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, February 14, 2012 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on February 14, 2012 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:00 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	Present	
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 Water & Wastewater Operations Manager, Roger Drews.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas Flags was led by Liberty County District Attorney Mike Little.

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Public Comment is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda. Please be aware that, under Texas Law, the Council may not deliberate or take any action on non-agenda items. In some situations, City staff may be able to respond to the public comment with a factual statement or clarification. City Council may request that the item be placed on a future agenda at which time the Council may deliberate and/or act.

Mayor Pickett reported that the Chamber of Commerce Monthly Luncheon will be held Wednesday, February 15th, and the program presenter will be the City's Waste Management representative, Terry Woodson. Mayor Pickett also mentioned that the Methodist Men's Banquet would be held Thursday, February 16th, at the First United Methodist Church, an event that began in 1927.

City Manager Gary Broz remarked on a handout for Council's review; the H-GAC Monthly Economic Digest/Gulf Coast Economic Development District. Mr. Broz reported that the Annual Liberty-Dayton Chamber of Commerce Banquet will be held on Thursday, March 8th and the next meeting of the Texas Municipal League Region XVI will be held on Thursday, March 22nd, in Port Arthur, Tx.

As a member of the Gulf Coast Economic Development District, Councilperson Jordan spoke to issues relative to Liberty County. Councilperson Jordan reported that employment numbers had increased 900 people between November 2010 and November 2011, that the unemployment rate had dropped from 11.2 to 10, and that sales tax revenues were positive.

Mr. Broz further remarked that their would be a special called meeting on February 21st for review of the final draft of the City's new Code of Ordinances, as presented by Franklin Publishing.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2302)

Various Project Updates

COMMENTS - Current Meeting:

Mr. Broz reported on a handout regarding the status of City projects as follows:

1) Monta Ground Storage/Control Box upgrade complete,

2) installation to begin on water lines at the Airport,

3) working on selling last of product from Airport Fuel Farm, so that tank can be moved,

4) SCADA System - waiting on equipment to arrive to begin installation,

5) working to complete meter changeout,

6) working in-house to address auditor's concerns,

7) met with military officials in Beaumont regarding the fueling of helicopters at the Liberty Municipal Airport, and

8) received a tree grant to place trees on the City Hall Square.

B. Information Item (ID # 2303)

Recycling Report

COMMENTS - Current Meeting:

Councilperson Huddleston reported that the next "Shred-It" Event will be held on Saturday, April 28th from 9 a.m. until Noon. Councilperson Huddleston explained that this event is for the shredding of sensitive documents, that documents are shred on-site, and there will be additional activities taking place.

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:	Frank Jordan, Councilperson
AYES:	Pickett, McCarty, Beasley, Huddleston, Jordan, Potetz, Simonson

A. Minutes Approval

1. Tuesday, January 10, 2012

2. Monday, January 16, 2012

3. Tuesday, January 24, 2012

B. Resolution 2012-1

Consider a Resolution Authorizing the City Manager to Enter into an Agreement with the Texas Department of Transportation for the Temporary Closure of Main Street During the Liberty Jubilee.

ATTACHMENTS:

- TxDOT Temporary Rd. Closure Agreement (DOC)

C. Council Action 2012-9

Consider Acceptance of the Annual Audit Report for Fiscal Year 2010-2011 as Presented by Swaim, Hanagriff & Associates on January 24, 2012.

VII. REGULAR AGENDA

A. Regular Session

1. Resolution 2012-2

Consider Approval of a Resolution Authorizing Publication of Notice of Intention to Issue Certificates of Obligation.

COMMENTS - Current Meeting:

Mayor Pickett read the entire Resolution into the record, beginning with the caption as follows: "A RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION".

Mayor Pickett reported that the issuance, not to exceed $1,825,000 would fund in whole or part three projects, also to include legal, engineering, and issuance fees. Those three projects are $1.5 million to assist with construction of a new Police Department facility, $200,000 for HVAC at the Humphreys Cultural Center, and $50,000 for an equipment awning at the Public Works Service Center.

Motion was made to approve the Resolution.

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

2. Public Hearing (ID # 2306)

Public Hearing on the City of Liberty's Fair Housing Activity Statement - Texas (FHAST) Form.

COMMENTS - Current Meeting:

At 6:22 p.m., Mayor Pickett opened the Public Hearing on the City's Fair Housing Activity Statement-Texas.

Mr. Broz explained that this is a new requirement for the Disaster Recovery Round 2 Phase 2 application, in which the City has applied for $1 million to assist in the construction of a new police department facility. Mr. Broz further stated that the City's current Fair Housing Action Plan has been modified to fit the grant requirements.

With no further comments or questions, Mayor Pickett closed the Public Hearing at 6:24 p.m.

ATTACHMENTS:

- 2012 PH Fair Housing (DOC)

3. Resolution 2012-3

Consider a Resolution Approving the City's Fair Housing Activity Statement-Texas (FHAST).

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 APPROVING ITS FAIR HOUSING ACTIVITY STATEMENT-TEXAS (FHAST)".

Motion was made to approve the Resolution.

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

4. Public Hearing (ID # 2310)

Public Hearing on the Condemnation of the Structure Located at 1611 Cypress Street.

COMMENTS - Current Meeting:

At 6:25 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 1611 Cypress Street. After review of the Power Point presentation regarding the condition of this structure, which was damaged by fire, City 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 hazard/nuisance and its dilapidated/substandard condition. After further discussion of the structure in question, Mayor Pickett closed the Public Hearing at 6:27 p.m.

ATTACHMENTS:

- PH 1611 Cypress (PDF)

5. Council Action 2012-10

Consider an Order of Abatement for the Structure Located at 1611 Cypress Street.

COMMENTS - Current Meeting:

A motion was made to approve the Order of Abatement, with a 60-day extension, prior to any action being taken on the condemnation of the structure located at 1611Cypress Street.

ATTACHMENTS:

- Order of Abatement 1611 Cypress (DOC)

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

6. Public Hearing (ID # 2312)

Public Hearing on the Condemnation of the Structure Located at 1715 Cypress Street.

COMMENTS - Current Meeting:

At 6:30 p.m., Mayor Pickett opened the Public Hearing on the structure located at 1715 Cypress Street. After review of the Power Point presentation regarding the condition of this structure, which has no water or electricity, City 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 hazard/nuisance and its dilapidated/substandard condition.

Property owner Mr. Raul Cortez addressed Council regarding the issues with his property and the improvements he had made. Jonathon Morrison, 1714 Cypress, also addressed Council regarding the property of discussion, its current condition, trash, and additional related issues. Various negative comments were made by other neighbors regarding the condition of the structure and property.

Councilperson Jordan departed the meeting at 7:01 p.m.

After lengthy discussion, Mayor Pickett closed the Public Hearing at 7:10 p.m.

ATTACHMENTS:

- PH 1715 Cypress (PDF)

7. Public Hearing (ID # 2314)

Public Hearing on the Condemnation of the Structure Located at 1715 ½ Cypress Street.

COMMENTS - Current Meeting:

At 7:11 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 1715 1/2 Cypress Street. Discussion was held regarding the condition of the property in that it had no water and sewer, and was not platted correctly with proper road frontage. Therefore, this property is not habitable as a residence, but must be improved for use as a storage facility, or demolished. After lengthy discussion of this property, which in included property owner Mr. Cortez and the neighbor Mr. Morrison speaking, Mayor Pickett closed the Public Hearing at 7:18 p.m.

ATTACHMENTS:

- PH 1715 .5 Cypress (PDF)

8. Council Action 2012-11

Consider an Order of Abatement for the Structure Located at 1715 Cypress Street.

COMMENTS - Current Meeting:

A motion was made to immediately abate the structure which resulted in a tie vote. A new motion to approve the demolition subject to a 60-day extension to improve the structure or proceed with demolition also resulted in a tie vote.

A motion was made to approve the Order of Abatement for the structure located at 1715 Cypress Street, with a 30-day extension, prior to any action being taken on the condemnation of the structure located at 1715 Cypress Street. Motion passed 6-0.

ATTACHMENTS:

- Order of Abatement 1715 Cypress (DOC)

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

9. Council Action 2012-12

Consider an Order of Abatement for the Structure Located at 1715 ½ Cypress Street.

COMMENTS - Current Meeting:

Motion was made to approve the Order of Abatement for the structure located at 1715 1/2 Cypress Street, with a 30-day extension, prior to any action being taken on the condemnation of the structure.

ATTACHMENTS:

- Order of Abatement 1715.5 Cypress (DOC)

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

10. Ordinance 2012-1

Consider Adoption of an Ordinance Ordering a General Election to be Held in the City of Liberty on Saturday, May 12, 2012. Considere Una Aceptación a La Ordenanza Que Manda a Una Elección General Que Tendrá Lugar En La Ciudad De Liberty, El Sábado 12 De Mayo Del 2012.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS ORDERING A GENERAL MUNICIPAL ELECTION TO BE HELD ON THE 12TH DAY OF MAY, 2012; AUTHORIZING A JOINT ELECTION WITH THE LIBERTY INDEPENDENT SCHOOL DISTRICT AND LIBERTY COUNTY HOSPITAL DISTRICT NUMBER 1; DESIGNATING THE POLLING PLACES AND APPOINTING ELECTION OFFICIALS FOR SUCH ELECTION; PROVIDING PAY RATES FOR ELECTION OFFICIALS; PROVIDING FOR EARLY VOTING; PROVIDING FOR TWO TWELVE-HOUR DAYS OF EARLY VOTING; PROVIDING FOR THE NOTICE OF ELECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS".

Motion was made to adopt the Ordinance ordering the City's General Election to be held on May 12, 2012.

ATTACHMENTS:

- Ordinance General Election Spanish Translation 2012 (DOC)

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

11. Council Action 2012-13

Consider an Interlocal Agreement with Liberty County for Use of the County's Electronic Voting Equipment, for the City's May 12, 2012 General Election.

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported that the Interlocal Agreement with Liberty County for use of the County's electronic voting equipment includes one change from the previous year. Beginning with the May 12, 2012 General Election cycle, ballots will be counted by a Hart Intercivic eScan Digital Scanner, providing for no human error.

Motion was made to approve the Interlocal Agreement with Liberty County for electronic voting equipment.

ATTACHMENTS:

- Interlocal Agreement w Liberty Co for Equipment (DOC)

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

12. Council Action 2012-14

Consider Award of Bid for Meter Vault and Piping Changes at Boomerang Tube LLC.

COMMENTS - Current Meeting:

Mr. Broz reported on a written quote received from Williamson Construction for water service improvements at the facility entrance to Boomerang Tube LLC. This quote includes lowering the entire piping assembly, installing a vault, and completing tie-ins for these improvements. The City will provide an 8" meter, an 8" backflow preventer, and two 8" valves. Quoted price is $29,500. The City's cost for the above-mentioned improvements is $15,925, for a total project cost of $45,425.00.

Mr. Broz further stated that he had also received quotes from Panorama Construction and Mickey Services, for $34,750 and $37,495, respectively.

Motion was made to approve the quote of $29,500 from Williamson Construction, for a total cost of $45,425.00.

At the conclusion of this agenda item, Councilperson McCarty announced that he would not seek re-election for another term of office. Councilperson McCarty stated that he had enjoyed his fourteen years of service on the City Council, and proudly summarized various projects that the City had accomplished during his tenure. Mayor Pickett and the Council Members each expressed their appreciation for his service. Councilperson McCarty is running for Liberty County Commissioner, Precinct 1.

ATTACHMENTS:

- Bid Award Boomerang Tube Feb.2012 (PDF)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Mike McCarty, Mayor Pro-Tem
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, McCarty, Beasley, Huddleston, Potetz, Simonson
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 7:55 p.m.

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

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary