252,872.00	(\$5,256.00)
10	FURNISH AND INSTALL CONCRETE BOX CULVERT 4X2	LF	432	392	-40	\$210.00	\$90,720.00	\$82,320.00	(\$8,400.00)
11	FURNISH AND INSTALL CONCRETE BOX CULVERT 3X2	LF	20	0	-20	\$250.00	\$5,000.00	\$0.00	(\$5,000.00)
12	FURNISH AND INSTALL 18 IN RCP	LF	80	88	8	\$100.00	\$8,000.00	\$8,800.00	\$800.00
15	FURNISH AND INSTALL 2X3 INLET	LF	19	20	1	\$3,000.00	\$57,000.00	\$60,000.00	\$3,000.00
18	FURNISH AND INSTALL 6 IN C-900 DR18	LF	1952	1962	10	\$35.00	\$68,320.00	\$68,670.00	\$350.00
28	REMOVE EX. FIRE HYDRANT	EA	2	1	-1	\$500.00	\$1,000.00	\$500.00	(\$500.00)
31	EXPLORATORY EXCAVATION	EA	2	1	-1	\$1,500.00	\$3,000.00	\$1,500.00	(\$1,500.00)
33	CONFLICT MANHOLE WITH CAST IRON SANITARY SEWER	EA	9	7	-2	\$6,500.00	\$58,500.00	\$45,500.00	(\$13,000.00)

NO ADDITIONAL CALENDAR DAYS WILL BE ADDED TO THE CONTRACT DURATION BY THE EXECUTION OF THIS CHANGE ORDER

THIS CHANGE ORDER AMOUNT: -\$35,556.00
 PREVIOUS CHANGE ORDER AMOUNT: \$58,500.00
 ORIGINAL CONTRACT AMOUNT: \$897,653.00
 NEW CONTRACT AMOUNT: \$920,597.00
 PERCENT CHANGE OF THIS CHANGE ORDER: 2.56%



CONTRACTOR - (WADECON, LLC)

DAMON JONES - PUBLIC WORKS DIRECTOR

TOM WARNER, P.E. - CITY MANAGER

Bill TO:	City of Liberty				PAY ESTIMATE NO.: 7 & Final					
JOB:	Liberty Holly Street				DATE: 6/11/2019					
Rain Days	38				THROUGH: (Release of Retainage)					
C.O. #:	1, 2 & Final				ORIG. CONTRACT AMOUNT: \$897,653					
100.0%	Work Completed				CURR. CONTRACT AMOUNT: \$920,597					
0	Calendar Days Remaining				CURR. CONTRACT CALENDAR DAYS: 120					
#	DESCRIPTION	UNIT	Quantity	UNIT PRICE	QUANTITY This Estimate	\$ AMOUNT This Estimate	QUANTITY Prev Estimates	QUANTITY TO DATE	\$ AMOUNT To Date	% Comp.
1	CONCRETE CURB AND GUTTER REMOVAL	LF	210	\$20.00	0.00	\$0.00	210.00	210.00	\$4,200.00	100.00%
2	FURNISH AND INSTALL FLEXIBLE BASE	T	1,005	\$60.00	0.00	\$0.00	1005.00	1005.00	\$60,300.00	100.00%
3	FURNISH AND INSTALL ASPHALT PAVEMENT REPAIR	SY	195	\$55.00	0.00	\$0.00	195.00	195.00	\$10,725.00	100.00%
4	FURNISH AND INSTALL ASPHALT OVERLAY	SY	3,750	\$18.00	0.00	\$0.00	3750.00	3750.00	\$67,500.00	100.00%
5	FURNISH AND INSTALL 24-IN CONCRETE CURB AND GUTTER	LF	210	\$60.00	0.00	\$0.00	210.00	210.00	\$12,600.00	100.00%
6	DITCH GRADING	LS	1	\$25,000.00	0.00	\$0.00	1.00	1.00	\$25,000.00	100.00%
7	SEEDING	LS	1	\$5,000.00	0.00	\$0.00	1.00	1.00	\$5,000.00	100.00%
8	EROSION CONTROL	LS	1	\$2,000.00	0.00	\$0.00	1.00	1.00	\$2,000.00	100.00%
9	FURNISH AND INSTALL CONCRETE BOX CULVERT 5X2	LF	866	\$292.00	0.00	\$0.00	866.00	866.00	\$252,872.00	100.00%
10	FURNISH AND INSTALL CONCRETE BOX CULVERT 4X2	LF	392	\$210.00	0.00	\$0.00	392.00	392.00	\$82,320.00	100.00%
11	FURNISH AND INSTALL CONCRETE BOX CULVERT 3X2	LF	0	\$250.00	0.00	\$0.00	0.00	0.00	\$0.00	100.00%
12	FURNISH AND INSTALL 18 IN RCP	LF	88	\$100.00	0.00	\$0.00	88.00	88.00	\$8,800.00	100.00%
13	FURNISH AND INSTALL 15 IN RCP	LF	130	\$90.00	0.00	\$0.00	130.00	130.00	\$11,700.00	100.00%
14	FURNISH AND INSTALL STORM SEWER MANHOLE RISER	EA	7	\$1,200.00	0.00	\$0.00	7.00	7.00	\$8,400.00	100.00%
15	FURNISH AND INSTALL 2X3 INLET	EA	20	\$3,000.00	0.00	\$0.00	20.00	20.00	\$60,000.00	100.00%
16	FURNISH AND INSTALL STORM SEWER END TREATMENT, CUT OFF WALL, AND GRATE	EA	1	\$15,000.00	0.00	\$0.00	1.00	1.00	\$15,000.00	100.00%
17	STORM SEWER RIP RAP	LS	1	\$1,500.00	1.00	\$1,500.00	0.00	1.00	\$1,500.00	100.00%
18	FURNISH AND INSTALL 6 IN C-900 DR18	LF	1,962	\$35.00	0.00	\$0.00	1962.00	1962.00	\$68,670.00	100.00%
19	FURNISH AND INSTALL 6 IN C-900 DR18 BORE, NO CASING	LF	93	\$100.00	0.00	\$0.00	93.00	93.00	\$9,300.00	100.00%
20	FURNISH AND INSTALL 6 IN C-900 DR18, WITH CASING	LF	80	\$100.00	0.00	\$0.00	80.00	80.00	\$8,000.00	100.00%
21	FURNISH AND INSTALL 6X6 TAPPING SLEVE AND VALVE	EA	2	\$3,500.00	0.00	\$0.00	2.00	2.00	\$7,000.00	100.00%
22	FURNISH AND INSTALL FIRE HYDRANT	EA	5	\$5,000.00	0.00	\$0.00	5.00	5.00	\$25,000.00	100.00%
23	FURNISH AND INSTALL 6 IN GATE VALVE WITH VALVE BOX	EA	1	\$2,000.00	0.00	\$0.00	1.00	1.00	\$2,000.00	100.00%
24	FURNISH AND INSTALL 1 IN POLY WATER	LF	607	\$30.00	0.00	\$0.00	607.00	607.00	\$18,210.00	100.00%
25	CONNECT TO EX WATER METER	EA	15	\$200.00	0.00	\$0.00	15.00	15.00	\$3,000.00	100.00%
26	FURNISH AND INSTALL NEW WATER METER BOX	EA	8	\$500.00	0.00	\$0.00	8.00	8.00	\$4,000.00	100.00%
27	ABANDON EX. WATER MAIN	LS	1	\$2,500.00	0.00	\$0.00	1.00	1.00	\$2,500.00	100.00%
28	REMOVE EX. FIRE HYDRANT	EA	1	\$500.00	0.00	\$0.00	1.00	1.00	\$500.00	100.00%
29	MOBILIZATION AND ADMINISTRATION	LS	1	\$75,000.00	0.00	\$0.00	1.00	1.00	\$75,000.00	100.00%
30	REPLACE SANITARY SEWER	EA	1	\$2,500.00	0.00	\$0.00	1.00	1.00	\$2,500.00	100.00%
31	EXPLORATORY EXCAVATION	EA	1	\$1,500.00	0.00	\$0.00	1.00	1.00	\$1,500.00	100.00%
32	CLEARING AND GRUBBING	LS	1	\$20,000.00	0.00	\$0.00	1.00	1.00	\$20,000.00	100.00%
33	CONFLICT MANHOLE WITH CAST IRON SANITARY SEWER	EA	7	\$6,500.00	0.00	\$0.00	7.00	7.00	\$45,500.00	100.00%
					THIS ESTIMATE		TO DATE			
WORK COMPLETED:					\$1,500.00		\$920,597.00			
LESS RETAINAGE OF 10%:					\$150.00		\$0.00			
TOTAL DUE:					\$1,350.00		\$920,597.00			
					LESS PREVIOUS ESTIMATES:		\$827,187.30			
					DUE THIS ESTIMATE:		\$93,409.70			



CONTRACTOR - WADECON, LLC.

DAMON JONES - LIBERTY PUBLIC WORKS DIRECTOR

TOM WARNER, P.E. - LIBERTY CITY MANAGER



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.7

Meeting: 06/23/20 06:00 PM

Department: Administration
Category: Miscellaneous Issues

ORDINANCE (ID # 4820)

DOC ID: 4820 B

Department: Inspections

Subject: Certificates of Occupancy or Certificates of Compliance

Background: Currently, when there is a change in ownership or occupancy of a residential or commercial structure, there are no inspections of the structure prior to the connection of utilities. This has resulted, in some cases, of utilities being connected to a structure that may be unsafe and/or a substandard structure. The inspections will include Life, Health and Safety Inspections and Fire Safety Inspections. The issuance of Certificates of Occupancy for new structures or Certificates of Compliance for existing structures will help ensure the structure is safe for occupancy prior to the connection of utilities. During the June 9th City Council Work Session on this subject, City Council requested staff to review the fees charged by other cities to determine if our fee amounts were appropriate. Additionally, City Council requested the review time be reduced from ten (10) days to five (5) days. Based on the enclosed fee schedule comparison, the City of Liberty residential fees is the lowest charged by area cities. The commercial fees are comparable with the other cities. The review time has been reduced to five (5) days.

Funding Source: NA

Staff Recommendation: Staff recommends City Council approving the ordinance amending Chapter 3, Building Regulations, of the Code of Ordinances.

AN ORDINANCE AMENDING CHAPTER 3, BUILDING REGULATIONS, OF THE CITY OF LIBERTY CODE OF ORDINANCES, BY CREATING ARTICLE 3.13 REQUIRING CERTIFICATES OF OCCUPANCY OR CERTIFICATES OF COMPLIANCE FOR CERTAIN RESIDENTIAL AND COMMERCIAL STRUCTURES IN THE CITY; REQUIRING LIFE, HEALTH AND SAFETY INSPECTIONS AND FIRE SAFETY INSPECTIONS FOR CERTAIN RESIDENTIAL AND COMMERCIAL STRUCTURES IN THE CITY; ESTABLISHING AN EFFECTIVE DATE; AND DISPENSING WITH SECTION 3.10 OF THE HOME RULE CHARTER THAT ORDINANCES BE READ ON TWO SEPARATE OCCASSIONS

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 recognizes the need for implementation of a policy that requires the issuance of a Certificate of Occupancy or Certificate of Compliance and performance of a Life, Health and Safety Inspection and Fire Safety Inspection before utility services can be connected or reconnected to certain residential and commercial structures in the

city in an effort to monitor ownership, occupancy and standards of these structures, thereby reducing the number of substandard structures within the city and reducing the number of demolitions of dilapidated and/or abandoned structures within the city; and

WHEREAS, the City of Liberty further recognizes that implementation of the Certificate of Occupancy, Certificate of Compliance and Life, Health and Safety Inspection and Fire Safety Inspection policy is the most efficient system to monitor ownership, occupancy and standards of certain residential and commercial structures in the city and thereby ensure that orderly inspection schedules can be maintained by city officials; and

WHEREAS, the City of Liberty finds it necessary and desirable to amend its Code of Ordinances to require Certificates of Occupancy, Certificates of Compliance and Life, Health and Safety Inspections and Fire Safety Inspections for certain residential and commercial structures within the city.

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

SECTION 1. That Chapter 3 of the Code of Ordinances of the City of Liberty, Texas shall be amended by adding Article 3.13 to read as follows:

CHAPTER 3

BUILDING REGULATIONS

ARTICLE 3.13 CERTIFICATES OF OCCUPANCY AND COMPLIANCE

DIVISION I. RESIDENTIAL OCCUPANCY REQUIREMENTS

Sec. 3.13.001 Definitions.

As used in this division, the following terms shall have the respective meanings ascribed to them:

Apartment Complex. A building or buildings comprised of three or more consecutive rental units each.

Bedroom. A room used or intended to be used for sleeping purposes and not as a kitchen, bathroom, living room, closet, hallway, utility space, entryway, garage, patio, or breezeway.

Building Official. A properly identified building official for the City of Liberty, Texas, or his/her designee.

Certificate of Compliance. A certificate, other than an initial Certificate of Occupancy, issued by the city upon submission, review and approval of an executed Residential Occupancy Application, which lists any and all occupants of the property, as well as the owner(s) of the property.

Certificate of Occupancy. An initial certificate issued by the city upon submission, review and

approval of an executed Residential Occupancy Application, which lists any and all occupants of the property, as well as the owner(s) of the property.

City. The City of Liberty, Texas.

Life, Health and Safety Inspection. An inspection completed by the building Official on all residential structures and residential rental units which must be completed and submitted to the city prior to connection of utility services to each respective residential structure and must be completed at change of occupancy or at change of ownership on all residential rental units.

Owner. The person claiming, or in whom is invested, the ownership, dominion, or title of real property, including but not limited to: holder of fee-simple title; holder of life-estate; holder of leasehold estate for an interim term of five (5) years or more; a buyer under contract for deed; a mortgagee, receiver, executor or trustee in control of real property; but not including the holder of a leasehold estate or a tenancy for initial term of less than five (5) years.

Person. An individual, corporation, business trust, estate, trust, partnership or association, two or more persons having a joint interest, or any other legal or community entity.

Premises. A lot, plot or parcel of land, including any structure thereon, and furthermore, including a dwelling unit, appurtenances thereto, grounds and facilities held out for the use of tenants generally and any other area or facility of which use is promised to the tenant.

Property Manager. A person whom, for compensation, has control of the day-to-day operations of the residential rental unit or units or the person in a partnership or corporation, or any other legal entity, who has managing control of the residential rental unit(s).

Residential Occupancy Application. An application to be completed by an owner of a residential structure that lists all occupants and owners for each residential rental unit or residential structure, with said application to be submitted to the city prior to utility services being connected by the city.

Residential Rental Unit. Any building, manufactured home, mobile home, industrial home or portion thereof which is rented, leased or let to be occupied for compensation as a residence, excluding apartments.

Residential Structure. A structure, including but not limited to site built homes, manufactured homes, mobile homes and industrial homes, in which a person or persons live; a residence; abode; habitation.

Resident Manager. A property manager or agent of a property manager who resides in the residential rental unit.

Tenant. Any person who rents, leases, or occupies a residential rental unit for living or dwelling purposes with the consent of the owner, landlord, or property manager.

Sec. 3.13.002 Application and Issuance of Certificates of Occupancy and Compliance.

- (a) Each owner of a residential structure, other than an apartment complex, within the city shall make application for occupancy for said residential structure and each residential rental unit therein, if applicable, with the Building Official by submitting to the City a Residential Occupancy Application prior to receiving utility services from the City of Liberty at such time that there is a change in occupancy of said structure or any respective unit.
- (b) Each new owner of a residential structure, excluding apartment complexes, shall make application for occupancy with the Building Official by submitting to the City a Residential Occupancy Application, within ten (10) business days after the date of acquiring ownership. A new person may not occupy the residential structure prior to receiving a Certificate of Occupancy or Certificate of Compliance from the City.
- (c) Application for occupancy shall be made upon a form provided by the City for such purpose, and shall include at least the following information:
 - 1) Property owner's name, address, work and home telephone numbers;
 - 2) If the owner does not live within fifty (50) miles of the City of Liberty, then in addition to the information required by (1) above, the same information shall be provided for a local contact that has the authority to represent the owner in all matters relating to the maintenance of the residential structure and all respective units therein, if applicable;
 - 3) If the owner is a partnership, the name of all partners, the principal business address of the person in charge of the property, and telephone number of each partner;
 - 4) If the owner is a corporation, the person registering must state whether it is organized under the laws of this state or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the primary individual in charge of the property of such corporation, if any, and the names of all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of incorporation and the agent for service;
 - 5) Name, address, and telephone number of the property manager, if applicable;
 - 6) Street address of the residential structure;
 - 7) Street and mailing address of the residential rental unit, if applicable;
 - 8) Total square feet of living area and number of bedrooms;
 - 9) Number of persons occupying the structure or unit;
 - 10) Whether there has been a change of occupancy or an additional adult person to take up residence in the structure or unit since the date of last application; and

11) Signature of the owner or owner's agent.

- (d) A separate Residential Occupancy Application is to be completed and submitted for each residential rental unit within a residential structure.
- (e) A fee, set by the City Council, shall be charged for each respective application.
- (f) The Building Official shall either (1) issue a Certificate of Occupancy or Certificate of Compliance or (2) notify the owner that the premises do not comply with the requirements of this ordinance.
- (g) It is an offense for an owner to fail to register or fail to renew an application of any structure or unit within the City, and each and every day that the owner continues to fail to register or renew the application of each respective structure or unit shall constitute a separate offense.
- (h) It shall be unlawful for any person to file a false Residential Occupancy Application with the City.

Sec. 3.13.003 Life, Health and Safety Inspections.

- (a) The Building Official, or his/her designee, shall inspect each residential structure and residential unit therein within five (5) business days of receiving the application to determine compliance with minimum housing standards, city ordinances, national and international codes adopted by the City, City Code, all applicable state and local laws, and other conditions as determined by the city. Inspections shall also be conducted if a change of occupancy or a change of ownership has occurred for residential structures and/or residential rental units, or at any other time deemed necessary by the Building Official to maintain compliance with minimum housing standards.
- (b) If, upon completion of the inspection, the premises are found to be in compliance with all standards and codes mentioned in Section 3.13.003(a), the City shall issue a Certificate of Occupancy or Certificate of Compliance to the owner.
- (c) Failure to give the City Building Official or his/her designee access to the residential structure or any residential rental unit(s) therein shall constitute a violation and grounds for denying a passing inspection for each said structure or unit, and the fees associated for said inspection and all additional inspections shall be assessed as if the initial inspection was completed and judged as a failure to pass inspection.

Sec. 3.13.004 Offenses and Penalties.

Any person who commits an offense, performs an act prohibited by this ordinance or fails to perform an act required by this ordinance shall be in violation of this ordinance and is subject to a fine of not more than \$500.00 for each offense, and each and every day such offense or violation shall continue could be deemed a separate offense and fined accordingly.

DIVISION II. COMMERCIAL OCCUPANCY REQUIREMENTS

Sec. 3.13.031 Definitions.

As used in this division, the following terms shall have the respective meanings ascribed to them:

Building Official. A properly identified building official for the City of Liberty, Texas, or his/her designee.

Certificate of Compliance. A certificate, other than an initial Certificate of Occupancy, issued by the city upon submission, review and approval of an executed Commercial Occupancy Application, which lists any and all occupants of the property, as well as the owner(s) of the property.

Certificate of Occupancy. An initial certificate issued by the city upon submission, review and approval of an executed Commercial Occupancy Application, which lists any and all occupants of the property, as well as the owner(s) of the property.

City. The City of Liberty, Texas.

Commercial Leased Unit. Any building or portion thereof which is rented, leased or let to be occupied for compensation in order to conduct commercial activities.

Commercial Occupancy Application. An application to be completed by an owner of a commercial structure that lists all occupants and owners for each commercial leased unit or commercial structure, with said application to be submitted to the city prior to utility services being connected by the city.

Commercial Premises. A lot, plot or parcel of land, including any structure thereon, used for commercial purposes.

Commercial Structure. A structure which is primarily used to conduct commercial activities and is not a residential building as defined by this division.

Fire Marshal. A properly identified Fire Marshal for the City of Liberty, Texas, or his/her designee.

Fire Safety Inspection. An inspection completed by the Fire Marshal on commercial structures and commercial leased units which must be completed and submitted to the City upon change in use or ownership of such commercial structures or commercial leased units therein prior to connection of utility services to each respective commercial structure and commercial leased unit.

Life, Health and Safety Inspection. An inspection completed by the building Official on commercial structures and commercial leased units which must be completed and submitted to the city prior to connection of utility services to each respective commercial structure and

commercial leased unit.

Non-residential Building. A structure which is not a residential building as defined by this division.

Owner. The person claiming, or in whom is invested, the ownership, dominion, or title of real property, including but not limited to: holder of fee-simple title; holder of life-estate; holder of leasehold estate for an interim term of five (5) years or more; a buyer under contract for deed; a mortgagee, receiver, executor or trustee in control of real property; but not including the holder of a leasehold estate or a tenancy for initial term of less than five (5) years.

Person. An individual, corporation, business trust, estate, trust, partnership or association, two or more persons having a joint interest, or any other legal or community entity.

Property Manager. A person whom, for compensation, has control of the day-to-day operations of the commercial structure or commercial leased unit or units or the person in a partnership or corporation, or any other legal entity, who has managing control of the commercial structure or commercial leased units.

Residential Building. A structure in which a person or persons live; a residence; abode; habitation.

Tenant. Any person who rents, leases, or occupies a commercial structure or commercial leased unit for commercial purposes with the consent of the owner, landlord, or property manager.

Sec. 3.13.032 Commercial Certificates of Occupancy and Compliance.

(a) A Certificate of Occupancy or Certificate of Compliance shall be required for any of the following:

- 1) Occupancy and use of a new commercial premises;
- 2) Change in use of an existing commercial premises;
- 3) Occupancy and/or use of a commercial structure hereafter erected or structurally altered;
- 4) Change in ownership and/or name of an existing business.

(b) No such use or change of use shall take place until a Certificate of Occupancy or Certificate of Compliance thereof shall have been issued by the Building Official. All required construction inspections must be completed before anything is allowed to be moved into the building.

Sec. 3.13.033 Application and Issuance of Certificates of Occupancy and Compliance.

(a) Each owner of a commercial structure within the city shall make application for occupancy for said commercial structure and each commercial leased unit therein, if

applicable, with the Building Official by submitting to the City a Commercial Occupancy Application prior to receiving utility services from the City of Liberty at such time that there is a change in use of said structure or any respective unit.

(b) Each new owner of a commercial structure or commercial leased unit shall make application for occupancy with the Building Official by submitting to the City a Commercial Occupancy Application, within ten (10) business days after the date of acquiring ownership.

(c) Application for occupancy shall be made upon a form provided by the City for such purpose, and shall include at least the following information:

- 1) Whether the application is for a new use, a new occupant, or a new owner/business name;
- 2) Address of the property to be inspected;
- 3) Business/property use;
- 4) Total square feet of the commercial structure or commercial leased unit to be inspected;
- 5) Property owner's name, address, work and home telephone number, email address, and name of contact person;
- 6) Tenant's name, address, work and home telephone number, email address, and name of contact person;
- 7) Description of the business/property use;
- 8) Whether the occupancy or business involves the storage, sale, or use of certain hazards or products;
- 9) Chemical data sheet to the Building/Fire Department listing the maximum quantity of all hazardous materials under (8) above;
- 10) List of all materials discharged into the drainage system, ground, water, or atmosphere;
- 11) Owner's printed name and signature certifying that he/she has read the application, that the information is known to be true and correct, and that applicant agrees to comply with all city ordinances, state and local laws.

(d) A separate Commercial Occupancy Application is to be completed and submitted for each commercial leased unit within a commercial structure.

(e) A fee, set by the City Council, shall be charged for each respective application.

- (f) The Building Official shall either (1) issue a Certificate of Occupancy or Certificate of Compliance or (2) notify the owner that the premises do not comply with the requirements of this ordinance.
- (g) A Certificate of Occupancy or Certificate of Compliance for commercial structures or commercial leased units shall be valid until there is a change in ownership or occupancy of said structure or leased units.
- (h) It shall be unlawful for any person to file a false Commercial Occupancy Application with the City.

Sec. 3.13.034 Life, Health and Safety Inspections and Fire Safety Inspections.

- (a) The Building Official, or his/her designee, shall conduct a Life, Health and Safety Inspection for each commercial structure or commercial leased unit therein within five (5) business days after receiving the application to determine compliance with minimum building standards, city ordinances, national and international codes adopted by the City, City Code, all applicable state and local laws, and other conditions as determined by the city.
- (b) Upon the change in use or ownership of a commercial structure or any commercial leased unit therein, the Fire Marshal, or his/her designee, shall conduct a Fire Safety Inspection for each commercial structure or commercial leased unit therein within five (5) business days after receiving the application to determine compliance with minimum fire safety standards, City ordinances, national and international codes adopted by the City, City Code, all applicable state and local laws, and other conditions as determined by the City.
- (c) If, upon completion of the inspection, the premises are found to be in compliance with all standards and codes mentioned in Section 3.13.034(a), the City shall issue a Certificate of Occupancy or a Certificate of Compliance to the property owner.
- (d) Failure to give the Building Official or his/her designee or the Fire Marshal or his/her designee access to the commercial structure or any commercial leased unit therein shall constitute a violation and grounds for denying a passing inspection and all additional inspections shall be assessed as if the initial inspection was completed and judged as a failure to pass inspection.

Sec. 3.13.035 Offenses and Penalties.

Any person who commits an offense, performs an act prohibited by this ordinance or fails to perform an act required by this ordinance shall be in violation of this ordinance and is subject to a fine of not more than \$500.00 for each offense, and each and every day such offense or violation shall continue could be deemed a separate offense and fined accordingly.

Sec. 3.13.036 Procedure for Occupancy of New Commercial Buildings.

A Certificate of Occupancy for a new commercial structure shall be issued when such building has been completed in conformity with the provisions of this Ordinance and all required

construction inspections have been passed. A certificate shall be issued within five (5) business days after final inspection is complete and all fees owed to City have been paid.

Sec. 3.13.037 Procedure for Change in Use of an Existing Non-residential Building.

Written application for a Certificate of Occupancy or Certificate of Compliance for a change in the use of an existing building shall be made to the Building Official. All required inspections for a Certificate of Occupancy or Certificate of Compliance are separate from any construction inspections and are required to be successfully completed before a certificate will be issued. Parking requirements must be met, as herein provided. If the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy or Certificate of Compliance shall be issued within five (5) business days after the application for same has been made provided that all requirements are met.

Sec. 3.13.038 Procedure for Occupancy and/or Use of a Non-residential Building Hereafter Erected or Structurally Altered.

Written application for a Certificate of Occupancy or Certificate of Compliance and/or use of a non-residential building hereafter erected or structurally altered shall be made to the Building Official. All required inspections for a Certificate of Occupancy or Certificate of Compliance are separate from any construction inspections and are required to pass before certificate will be issued. Parking requirements must be met, as herein provided. If the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy or Certificate of Compliance shall be issued within five (5) business days after the application for same has been made provided that all requirements are met.

Sec. 3.13.039 Procedure for Change in Ownership and/or Name of an Existing Building.

Written application for a Certificate of Occupancy or Certificate of Compliance for any change in ownership and/or name of an existing building shall be made to the Building Official. All required inspections for a Certificate of Occupancy or Certificate of Compliance are separate from any construction inspections, and a passing score is required before a certificate will be issued. Parking requirements must be met, as herein provided. If the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy or Certificate of Compliance shall be issued within five (5) business days after the application for same has been made.

Sec. 3.13.040 Contents.

- (a) Every Certificate of Occupancy or Certificate of Compliance shall state that the building, or the proposed use of a building, complies with all provisions of the building and fire codes and Ordinances.
- (b) A record of all Certificates of Occupancy or Certificate of Compliance shall be kept in file in the office of the Building Official, or his/her designee, and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building affected.

Sec. 3.13.041 Temporary Certificate.

Pending the issuance of a regular Certificate of Occupancy or Certificate of Compliance, the Building Official may issue a Temporary Certificate of Occupancy or Temporary Certificate of Compliance for a period of time not exceeding 120 days, during the completion or alterations or during partial occupancy of a building pending its completion. A temporary certificate will be issued only for incomplete concrete parking as otherwise provided by the building code. It is required that the cost of the total project completion be submitted to the City in the form of a written contract or quote good for 120 days, from the contractor prepared to complete work. This total amount will be escrowed to the City for completion of the project. All required inspections for a Certificate of Occupancy or Certificate of Compliance are separate from any construction inspections and are required to pass before a temporary certificate will be issued. Such temporary certificates shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the City relating to the use or occupancy of the premises or any other matter covered by this Ordinance.

Sec. 3.13.042 - 3.13.060 Reserved.

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 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 23rd day of June, 2020.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

CERTIFICATE OF OCCUPANCY FEES

	<u>Anahuac</u>	<u>Cleveland</u>	<u>Beaumont</u>	<u>Montgomery</u>	<u>Willis</u>	<u>Bellaire</u>	<u>Seabrook</u>
Fee	\$ 100.00	\$75 (Commercial) \$65 (Residential)	\$ 75.00	\$ 50.00	\$100 (Commercial) \$50 (residential)	\$100 (Commercial) \$50 (residential)	\$ 50.00



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.8

Meeting: 06/23/20 06:00 PM

Department: Administration
Category: Misc. Fees

ORDINANCE (ID # 4821)

DOC ID: 4821 B

Department: Inspections

Subject: Master Fee Schedule -Certificates of Occupancy or Certificates of Compliance

Background: The proposed Master Fee Schedule amendment will include the following fees for Certificates of Occupancy and Certificates of Compliance:

Certificates of Occupancy/Certificates of Occupancy	
Residential Structures & Residential Rental Units	\$25.00
Second Residential Follow-up Inspection	\$50.00
Commercial Structures & Commercial Leased Units	\$100.00
Second Commercial Follow-up Inspection	\$250.00

Funding Source: NA

Staff Recommendation: Staff recommends City Council approval of the ordinance amending the Master Fee Schedule.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS AMENDING THE MASTER FEE SCHEDULE CREATING FEES FOR CERTIFICATES OF OCCUPANCY AND CERTIFICATES OF COMPLIANCE; 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 City Council previously adopted an ordinance requiring certificates of occupancy and certificates of compliance; and

WHEREAS, the City Council hereby adopts the fees herein regarding applications for said certificates of occupancy and/or certificates of compliance.

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” establishing fees for certificates of occupancy and certificates of compliance, 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 23rd day of June 2020.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

EXHIBIT A

Application Fees for Certificates of Occupancy / Certificates of Compliance

- 1) Residential Structures and Residential Rental Units (Non-Apartment Complex). Inspection on all residential structures and residential rental units therein shall have a fee of \$25.00, respectively, with said fee covering an initial inspection and one follow-up inspection, if needed. This fee will be assessed per residential unit at each change-of-occupancy inspection. If additional inspections are conducted on any one residential structure or residential unit due to failure to pass inspection on the initial and follow-up inspections, the fee will be \$50.00 for each additional inspection.
- 2) Commercial Structures. Inspection on all commercial structures and commercial leased units therein shall have a fee of \$100.00, respectively, with said fee covering an initial inspection and one follow-up inspection, if needed. This fee will be assessed per commercial leased unit at each inspection. If additional inspections are conducted on any commercial structure or commercial leased unit due to failure to pass inspection on the initial and follow-up inspections, the fee will be \$250.00 for each additional inspection.
- 3) New Construction. No fee shall be charged for a Certificate of Occupancy on any newly constructed residential or commercial structure that has already paid for and been issued building permits by the City.

CERTIFICATE OF OCCUPANCY FEES

	<u>Anahuac</u>	<u>Cleveland</u>	<u>Beaumont</u>	<u>Montgomery</u>	<u>Willis</u>	<u>Bellaire</u>	<u>Seabrook</u>
Fee	\$ 100.00	\$75 (Commercial) \$65 (Residential)	\$ 75.00	\$ 50.00	\$100 (Commercial) \$50 (residential)	\$100 (Commercial) \$50 (residential)	\$ 50.00