



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, August 9, 2011

6:00 PM

City Council Chambers

I. CALL TO ORDER

The Meeting was called to order on August 9, 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	
Mike McCarty	Mayor Pro-Tem	Present	
Dennis Beasley	Councilperson	Present	
Diane Huddleston	Councilperson	Present	
Frank Jordan	Councilperson	Absent	
Louie Potetz	Councilperson	Present	
Libby Simonson	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Brandon Davis	City Counsel	Present	

II. INVOCATION

The Invocation was given by Richard Ayers, Liberty County Veterans Service Officer and pastor of St. John's Baptist Church, Silsbee, Texas.

III. PLEDGE OF ALLEGIANCE

The pledge to the American and Texas flags was led by Liberty resident, Mr. Neal Thornton.

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 on the Texas Municipal League Region XVI Meeting sponsored by the City of Liberty on July 28th. Mayor Pickett reported this meeting was well attended by officials from fourteen different municipalities.

City Manager Gary Broz reported that the Texas Municipal League Annual Conference will be held October 11-14, in Houston. Mr. Broz requested that any Council Member wishing to attend contact the City Secretary.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2131)

Police Chief Presentation - TeleCommunicators

COMMENTS - Current Meeting:

Police Chief Billy Tidwell introduced to Council, the Liberty Police Department Telecommunicators. Chief Tidwell stated that these are a dedicated and professional group of individuals that most citizens never see or are even aware of exactly what their job entails. Chief Tidwell cited some recent events that different dispatchers participated in, with life-saving results.

Mayor Pickett thanked these employees for their dedication to their profession and expressed his pride in their work at the Liberty Police Department.

B. Information Item (ID # 2128)

Various Project Updates - City Manager Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the handout of various City projects and their status as follows:

- 1) meter changeout - new water meter installation almost complete, electric meters are 50-55% complete,
- 2) water storage tank on Monta is still being painted, with the City experiencing fluctuating water pressure. Project and water pressure should be complete and back to normal by mid-September.
- 3) sewer plant project - almost complete, with start up procedures on new equipment to begin soon,
- 4) installation of generators in various locations is still taking place.

C. Information Item (ID # 2129)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that the Shred-It Event held at City Hall on Saturday July 30 was a huge success. Ms. Huddleston reported that the event was held from 9:00 a.m. until Noon, and thanked City employees that assisted with this event. Another Shred-It Day will be planned prior to the end of the year.

D. Information Item (ID # 2130)

Abated Structures - Neighborhood Services Director R. Hood

COMMENTS - Current Meeting:

Neighborhood Services Director Robbie Hood reported on success stories for recently abated structures, by use of a power point presentation. Mr. Hood reported on the following properties showing before and after pictures, along with associated demolition costs:

- | | | |
|----|-----------------------|--------|
| 1) | 839 Washington Street | \$2450 |
| 2) | 902 Washington Street | \$2100 |
| 3) | 507 Trinity Street | \$2800 |

- 4) 3603 Beaumont Avenue \$4800

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.

Motion was made to approve the minutes and the low quote, from Enviro Remediation, for emergency repairs to the sewer line at Jefferson Drive and San Jacinto Street.

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

A. Minutes Approval

1. Tuesday, July 12, 2011

B. Council Action 2011-80

Consider Ratifying the Expenditure of Funds for Emergency Repairs to the Collapsed Sewer Line on Jefferson and San Jacinto.

VII. REGULAR AGENDA

A. Regular Session

1. Information Item (ID # 2133)

Mr. James R. Daniels Will be Present to Discuss with Council the Public Works Service Center, Associated Expenditures, and Other Matters Related Thereto.

COMMENTS - Current Meeting:

Mr. James Daniels was present to address the Council regarding funds expended for the City's purchase and rehabilitation of the Public Works Service Center. Mr. Daniels questioned the source of funding for this facility, commented on the fencing, inquired about future plans for a new Police Department facility and related costs. Mr. Daniels questions were answered by City Manager Gary Broz and various members of the City Council.

Mr. Daniels responded by expressing his appreciation for being able to address Council, and asked that consideration be given to finding ways in which to communicate various issues to the citizens, which would ultimately enhance future relations with all citizens.

ATTACHMENTS:

- Daniels Request - Council (PDF)

2. Resolution 2011-14

Consider a Resolution Renaming the Hwy. 146 Bypass to Veterans Memorial Highway.

COMMENTS - Current Meeting:

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

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS RENAMING THE SH 146 BY-PASS BETWEEN U.S. HWY. 90 AND LOOP 227 AS VETERANS MEMORIAL HIGHWAY".

Mr. Broz stated that the action of renaming the street would take place with no change of addresses. Motion was made to approve the Resolution as presented.

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

3. Council Action 2011-81

Consider an Agreement with the Texas Department of Transportation for Signage on the Proposed Veterans Memorial Highway.

COMMENTS - Current Meeting:

Mr. Broz reported on a proposed agreement for signage, with TXDOT for the Veterans Memorial Highway. The Texas Department of Transportation will construct and install a 48 X 72 break-away sign at each end of the highway, for a total cost of \$1700. These signs should be complete and in place by Veterans Day, November 11, 2011.

ATTACHMENTS:

- Agreement -Veterans Memorial Hwy. (PDF)

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

4. Public Hearing (ID # 2122)

Public Hearing on the Condemnation of the Structure Located at 4201 Sandune Road.

COMMENTS - Current Meeting:

At 6:45 p.m., Mayor Pickett opened the Public Hearing on condemnation of the structure located at 4201 Sandune Road. After a Power Point 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 inspected the County real property records, and other applicable records, to assure that proper notice of the condemnation process had been provided to all parties involved. Mr. Davis further questioned Mr. Hood regarding the structure being identified as a nuisance, a fire and health hazard, and its dilapidated/substandard condition. Mr. Hood reported that the property owner has requested a 90-day extension to remove the structure himself. After further discussion of the structure in question, Mayor Pickett closed the Public Hearing at 6:50 p.m.

ATTACHMENTS:

- PH 4201 Sandune Rd. (PDF)

5. Council Action 2011-82

Consider an Order of Abatement for the Structure Located at 4201 Sandune Road.

COMMENTS - Current Meeting:

Motion was made to approve the 90-day extension to the property owner for removal of the structure at 4201 Sandune Rd., however, if not completed within the allotted time period, the City will move forward with the condemnation process.

ATTACHMENTS:

- Order of Abatement 4201 Sandune Rd. (DOC)

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

6. Public Hearing (ID # 2124)

Public Hearing on the Condemnation of the Structure Located at 106 Carter Street.

COMMENTS - Current Meeting:

At 6:51 p.m., Mayor Pickett opened the Public Hearing on condemnation of the structure located at 106 Carter Street. After a Power Point 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 inspected the County real property records, and other applicable records, to assure that proper notice of the condemnation process had been provided to all parties involved. Mr. Davis further questioned Mr. Hood regarding the structure being identified as a nuisance, a fire and health hazard, and its dilapidated/substandard condition. Mr. Hood reported that he has had no response from the property owner in regard to notice of condemnation. After further discussion of the structure in question, including property taxes, Mayor Pickett closed the Public Hearing at 7:00 p.m.

ATTACHMENTS:

- PH 106 Carter Street (PDF)

7. Council Action 2011-83

Consider an Order of Abatement for the Structure Located at 106 Carter Street.

COMMENTS - Current Meeting:

A motion was made to approve the Order of Abatement for 106 Carter Street.

ATTACHMENTS:

- Order of Abatement 106 Carter (DOC)

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

8. Council Action 2011-84

Consider Setting the Date, Time and Location for a Public Hearing on the Proposed Budget for Fiscal Year 2011-2012.

COMMENTS - Current Meeting:

Mr. Broz recommended that the Public Hearing on the proposed budget for FY 2011-2012 be held on Tuesday, August 23rd, 6:00 p.m., in the Council Chambers. Motion was made to approve the City Manager's recommendation.

ATTACHMENTS:

- 2011 BUDGET AND TAX RATE SCHEDULE (DOC)

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

9. Council Action 2011-85

Consider Approval of the Proposed Tax Rate for Fiscal Year 2011-2012.

COMMENTS - Current Meeting:

Discussion was held regarding the proposed tax rate of \$.5900, the effective tax rate, and other related figures. City Manager Gary Broz stated that the proposed tax rate is not an increase, but remains the same as the previous fiscal year. Mr. Broz further explained that individual property taxes may increase based on the changing taxable value of one's property, however, the City's proposed tax rate is not an increase.

Mr. Broz remarked that this rate may be subject to change prior to final adoption on September 13, 2011. A motion was made to approve the proposed rate of \$.5900.

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

10. Council Action 2011-86

Consider Setting the Date, Time and Location for Public Hearings on the Proposed Tax Rate for Fiscal Year 2011-2012.

COMMENTS - Current Meeting:

Mr. Broz recommended that in consideration of timetables for required publications on the proposed tax rate, that those public hearings be held on August 23 and August 31, 2011 at 6:00 p.m., in the City Council Chambers.

Motion was made to approve the City Manager's recommendation.

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

11. Council Action 2011-87

Consider Approval of March 23 & 24 as Dates for the 2012 Liberty Jubilee.

COMMENTS - Current Meeting:

After brief discussion, a motion was made to approve the dates of Friday and Saturday, March 23 & 24 for the 2012 Liberty Jubilee.

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

12. Council Action 2011-88

Consider Approval of Change Order #2 for the Round 1 Disaster Funds Project.

COMMENTS - Current Meeting:

Mr. Rick Bourque, Schaumburg & Polk, Inc. was present to report on Change Order #2 for the Round 1 Disaster Fund Project. Mr. Bourque stated this change order specifically addresses modifications at the Wastewater Treatment Plant. These changes provide for improvements to the electric service by resetting a transformer on new poles to include new wiring, and improved access to the generator for maintenance and fueling. These changes will increase the contract time from 180 days to 305 days. Change Order #2 increases the contract price by \$196,342, for a total contract price of \$1,349,128.83.

Motion made to approve the change order as presented.

ATTACHMENTS:

- CO #2 TDRA generators (PDF)
- CO #2 TDRA drawings (PDF)

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

13. Council Action 2011-89

Consider Award of Bid, and Approval of Contract, for the Fire Department Substation Building to be Located on Bowie Street.

COMMENTS - Current Meeting:

This agenda item was passed on until a later date.

ATTACHMENTS:

- Bid Tab - FD Substation Bldg (PDF)

RESULT:	NO ACTION TAKEN
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14. Council Action 2011-90

Consider Contract Award and Expenditure of Funds for Water Line Replacement in the Ridgewood Subdivision.

COMMENTS - Current Meeting:

This agenda item was passed on until a later date.

RESULT:	NO ACTION TAKEN
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B. Executive Session

Deliberation Regarding Real Property. Gov. Code §551.072

1. Discussion regarding acquisition of real estate.

At 7:25 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:32 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2011-91

Consider and Take Action, If Any, on the Items as Discussed in the Executive Session.

COMMENTS - Current Meeting:

Motion was made to enter into an Interlocal Agreement with the Liberty County Rural Rail District No. 1 as presented in the closed session, and allow the City Manager to proceed which includes writing a letter to begin the process, and placing a \$15,000 cap on expenditures.

RESULT:	APPROVED [4 TO 0]
MOVER:	Louie Potetz, Councilperson
SECONDER:	Diane Huddleston, Councilperson
AYES:	Carl Pickett, Diane Huddleston, Louie Potetz, Libby Simonson
ABSTAIN:	Mike McCarty, Dennis Beasley
ABSENT:	Frank Jordan

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 8:35 p.m.

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

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary