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

Dianne Tidwell
City Secretary
(936) 336-3684

The City of Liberty
City Council
Regular Meeting
~ Minutes ~

Tuesday, March 13, 2012 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on March 13, 2012 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	Late	6:39 PM
Louie Potetz	Councilperson	Present	
Libby Simonson	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Brandon Davis	Legal Counsel	Present	
Randy Gunter	City Attorney	Late	6:23 PM

II. INVOCATION

The Invocation was given by City Manager Gary Broz.

III. PLEDGE OF ALLEGIANCE

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

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 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 reminded everyone that the 27th Annual Liberty Jubilee would be held Friday and Saturday, March 23 and 24. Mayor Pickett expressed appreciation for those City employees that assisted with the benefit held at the Liberty Fire Department for the Hajovsky Family; a fundraiser that will provide comfort and support to the family.

City Manager Gary Broz reported that the next meeting of the Texas Municipal League, Region XVI will be held on Thursday, March 22 in Port Arthur. Mr. Broz further reported on a the G200 Texas Public Officials Workshop regarding emergency management, preparation and functions during a disaster. This workshop will be held on March 29th in the training room of Houston Transtar. Chief Collins explained that elected officials are required to take three hours of training per year to assist with retaining the Emergency Management Planning Grant.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2333)

Project Updates

COMMENTS - Current Meeting:

City Manager Gary Broz detailed a monthly printed report on the status of various City projects. Specific projects mentioned include:

1) smart meter change out is almost complete,

2) codebook codification almost complete, and will become effective April 15, 2012,

3) Airport - a manager has been employed to operate the Airport, one-third of water installation is complete, and bids are let for T-hangars,

4) Round 1 Disaster Funds - Sensus to install SCADA software on the City's server on March 19, and remaining generators currently being installed,

5) Fire Dept. Substation is complete, a ribbon cutting will take place soon, and one fire truck is out for repairs,

6) Municipal Park looking good with opening day of youth baseball to be March 31, and the Splash Pad is scheduled to open on April 10,

7) Nowlin & Associates securing a contractor to install the transformer and switch gear for the Boomerang Substation,

8) water usage is average, around 1.5 to 1.7 million gallons per day,

9) Jubilee plans are underway, with the annual festival to be held on Friday and Saturday, March 23 and 24, and

10) sales tax revenues are on target for fiscal year-to-date, however down from previous year.

B. Information Item (ID # 2334)

Recycling Report

COMMENTS - Current Meeting:

Councilperson Huddleston reported that there would be a community recycling event held on April 28, 2012, from 9 a.m. until Noon. This event will be held in the City Hall parking lot for the shredding of sensitive documents.

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, McCarty, Beasley, Huddleston, Jordan, Potetz, Simonson

A. Minutes Approval

1. Tuesday, February 14, 2012

2. Tuesday, February 21, 2012

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2012-18

Ms. Martha Alexander and Ms. Yvonne Howard to Address Council Regarding Noise Issues in the Forest Hills Subdivision, and Take Any Action as Deemed Necessary.

COMMENTS - Current Meeting:

Ms. Martha Alexander and Ms. Yvonne Howard addressed Council regarding barking dogs in the Forest Hills Subdivision. Both residents of this subdivision stated that the dogs, belonging to Councilperson McCarty, barked incessantly, caused a lack of sleep, and were a nuisance to those living in the neighborhood. Ms. Howard played a tape of the barking dogs as recorded from her kitchen window. Lengthy discussion was held, not only regarding the dogs, but also relating to Councilperson McCarty's cattle pastured on the property, the smell and the congregation of flies. Discussed were the animals kenneled on the property, changes that could possibly be made to alleviate the issues discussed, and adding a 15 minute snapshot to the city's ordinance for handling these type problems.

Neither party had approached the other regarding this issue, and Council suggested that they meet, air their differences, and seek a peaceful resolution. City Manager Gary Broz and Police Chief Billy Tidwell offered their assistance.

ATTACHMENTS:

- Request to Address Council (PDF)

RESULT:	**NO ACTION TAKEN**

2. Council Action 2012-19

Consider Approval of an Agreement with Trees, Inc. for Tree Trimming Services of the City's Electric System.

COMMENTS - Current Meeting:

Mr. Broz reported that the proposed agreement is an annual contract for trimming trees away from the City's electrical system. If approved, this will be the third year that the City has contracted for this service at the same rates. Mr. Broz recommended approval.

Motion was made to approve the annual Agreement with Trees, Inc.

ATTACHMENTS:

- Trees, Inc. 2012 (PDF)

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

3. Resolution 2012-4

Consider a Resolution with the Texas Department of Transportation, Aviation Division, for Cost Sharing of Drainage Improvements at the Liberty Municipal Airport.

COMMENTS - Current Meeting:

Mr. Broz reported on a Resolution authorizing cost sharing with the Texas Department of Transportation for Airport improvements. Mr. Broz related that the project description consists of engineering/design construction for drainage improvements to the west side of the Airport. The total 90/10 project cost is estimated at $270,000, the City being responsible for 10% of the total cost in the approximate amount of $27,000.

Motion was made to approve the Resolution authorizing cost sharing with TXDOT for these Airport improvements.

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

4. Council Action 2012-20

Consider Award of Bid for Sale of City Property Located on Fm 1909, Formerly Known as the City of Liberty Landfill.

COMMENTS - Current Meeting:

Mr. Broz reported that the 60 acre tract, known as the old City Landfill on FM 1909, was put up for sale by sealed bid. One bid was received in the amount of $65,500.00. Mr. Broz recommended that this property be sold to the bidder. Motion was made that the bid for the property on FM 1909 be awarded to Mr. Cody Turner for $65,500.00.

ATTACHMENTS:

- Bid Tab - City Property 2012 (PDF)

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

5. Resolution 2012-5

Consider a Resolution Authorizing Submission of a Grant Application for a Criminal Justice Division Grant for New Technology Equipment for the Liberty Police Department.

COMMENTS - Current Meeting:

Police Chief Billy Tidwell reported that the proposed Resolution authorizes submission of a grant application for a Houston-Galveston Area Council, Criminal Justice Division Grant, in the amount of $45,320.00. Chief Tidwell explained that, if awarded, these funds would be used to purchase an Automated Fingerprint Identification System. This grant would cover the entire cost of the system (AFIS) with no match from the City. In order to identify suspects from latent prints, they must be sent out of County and the wait time is approximately six months. There is currently no automated fingerprint system in Liberty County.

Motion made to approve the Resolution.

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

6. Council Action 2012-21

Consider Award of Bid for Sale of City Property Located on Bowie & Edgewood, Known as the Upper Portion of the City Detention Pond.

COMMENTS - Current Meeting:

Mr. Broz reported that this 3.87 acre tract is an L-shaped piece of property located on Edgewood Street that goes around the cemetery, and heads towards Bowie Street. Mr. Broz further stated that this property was placed for sale by sealed bid and two bids were received. Bids were in the amount of $4500.00 and $19,737.00. Motion was made to award the bid for the property located at Bowie & Edgewood to Mr. Richard Lawrence for $19,737.00.

ATTACHMENTS:

- Bid Tab - City Property 2012 (PDF)

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

7. Council Action 2012-22

Consider Award of Bid for Sale of City Property Locate on Beaumont Avenue, Formerly Known as the Water & Wastewater Department Facility.

COMMENTS - Current Meeting:

Mr. Broz reported that this is a .64 acre tract formerly known as the Water and Wastewater Department, located on Beaumont Avenue. The property includes a building, shed, and compound area. This property was put out for sealed bid and two bids were received. Those bids were in the amount of $9500.00 and $53,500.00. Motion was made to award the bid to Mr. Richard Campbell for $53,500.00.

ATTACHMENTS:

- Bid Tab - City Property 2012 (PDF)

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

8. Council Action 2012-23

Consider Award of Bid for Sale of City Property Located on Trinity Street, Known as the Trinity Street Complex.

COMMENTS - Current Meeting:

Mr. Broz reported that one bid had been received for this property, known as the City's Trinity Street Warehouse for $9000.00, and recommended rejection of this bid. Discussion was held regarding liquidation of the assets on the property, environmental issues, liability issues, taxes, remediation process, and other related topics. Motion was made to extend the bid period, but died for lack of a second. After further discussion, the Council directed Mr. Broz to return, to the April meeting, with additional information and options on this property as discussed. No action was taken.

ATTACHMENTS:

- Bid Tab - City Property 2012 (PDF)

RESULT:	**NO ACTION TAKEN**

9. Public Hearing (ID # 2329)

Public Hearing on the Condemnation of the Structure Located at 716 Lamar.

COMMENTS - Current Meeting:

At 7:18 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 716 Lamar Street. After review of the Power Point presentation regarding the condition of this structure, which had no water or electricity, City Attorney Randy Gunter directed questions to Public Works Director Tom Warner regarding the structure being identified as a hazard/nuisance and its dilapidated/substandard condition. Through further questioning, Mr. Warner confirmed that the structure was a fire hazard, inadequately maintained, and would cost more than 1/2 of the structure's value to repair and bring into compliance with the City's Code. Mr. Gunter also confirmed with Mr. Warner 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. After further discussion of the structure in question, Mayor Pickett closed the Public Hearing at 7:22 p.m.

ATTACHMENTS:

- PH 716 Lamar (PDF)

10. Council Action 2012-24

Consider an Order of Abatement for the Structure Located at 716 Lamar Street.

COMMENTS - Current Meeting:

Motion was made to approve the Order of Abatement for the structure located at 716 Lamar Street.

ATTACHMENTS:

- Order of Abatement 716 Lamar (DOC)

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

11. Public Hearing (ID # 2331)

Public Hearing on the Condemnation of the Structure Located at 74 Navigation Street.

COMMENTS - Current Meeting:

At 7:24 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 74 Navigation Street. After review of the Power Point presentation regarding the condition of this structure, City Attorney Randy Gunter directed questions to Public Works Director Tom Warner regarding the structure being identified as a hazard/nuisance and its dilapidated/substandard condition. Through further questioning, Mr. Warner confirmed that the structure was a fire hazard, inadequately maintained with no front door and accessible to children and other individuals, and would cost more than 1/2 of the structure's value to repair and bring into compliance with the City's Code. Mr. Gunter also confirmed with Mr. Warner 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. After further discussion of the structure in question, Mayor Pickett closed the Public Hearing at 7:27 p.m.

ATTACHMENTS:

- PH 74 Navigation (PDF)

12. Council Action 2012-25

Consider an Order of Abatement for the Structure Located at 74 Navigation Street.

COMMENTS - Current Meeting:

Motion was made to approve the Order of Abatement for the structure located at 74 Navigation Street.

ATTACHMENTS:

- Order of Abatement 74 Navigation (DOC)

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

13. Council Action 2012-26

Consider a Change Order for the Texas Water Development Board Project for Lift Station Improvements.

COMMENTS - Current Meeting:

Mr. Rick Bourque, Schaumburg & Polk, was present to report that this change order to Texas Water Development Board funds for wastewater system improvements is in the amount of $75,765.00. This change order represents the resolution regarding quantities for line work completed to date, for additional new pumps to be located at the FM 563 Lift Station, and for pavement for the Washington Street Lift Station. After lengthy discussion of the life of the pumps, maintenance, previous change order, Phase I and II of this project being under budget, a motion was made to approve the change order as presented.

ATTACHMENTS:

- Change Order - TWDB Project 2012 (PDF)

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

14. Ordinance 2012-2

Consider an Ordinance Adopting and Enacting a New Code of Ordinances.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS, ADOPTING AND ENACTING A NEW CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE AMENDMENT OF SUCH CODE; PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

Mr. Broz recommended four changes to be included in the new Code that are not currently in the final draft. The changes as discussed are:

1) Division 4 - Electician's License- Required; Exceptions - this section was in the old code book, and inadvertently deleted. It will be re-added to the new code book,

2) Section 3.05.003(J) - change the word "health officer" to "code enforcement officer",

3) Section 8.03.006(2) - addition of the words "engine braking", and

4) Section 12.02.003 - addition of a reference to the "Texas Manual on Uniform Traffic Control Devices".

After further discussion of these changes and additional discussion of noisy animals, the definition of "noisy animal" will be also included in the new Code Book. Mr. Broz explained that the code book will become effective April 15, 2012, and will be placed on the web shortly thereafter. A motion was made to adopt the Ordinance enacting a new Code of Ordinances, with the recommended changes.

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

15. Ordinance 2012-3

Consider an Ordinance Adopting a Master Fee Schedule for Various Rates and Fees Charged by the City of Liberty.

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, ESTABLISHING A MASTER FEE SCHEDULE FOR ALL RATES AND FEES CHARGED BY THE CITY OF LIBERTY; 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 DAY".

Mr. Broz explained that the fees included in the Ordinance are the City's current fees. Mr. Broz stated that no fees have been changed, as this only places all fees in one ordinance. Brief discussion was held regarding fees for commercial/business establishments and roll-off containers. A motion was made to adopt the Master Fee Schedule, with the correction stated above, and the addition of page numbers.

ATTACHMENTS:

- Master Fee Schedule March 13 2012 (DOC)

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

B. Executive Session

Consultation with Attornery. Gov. Code §551.071
Deliberation Regarding Real Property. Gov. Code §551.072

1. Discussion to deliberate the purchase, exchange, lease, or value of real property for the Liberty Municipal Airport - Curtis Hermann.
2. Discussion to deliberate the purchase, exchange, lease, or value of real property for the Liberty Municipal Airport.

At 7:55 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:34 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2012-27

Consider and Take Action, If Any, on Curtis Hermann/Real Property for the Liberty Municipal Airport, as Discussed in the Executive Session.

COMMENTS - Current Meeting:

A motion was made to authorize Mr. Broz to proceed with the purchase of property and authorize the LCDC President to execute all related documents.

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

2. Council Action 2012-28

Consider and Take Action, If Any, on Real Property for the Liberty Municipal Airport, as Discussed in the Executive Session.

COMMENTS - Current Meeting:

A motion was made to authorize Mr. Broz to proceed with sale of city owned property and negotiate the terms of the sale, as discussed in the Executive Session.

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

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 8:37 p.m.

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

.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary