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, November 8, 2011 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on November 8, 2011 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:01 PM by Mayor Carl Pickett.

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

II. INVOCATION

The Invocation was given by Mr. Kevin Ladd.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was given by Fire Chief Fred Collins.

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.

Mayor Pickett reported on the following:

1) Veterans' Memorial Highway Dedication to be held on Wednesday, November 9, at 9:30 a.m.,
2) new flag placed on the flagpole on Hwy. 90,
3) Employee Appreciation Dinner to be held Thursday, November 17th,
4) on November 8th proclaimed November as Pancreatic Cancer Awareness Month, and
5) Councilperson Huddleston has scheduled a "Shred It Day" for Saturday, December 3rd in the City Hall parking lot.

City Manager Gary Broz reported on the following:

1) on Saturday, November 12th the Animal Control Department will hold a pet adoption day

from 9:00 a.m. until 3:00 p.m. at the corner of Main & Grand, and
2) on Wednesday, November 9th, FEMA, in coordination with the FCC will conduct the country's first nationwide Emergency Alert System Test. This test will last approximately three minutes.

V. WORK SESSION

A. Work Session (ID # 2217)

Discussion of City Elections and Possible Changes as a Result of SB 100.

COMMENTS - Current Meeting:

Lengthy discussion was held regarding SB 100 which brings Texas into compliance with federal legislation, changing the time that military and overseas voters have to receive their ballots and return them to assure that their vote counts. SB 100 adjusts several dates in the election calendar, one being that the primary runoff date has been moved from April to the fourth Tuesday in May. Many County election officials have determined they are not in a position to offer voting equipment to cities and school districts for May elections in even numbered years. Discussed were the following options for conducting city elections:

1) City can purchase voting equipment and continue to conduct its own annual elections in May,

2) City can move to November uniform election date, allowing for a joint election with the County on each annual November uniform election date,

3) City can unstagger Council Member terms and conduct elections on May uniform election date in odd-numbered years only. This would dictate that all seven Council seats are up for election every two years.

4) City can continue to conduct its own annual election on the May uniform election date, if the County is willing to provide voting equipment or by holding joint elections with the County.

Additional discussion on this topic will be held at a future meeting.

B. Work Session (ID # 2215)

Discussion with Mr. Bob Henderson, City Financial Advisor, Regarding Possible Future Projects and Updating the City's Plan of Finance.

COMMENTS - Current Meeting:

Mr. Bob Henderson, City of Liberty Financial Advisor, was present to speak with Council regarding updating the City's plan of finance, to include proposed future projects and associated funding. Mr. Henderson stated that the June 2010 Plan of Finance was well focused and the City is currently on schedule with its objectives.

Mr. Henderson reviewed the city's current finances, speaking to the various sources of revenue, to include sales tax collections which year-to-date, are up. Mr. Henderson further reviewed various fund balances and the city's debt issues currently outstanding. Mr. Henderson stated that there are several projects requiring the city's attention including a new police station, as stated in the previous plan of finance, currently estimated at an approximate cost of $2.5 million, and several immediate needs; replacement of the Humphreys Cultural Center HVAC system at an estimated cost of $200,000, and an equipment shed for the Public Works Service Center at an estimated cost of $50,000.

Mr. Henderson reported that with the application for Round 2 Disaster Funds in the amount of $1 million for construction of the police department facility, the City will be able to issue certificates of obligation to cover the above mentioned projects, with no increase in the I & S tax rate the next year. Lengthy discussion ensued regarding the issuance and other details related to the City's debt.

Cost of issuance:

Police Station	$2.5 million
Cultural Center AC & Heating	$200,000
PW Service Center Shed	$50,000
Cost of Issuance/Legal fees	$75,000
Total	$2,825,000
Round 2 Disaster Funds	- $1 million
Total Issuance	$1,825,000

Mr. Henderson concluded his presentation by stating that the figures discussed are subject to action by Council to publish Notice of Intent to Issue in January and selling the debt in February, 2012.

C. Work Session (ID # 2216)

Discussion of Possible Tattoo Parlor Ordinance.

COMMENTS - Current Meeting:

This item was passed on for discussion at a later date.

VI. PRESENTATIONS / REPORTS

A. Information Item (ID # 2210)

Various Project Updates

COMMENTS - Current Meeting:

Mr. Broz reviewed with Council the printed project report of November 8th stating that the smart meter replacement project is nearing completion, the Monta Street water storage project should be in first class condition by the end of the week, the TXDOT contractor is working on the dirt work for the hangars at the Municipal Airport, and the Wastewater Treatment Plant operation is going well, with only a small punch list of items to complete.

Mr. Broz also reported on the status of other projects including the Fire Department Substation, Boomerang Electric Substation, new summary billing, sewer line replacement, and other various projects.

B. Information Item (ID # 2211)

Abated Structures

COMMENTS - Current Meeting:

This item was passed on for discussion at a later date.

C. Information Item (ID # 2212)

Airport Advisory Board Appointments

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the Airport Advisory Board will cease to exist on December 31, 2011. Mr. Broz stated that should the Council extend the term of this Board, appointments will need to be made at the December Council Meeting.

VII. 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:	Frank Jordan, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Beasley, Huddleston, Jordan, Potetz, Simonson
ABSENT:	Mike McCarty

A. Minutes Approval

1. Tuesday, October 11, 2011

B. Council Action 2011-113

Consider Extending the Term of the Airport Advisory Board.

COMMENTS - Current Meeting:

Motion approving the Consent Agenda included extending the term of the Airport Advisory Board until December 31, 2013.

VIII. REGULAR AGENDA

A. Regular Session

1. Council Action 2011-114

Consider Approval of the Preliminary Plat of the Katina Whittington Subdivision, Located on the East End of Westwood Avenue.

COMMENTS - Current Meeting:

Candy Motschman, Inspection Department, reported that Ms. Whittington obtained property from her father and additional land for a street right-of-way extension of Westwood, in order to obtain the proper street frontage for construction of a future home. This property is located off of Hwy. 563, south of the Briargate Subdivision. Discussion was held regarding the street condition, improved road frontage and the property owners responsibility, previous water line extension, and additional related issues. Ms. Motschman further reported that the plat meets the City's requirements and was conditionally approved, for minor changes, by the Planning & Zoning Commission.

Motion was made to approve the preliminary plat of the Katina Whittington Subdivision.

ATTACHMENTS:

- Katina Whittington Subdivision Checklist (PDF)
- Katina Whittington Subd Map (PDF)

RESULT:	**APPROVED [4 TO 2]**
MOVER:	Diane Huddleston, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Carl Pickett, Dennis Beasley, Diane Huddleston, Frank Jordan
NAYS:	Louie Potetz, Libby Simonson
ABSENT:	Mike McCarty

2. Public Hearing (ID # 2218)

Public Hearing on the Condemnation of the Structure Located at 902 Washington Street.

COMMENTS - Current Meeting:

At 7:19 p.m., Mayor Pickett opened a Public Hearing on the condemnation of the structure located at 902 Washington Street. Brandon Davis, Legal Counsel, explained that this property was previously approved for demolition by Council, that the demolition has taken place, and by City ordinance this hearing must be held in order to set the lien amount for filing with the County.

After a brief power point showing the before and after pictures of the property under consideration, Mr. Davis questioned Robbie Hood, Code Enforcement Officer, asking if proper notice was given to the property owner regarding this public hearing, if notice was published in the newspaper, and if bids were taken for the demolition process. Mr. Hood answered in the affirmative to all questions, stating that the demolition cost for 902 Washington was $2,100.00. Additional costs for publications, mailing costs, filing fees, and attorney's fees bring the total lien amount to $2,319.66.

At7:22 p.m., Mayor Pickett closed the Public Hearing.

ATTACHMENTS:

- Demo Exp 902 Washington (DOC)

3. Resolution 2011-18

Consider a Resolution to Affirm the Cost of Demolition and Assess Lien on Property Located at 902 Washington Street.

COMMENTS - Current Meeting:

Motion was made to approve the Resolution authorizing the filing of a lien on the property located at 902 Washington Street, in the amount of $2,319.66.

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

4. Public Hearing (ID # 2220)

Public Hearing on the Condemnation of the Sturcture Located at 839 Washington Street.

COMMENTS - Current Meeting:

At 7:23 p.m., Mayor Pickett opened a Public Hearing on the condemnation of the structure located at 839 Washington Street. Brandon Davis, Legal Counsel, explained that this property was previously approved for demolition by Council, that the demolition has taken place, and by City ordinance this hearing must be held in order to set the lien amount for filing with the County.

After a brief power point showing the before and after pictures of the property under consideration, Mr. Davis questioned Robbie Hood, Code Enforcement Officer, asking if proper notice was given to the property owner regarding this public hearing, if notice was published in the newspaper, and if bids were taken for the demolition process. Mr. Hood answered in the affirmative to all questions, stating that the demolition cost for 839 Washington was $2,450.00. Additional costs for publications, mailing costs, filing fees, and attorney's fees bring the total lien amount to $2,651.70.

At7:25 p.m., Mayor Pickett closed the Public Hearing.

ATTACHMENTS:

- Demo Exp 839 Washington (DOC)

5. Resolution 2011-19

Consider a Resolution to Affirm the Cost of Demolition and Assess Lien on Property Located at 839 Washington Street.

COMMENTS - Current Meeting:

Motion was made to approve the Resolution authorizing the filing of a lien on the property located at 839 Washington Street, in the amount of $2,651.70.

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

6. Public Hearing (ID # 2222)

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

COMMENTS - Current Meeting:

At 7:26 p.m., Mayor Pickett opened a Public Hearing on the condemnation of the structure located at 507 Trinity Street. Brandon Davis, Legal Counsel, explained that this property was also previously approved for demolition by Council, that the demolition has taken place, and by City ordinance this hearing must be held in order to set the lien amount for filing with the County.

After a brief power point showing the before and after pictures of the property under consideration, Mr. Davis questioned Robbie Hood, Code Enforcement Officer, asking if the proper process was followed regarding notice to property owners and bids, just as discussed in the previous two properties. Mr. Hood answered in the affirmative to all questions, stating that the demolition cost for 507 Trinity was $2,800.00. Additional costs for publications, mailing costs, filing fees, and attorney's fees bring the total lien amount to $2,942.52.

At 7:27 p.m., Mayor Pickett closed the Public Hearing.

ATTACHMENTS:

- Demo Exp 507 Trinity (DOC)

7. Resolution 2011-20

Consider a Resolution to Affirm the Cost of Demolition and Assess Lien on Property Located at 507 Trinity Street.

COMMENTS - Current Meeting:

Motion was made to approve the Resolution authorizing the filing of a lien on the property located at 507 Trinity Street, in the amount of $2,942.52.

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

8. Public Hearing (ID # 2224)

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

COMMENTS - Current Meeting:

At 7:29 p.m., Mayor Pickett opened a Public Hearing on the condemnation of the structure located at 3603 Beaumont Avenue. Brandon Davis, Legal Counsel, explained that this property was also previously approved for demolition by Council, that the demolition has taken place, and by City ordinance this hearing must be held in order to set the lien amount for filing with the County.

After a brief power point showing the before and after pictures of the property under consideration, Mr. Davis questioned Robbie Hood, Code Enforcement Officer, asking if the proper process was followed regarding notice to property owners and bids, as discussed in the previous properties. Mr. Hood answered in the affirmative to all questions, stating that the demolition cost for 3603 Beaumont Avenue was $4,800.00. Additional costs for publications, mailing costs, filing fees, and attorney's fees bring the total lien amount to $4,914.34.

At 7:30 p.m., Mayor Pickett closed the Public Hearing.

ATTACHMENTS:

- Demo Exp 3603 Beaumont (DOC)

9. Resolution 2011-21

Consider a Resolution to Affirm the Cost of Demolition and Assess Lien on Property Located at 3603 Beaumont Avenue.

COMMENTS - Current Meeting:

Motion was made to approve the Resolution authorizing the filing of a lien on the property located at 3603 Beaumont Avenue, in the amount of $4,914.34.

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

10. Resolution 2011-22

Consider a Resolution to Set Hearings Regarding Hazardous/Substandard Building Demolition Liens.

COMMENTS - Current Meeting:

Brandon Davis reported that expenses were incurred for the City's demolition of various properties as follows:

3019 Grand Street, Liberty, Texas,

615 Washington Street, Liberty, Texas,

617 Washington Street, Liberty, Texas, and

107 Tennessee, Liberty, Texas

Motion was made to set the public hearing date of December 13, 2011 to establish lien amounts on the properties located at 3019 Grand Street, 615 Washington, 617 Washington Street, and 107 Tennessee Street.

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

11. Resolution 2011-23

Consider a Resolution Casting the City’s Voting Entitlement for Position(S) on the Liberty County Central Appraisal District Board of Directors.

COMMENTS - Current Meeting:

Motion was made to apply the City's entire voting entitlement of 168 votes to John Hebert, Jr. for a position on the Liberty County Central Appraisal District Board of Directors.

ATTACHMENTS:

- CAD Voting Entitlement Info 2011 (PDF)

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

12. Public Hearing (ID # 2228)

Public Hearing Regarding the Taxing of Tangible Personal Property in Transit Which Would Otherwise be Exempt Pursuant to Texas Tax Code, Section 11.253.

COMMENTS - Current Meeting:

At 7:38 p.m., Mayor Pickett opened a Public Hearing regarding the taxing of tangible personal property in transit which would otherwise be exempt pursuant to Texas Tax Code, Section 11.253. Legal Counsel Brandon Davis explained that "goods-in-transit" means tangible personal property that is acquired or imported into the state to be forwarded to another location in or out of state; is property temporarily stored at a location that is not owned by the owner of the personal property, and is property that is transported to another location in or out of state not later than 175 days after the imported property is brought into the state. Further discussion included goods not regulated by this tax, taxing these goods for 2012 requires Council action by December 31, 2011, and other related topics.

At 7:47 p.m., Mayor Pickett closed the Public Hearing.

ATTACHMENTS:

- Goods in Transit Info 2011 (PDF)

13. Ordinance (ID # 2229)

Consider Adoption of an Ordinance to Tax Tangible Personal Property in Transit Which Would Otherwise be Exempt Pursuant to Texas Tax Code, Section 11.253.

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 TO TAX TANGIBLE PERSONAL PROPERTY IN TRANSIT WHICH WOULD OTHERWISE BE EXEMPT PURSUANT TO TEXAS TAX CODE, SECTION 11.253; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS."

Discussion ensued regarding the impact of this tax from the Central Appraisal District, the percentage of impact on small business, that passing this ordinance allows the City to tax goods that qualify, and other matters related thereto.

No action was taken; this item will be brought to Council at a later date.

RESULT:	**NO ACTION TAKEN**

14. Council Action 2011-112

Consider Approval of the PSAP Responding Boundary Agreement Between the City of Dayton and the City of Liberty.

COMMENTS - Current Meeting:

Police Chief Billy Tidwell reported that the Public Safety Answering Point Responding Boundary Agreement redefines the 911 boundaries, ensuring that the boundary between the City of Dayton and the City of Liberty are accurate and does not conflict. This agreement is part of the ongoing updates to the 911 System implemented by the Houston-Galveston Area Council.

Motion was made to approve the PSAP Agreement between the Houston-Gavleston Area Council, the City of Dayton and the City of Liberty, as presented.

ATTACHMENTS:

- PSAP Agreement - Dayton Nov 2011 (PDF)

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

15. Information Item (ID # 2230)

Annual Review and Update of the Community Development Capital Improvement Program.

COMMENTS - Current Meeting:

This agenda item was passed on until a later date.

IX. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 7:54 p.m.

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

.

____

Carl Pickett, Mayor

ATTEST:

____

Dianne Tidwell, City Secretary