The City of Liberty
City Council

Regular Meeting

~ Minutes ~

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

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, April 12, 2011 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on April 12, 2011 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:02 PM by Mayor Carl Pickett.

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Dennis Beasley	Councilperson	Present	
Diane Huddleston	Councilperson	Present	
Mike McCarty	Mayor Pro-Tem	Present	
Al Simonson	Councilperson	Absent	
Louie Potetz	Councilperson	Present	
Frank Jordan	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Brandon Davis	City Counsel	Present	

II. INVOCATION

The Invocation was given by Brother Edwin Hardy, St. John Baptist Church.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Liberty High School students, Brittnie Rakestraw and Lauren Leday.

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Mayor Pickett welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council. There were no comments from the audience.

Mayor Pickett reported that:

1) the annual Liberty Jubilee was a great success,
2) a Texas Municipal League Region XVI Meeting would be held in Nacogdoches on Thursday, April 28, 2011, and
3) recognized Councilperson-elect, Libby Simonson.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2002)

Proclamation - Motorcycle Safety and Awareness Month

COMMENTS - Current Meeting:

Mayor Pickett read a Proclamation proclaiming May as Motorcycle Safety and Awareness Month. Representatives from various motorcycle clubs were present and thanked the Council for their support.

ATTACHMENTS:

- Motorcycle Safety and Awareness Month 2011 (DOC)

B. Information Item (ID # 2003)

Various Project Updates - City Mgr. Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported that in Council's packet was a report detailing the status of various City projects. Mr. Broz commented on several of the projects to include:

1) the new meter change-out will begin on Monday, April 18th,
2) Monta Street water tank rehab in progress and tank currently being sandblasted,
3) Public Works Departments moving into new service center facility on Main Street,
4) work continuing on rehab of the Wastewater Treatment Plant,
5) pole replacement project is complete, and
6) moving along well with new credit card payment transactions.

Mr. Broz also reported that sales tax revenues were down $10,000 from this same time last year, but up, for the fiscal year, by 11%. Mr. Broz also mentioned that enclosed were the most recently approved minutes from meetings of the Liberty Community Development Corporation and the Sam Rayburn Municipal Power Agency.

C. Information Item (ID # 2004)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reminded everyone of the community Shred-It Event to be held on Saturday, April 16th, from 9:00 a.m. til Noon. This service is provided free to the public for the shredding of sensitive documents. Councilperson Huddleston also stated that the Liberty Independent School District art classes will be on-site and display art projects related to recycling.

D. Information Item (ID # 2006)

Planning and Zoning Commission Appointments

COMMENTS - Current Meeting:

City Manager Gary Broz reported that appointments to the Planning and Zoning Commission will be made at the May Council Meeting. Those members of the P&Z Commission whose terms expire are Shelli Ellerbe and David Arnold. Mr. Broz stated that this notification allows Council the opportunity to consider individuals for these positions.

E. Information Item (ID # 2005)

Abated Structures - Neighborhood Services - Robbie Hood

COMMENTS - Current Meeting:

Neighborhood Services Director, Robbie Hood presented a powerpoint presentation on structures that have been abated in the last 3-4 months. This presentation reflected the various structures in their dilapidated and unsafe condition, and the properties after clean up was complete.

Those structures reviewed in the presentation were:

205 Avenue E, 205 Hwy. 90, 517 Bowie St., 611 Trinity, 901 MLK, 2722 Cornell St.

VI. CONSENT AGENDA

All consent items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, and if such a request is made, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Mike McCarty, Mayor Pro-Tem
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Beasley, Huddleston, McCarty, Potetz, Jordan
ABSENT:	Al Simonson

A. Minutes Approval

1. Tuesday, March 08, 2011

2. Thursday, March 24, 2011

B. Council Action 2011-41

Consider Designation of the Section 504 Equal Opportunity/Fair Housing Officer.

COMMENTS - Current Meeting:

This document designates Mr. Nic Houston, Public Management Inc. as the City's Fair Housing/Equal Opportunity/Section 504 Standards Officer. This officer is responsible for oversight and compliance of fair housing and equal opportunity activities performed by the City of Liberty, as required by the Texas Community Development Block Grant Program.

ATTACHMENTS:

- EEO-Fair Housing Officer (PDF)

C. Council Action 2011-42

Consider Approval of a Section 504 Grievance Procedure.

COMMENTS - Current Meeting:

This adopted document is a grievance procedure providing for equitable resolution of complaints alleging any action prohibited by the U.S. Department of Housing and Urban

Development regulations implementing Section 504; discrimination against individuals with disabilities. This document applies to the Community Development Block Grant Program.

ATTACHMENTS:

- Section 504 Grievance Procedure (DOC)

D. Council Action 2011-43

Consider Approval of the 2011 Charter Review Commission Final Report.

COMMENTS - Current Meeting:

The Final Report of the 2011 Charter Review Commission recommended no changes to the City of Liberty Home Rule Charter.

VII. REGULAR AGENDA

A. Regular Session

1. Public Hearing (ID # 1996)

Public Hearing on the Condemnation of the Structure Located at 3603 Beaumont Ave.

COMMENTS - Current Meeting:

At 6:25 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 3603 Beaumont Avenue. After a powerpoint presentation of the property was reviewed, the City's Counsel Brandon Davis directed questions to Neighborhood Services Director Robbie Hood confirming that the City had provided proper notice of the condemnation process to all parties involved. Mr. Davis further questioned Mr. Hood regarding the structure being identified as a nuisance and its dilapidated/substandard condition. After brief discussion of the structure in question, Mayor Pickett closed the Public Hearing at 6:30 p.m.

ATTACHMENTS:

- 3603 Beaumont Info (PDF)

2. Council Action 2011-44

Consider an Order of Abatement for the Structure Located at 3603 Beaumont Avenue.

COMMENTS - Current Meeting:

Motion was made to authorize condemnation, by issuance of the Order of Abatement, for 3603 Beaumont Avenue.

ATTACHMENTS:

- Order of Abatement 3603 Beaumont (DOC)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Mike McCarty, Mayor Pro-Tem
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Beasley, Huddleston, McCarty, Potetz, Jordan
ABSENT:	Al Simonson

3. Public Hearing (ID # 1998)

Public Hearing on the Condemnation of the Structure Located at 507 Trinity.

COMMENTS - Current Meeting:

At 6:30 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 507 Trinity Street. After a powerpoint presentation of the property was reviewed, the City's Counsel Brandon Davis directed questions to Neighborhood Services Director Robbie Hood confirming that the City had provided proper notice of the condemnation process to all parties involved. Mr. Davis further questioned Mr. Hood regarding the structure being identified as a nuisance and its dilapidated/substandard condition. After brief discussion of the structure in question, Mayor Pickett closed the Public Hearing at 6:34 p.m.

ATTACHMENTS:

- 507 Trinity Info (PDF)

4. Council Action 2011-45

Consider an Order of Abatement for the Strucutre Located at 507 Trinity Street.

COMMENTS - Current Meeting:

Motion was made to authorize condemnation, by issuance of the Order of Abatement, for 507 Trinity Street.

ATTACHMENTS:

- Order of Abatement 507 Trinity (DOC)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Diane Huddleston, Councilperson
AYES:	Pickett, Beasley, Huddleston, McCarty, Potetz, Jordan
ABSENT:	Al Simonson

5. Council Action 2011-46

Consider Acceptance of the City Secretary’s Certification of Unopposed Candidates. Considerar La Aprobacion De Certificacion De La Secretaria De La Ciudad De Los Candidatos Sin Oposicion.

COMMENTS - Current Meeting:

Motion was made to accept the City Secretary's Certification of Unopposed Candidates for the May 14, 2011 General Election.

ATTACHMENTS:

- Certification of Unopposed Candidates PDF (PDF)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Mike McCarty, Mayor Pro-Tem
SECONDER:	Frank Jordan, Councilperson
AYES:	Pickett, Beasley, Huddleston, McCarty, Potetz, Jordan
ABSENT:	Al Simonson

6. Ordinance 2011-6

Consider Adoption of an Ordinance Cancelling the May 14, 2011 General Election and Declaring Unopposed Candidates Elected to Office. Considerar La Adopcion De Una Ordenanza Cancelando Las Elecciones Generales Del 14 De Mayo Del 2011 Y Declarando Los Candidatos Sin Oposicion a Las Elecciones.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, CANCELLING AN ELECTION PREVIOUSLY ORDERED TO BE HELD ON MAY 14, 2011; FOR THE ELECTION OF THREE COUNCILPERSONS; DECLARING UNOPPOSED CANDIDATES IN SAID ELECTION ELECTED TO OFFICE; RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE THEREOF; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

Those individuals declared elected are Dennis Beasley, Diane Huddleston, and Libby Simonson.

Motion was made to adopt the Ordinance.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Frank Jordan, Councilperson
SECONDER:	Mike McCarty, Mayor Pro-Tem
AYES:	Pickett, Beasley, Huddleston, McCarty, Potetz, Jordan
ABSENT:	Al Simonson

7. Resolution 2011-6

Consider a Resolution Adopting a Section 3 Policy.

COMMENTS - Current Meeting:

This adopted Resolution reflects the City's participation in the Community Development Block Grant Program and attached Section 3 Policy. This policy states that the City will strive to provide job training, employment, and contracting opportunities for Section 3 (low-income) residents and business owners.

Motion was made to adopt the Resolution.

ATTACHMENTS:

- Local Opportunity Plan-Section 3 (DOC)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Diane Huddleston, Councilperson
AYES:	Pickett, Beasley, Huddleston, McCarty, Potetz, Jordan
ABSENT:	Al Simonson

8. Resolution 2011-7

Consider a Resolution Establishing Rules and Regulations Regarding Use of Force During Non-Violent Civil Rights Demonstrations.

COMMENTS - Current Meeting:

This Resolution adopted by Council establishes rules and regulations prohibiting the use of force during nonviolent civil rights demonstrations, held in the City of Liberty.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Mike McCarty, Mayor Pro-Tem
AYES:	Pickett, Beasley, Huddleston, McCarty, Potetz, Jordan
ABSENT:	Al Simonson

9. Council Action 2011-47

Consider Execution of a Contract with Pam Fregia for the Purchase of Real Property Adjacent to the Liberty Municipal Airport.

COMMENTS - Current Meeting:

City Manager Gary Broz stated that the proposed contract is for the real property purchase of 62.5 acres, adjacent to, and north of, the Liberty Municipal Airport. This purchase consists of 62.5 acres, plus a house, for a total sum of $300,000. This property will be used for future extension of the Airport runway from 3800 to 5000 feet. City's Counsel Brandon Davis reported that Ms. Fregia had requested various percentages of the funds be assigned to the house and property, then the remaining portion of the property. Mr. Davis explained that closing would be held 45 days after the title report was complete. Discussion ensued regarding cost negotiations, closing period, liquidated damages and earnest money, appraisals for other available properties for sale near the Airport, and other related matters.

Mr. Broz further reported that the Texas Department of Transportation will reimburse, at 90% of the purchase price, any property located in the right-of-way cone. Mr. Broz stated that this includes approximately 30+ acres.

Motion was made to approve the contract for the purchase of real property, in the amount of $300,000, from Ms. Pam Fregia.

ATTACHMENTS:

- Real Estate Contract - Fregia - Airport (PDF)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Mike McCarty, Mayor Pro-Tem
AYES:	Pickett, Beasley, Huddleston, McCarty, Potetz, Jordan
ABSENT:	Al Simonson

10. Council Action 2011-48

Conside Award of Bid for a Generator for the Liberty Fire Department.

COMMENTS - Current Meeting:

Mr. Broz reported that the City had received three bids for a 150 kw, 521 amp, 3-phase, 120/208 volt, natural gas powered generator for the Liberty Fire Department. This purchase is made through a 100% grant received by the Fire Department. Mr. Broz recommended the low bid of $39,500, from New Source Energy Constructors, Inc. This bid amount includes the generator, switch gear, and installation costs. Mr. Broz stated that the old generator currently at the Fire Station will be moved to the Public Works Service Center on Main Street. Motion was made to award the bid to New Source Energy Constructors.

ATTACHMENTS:

- FD Generator Tab Sheet (PDF)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Frank Jordan, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Beasley, Huddleston, McCarty, Potetz, Jordan
ABSENT:	Al Simonson

11. Council Action 2011-49

Consider a Proposal from Schaumburg and Polk, Inc. for Wastewater Permit Renewal.

COMMENTS - Current Meeting:

Mr. Rick Bourque, Schaumburg & Polk, was present to address the Council regarding the City's Wastewater Treatment Plant Discharge Permit renewal. Mr. Bourque explained the current permit expires February 2012, but permit renewal documents must be submitted six months prior to the expiration date. Schaumburg's fee for a basic renewal application is $12,900, in addition to fees for a Domestic Worksheet related to the gathering of information for the inventory of industrial, or non-domestic flows. This fee is estimated, at a reimbursable hourly rate, to be approximately $10,000.

Motion was made to approve the proposal from Schaumburg & Polk for the Wastewater Treatment Plant renewal, at a maximum cost of $22,900.

ATTACHMENTS:

- WW Permit Renewal 2011 (PDF)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Louie Potetz, Councilperson
SECONDER:	Frank Jordan, Councilperson
AYES:	Pickett, Beasley, Huddleston, McCarty, Potetz, Jordan
ABSENT:	Al Simonson

12. Council Action 2011-50

Consider a Proposal from Schaumburg and Polk Inc. for the Monta Elevated Tank Valve Replacement.

COMMENTS - Current Meeting:

Mr. Broz reported that while rehabilitation of the Monta Street Elevated Water Tank was underway, valves located in an underground vault were also in need of replacement. There have been previous issues with these valves, including the altitude control valve which is completely inoperable. Discussion was held regarding cost, valve placement possibly above ground, American made equipment, and associated topics. Mr. Bourque, Schaumburg & Polk stated that stipulations could be made regarding the purchase of parts, and that Schaumburg's cost to prepare the plans, specifications, and contract documents for this project is $15,100.

Motion was made to approve the proposal from Schaumburg & Polk for the Monta Elevated Tank valve replacement.

ATTACHMENTS:

- Monta Elevated Tank Valve Replacement (PDF)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Diane Huddleston, Councilperson
AYES:	Pickett, Beasley, Huddleston, McCarty, Potetz, Jordan
ABSENT:	Al Simonson

VIII. COUNCIL MEAL

Council shared an evening meal.

IX. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 8:00 p.m.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Louie Potetz, Councilperson
SECONDER:	Mike McCarty, Mayor Pro-Tem
AYES:	Pickett, Beasley, Huddleston, McCarty, Potetz, Jordan
ABSENT:	Al Simonson

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary