



The City of Liberty City Council

Regular Meeting

~ Agenda ~

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

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, April 10, 2012

6:00 PM

City Council Chambers

THE City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrival
Mayor Carl Pickett	☐	☐	☐	
Mayor Pro-Tem Mike McCarty	☐	☐	☐	
Councilperson Dennis Beasley	☐	☐	☐	
Councilperson Diane Huddleston	☐	☐	☐	
Councilperson Frank Jordan	☐	☐	☐	
Councilperson Louie Potetz	☐	☐	☐	
Councilperson Libby Simonson	☐	☐	☐	

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

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.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2361)

Various Project Updates - City Mgr. - G. Broz

B. Information Item (ID # 2362)

Recycling Report - Councilperson Huddleston

C. Information Item (ID # 2363)

Planning & Zoning Commission Appointments

D. Information Item (ID # 2364)

Liberty Community Development Corporation Appointments

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.

A. Minutes Approval

1. Tuesday, March 13, 2012
2. Tuesday, March 27, 2012

VII. REGULAR AGENDA**A. Regular Session****1. Public Hearing (ID # 2365)**

Public Hearing on the Structure Located at 319 Independence Street.

- PH 319 Independence (PDF)

2. Council Action (ID # 2366)

Consider an Order of Abatement for the Structure Located at 319 Independence Street.

- Order of Abatement 319 Independence (DOC)

3. Public Hearing (ID # 2367)

Public Hearing on the Structure Located at 1007 Lamar Street.

- PH 1007 Lamar (PDF)

4. Council Action (ID # 2368)

Consider an Order of Abatement for the Structure Located at 1007 Lamar Street.

- Order of Abatement 1007 Lamar (DOC)

5. Council Action (ID # 2369)

Consider Ratifying the Liberty Community Development Corporation's Award of Contract Proposal for T-Hangars at the Liberty Municipal Airport.

6. Council Action (ID # 2370)

Consider Ratifying the Liberty Community Development Corporation's Action Regarding Acquisition of Right of Way for Proposed New Street Extension Project.

- CivilCorp Survey & Mapping Agreement (PDF)

VIII. WORK SESSION**A. Work Session (ID # 2371)**

Discussion of Goals and Objectives for Fiscal Year 2012-2013.

IX. ADJOURNMENT

A. Motion To: Adjourn

CERTIFICATION

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 5th day of April, 2012 at 5:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

Dianne Tidwell, City Secretary

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the _____ day of _____, 2012.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.A

Meeting: 04/10/12 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2361)

DOC ID: 2361



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.B

Meeting: 04/10/12 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2362)

DOC ID: 2362

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 04/10/12 06:00 PM

Department: Administration
Category: Board Appointments & Information

INFORMATION ITEM (ID # 2363)

DOC ID: 2363 A

EXPLANATION:

Appointments to the Planning and Zoning Commission are made on or after May 1st of each year. P&Z is comprised of five members who are qualified voters of the City, and are appointed by City Council to serve three-year terms. Those members whose terms expire are Bill Takach and Kim Anderson.

Other Commission Members are: Shelli Ellerbe, Mark Campbell, and Larry Wagnon. Paul Damek serves as an Alternate Members and there is one alternate position open.

Mr. Takach and Mr. Anderson are both willing to serve again, if re-appointed.

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The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.D

Meeting: 04/10/12 06:00 PM

Department: Administration
Category: Board Appointments & Information

INFORMATION ITEM (ID # 2364)

DOC ID: 2364 A

EXPLANATION:

The Liberty Community Development Corporation is managed by a Board of seven members. All members are appointed by the City Council for two-year terms. Four of the seven members shall be persons who are not employees, officers of the City, or members of City Council.

This information provides Council the opportunity to consider individuals to serve on this Board, as the appointments are scheduled to be made at the May Council Meeting. Those members whose terms expire are Dennis Beasley, Louie Potetz, Barbara Norwood, and Billy Page.

Other Board Members are: Leslie Herndon, Mike McCarty, and Robert Ward.

Dennis Beasley, Louie Potetz, and Barbara Norwood are willing to serve again, if reappointed. Mr. Page is unavailable for re-appointment.



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, 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

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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

Minutes Acceptance: Minutes of Mar 13, 2012 6:00 PM (Minutes Approval)

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
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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.

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
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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 - Electrician'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 Attorney. 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

Minutes Acceptance: Minutes of Mar 13, 2012 6:00 PM (Minutes Approval)



The City of Liberty City Council

Special Called Meeting

~ Minutes ~

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

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, March 27, 2012

6:00 PM

City Council Chambers

I. CALL TO ORDER

The Meeting was called to order on March 27, 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	
Randy Gunter	City Attorney	Present	

II. 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 reported that the 27th Annual Liberty Jubilee was a huge success and thanked all those that participated and supported this event. Mayor Pickett also commented on the trees recently planted around the City Hall complex, that was possible through a grant from the Houston-Galveston Area Council and thanking Councilperson Jordan for his service on various H-GAC committees.

City Manager Gary Broz thanked the staff for their work in making the Jubilee an event to be proud of. Mr. Broz also reported on the compost facility that is currently smoldering, and that the recently discussed G200 Emergency Management training would be held in-house.

III. PRESENTATIONS / REPORTS

A. Information Item (ID # 2348)

February Financial Report - Finance Director N. Herrington

Minutes Acceptance: Minutes of Mar 27, 2012 6:00 PM (Minutes Approval)

COMMENTS - Current Meeting:

Finance Director Naomi Herrington began review of the February 2012 Financial Report by stating that property and sales tax collections have been good and are on target with year-to-date budgeted amounts. Ms. Herrington reviewed the various funds, to include general, water & wastewater, electric, and garbage, along with their respective revenue and expenditure totals. Further discussion included transfers to the general fund, the City's "A" bond rating, contingency funds, insurance costs, and other related issues.

B. Information Item (ID # 2349)

H-GAC Report - Councilperson F. Jordan

COMMENTS - Current Meeting:

Councilperson Jordan reported on several grants received from the Houston-Galveston Area Council. Councilperson Jordan spoke on the trees planted around the City Hall facility and that the City had received a \$25,000 grant for assistance on the downtown square that must be used for historical rehab purposes. The current plans for these funds are to be used for antique/Victorian style street lights in the downtown square.

Councilperson Jordan also stated that the H-GAC Infrastructure Committee will meet next month and begin studying infrastructure grants for the next year. The City of Liberty will not qualify, as funds were received for infrastructure improvements in the prior year.

C. Information Item (ID # 2350)

SRMPA Report - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported on the following in regard to the Sam Rayburn Municipal Power Agency:

1) SRMPA is in the process of refinancing \$126 million dollars of outstanding bonds, that are callable October 1, which will ultimately save the Agency between \$16-20 million dollars over the next eight year period. This refinancing would allow for keeping the same maturity date as the bonds that are being replaced, but save money in terms of a lower interest rate,

2) audited financial statements were provided for the fiscal year ending September 30, 2011 with the Mayor stating to please contact him with any questions, and

3) the Mayor stated that he was in possession of the current financial statement through January 31, 2012 and touched on the Cambridge Project, which involved the restructuring of energy contracts with SRMPA taking on additional responsibility and contractual obligations. The Agency's overall revenue should increase from \$30 million dollars to approximately \$300 million dollars a year. For a total two months of operation, the Cambridge Project has accumulated a profit of \$5.8 million dollars. The Agency will consider various options in 2012 as to the use and application of these funds.

IV. REGULAR AGENDA

A. Regular Session

1. Council Action 2012-29

Consider Approval of the Final Plat of Lazy Acres, Located on McGuire Road.

COMMENTS - Current Meeting:

Candice Motschman, Inspection Department, presented the Lazy Acres Final Plat, with no additional changes from the preliminary plat. Ms. Motschman reminded Council that this property consisted of 5 acres which were being subdivided into three separate tracts, with one tract having a home on the property. As Councilperson Jordan is the property owner, he excused himself from discussion and voting on this agenda item.

Motion was made to approve the final plat of Lazy Acres, as presented.

ATTACHMENTS:

- Lazy Acres Final Plat (PDF)

RESULT:	APPROVED [6 TO 0]
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Mike McCarty, Mayor Pro-Tem
AYES:	Pickett, McCarty, Beasley, Huddleston, Potetz, Simonson
ABSTAIN:	Frank Jordan

2. Ordinance 2012-4

Consider Adoption of an Ordinance Authorizing the Issuance, Sale and Delivery of Approximately \$1,825,000 in Aggregate Principal Amount of City of Liberty, Texas Combination Tax and Revenue Certificates of Obligation, Series 2012; Securing the Payment Thereof by Authorizing the Levy of an Annual Ad Valorem Tax and a Pledge of Certain Surplus Revenues of the City's Waterworks and Sewer System; and Approving and Authorizing the Execution of a Paying Agent/Registrar Agreement, a Purchase Agreement, an Official Statement and All Other Instruments and Procedures Related Thereto.

COMMENTS - Current Meeting:

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

"ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF \$1,750,000 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF LIBERTY, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2012; SECURING THE PAYMENT THEREOF BY AUTHORIZING THE LEVY OF AN ANNUAL AD VALOREM TAX AND A PLEDGE OF CERTAIN SURPLUS REVENUES OF THE CITY'S WATERWORKS AND SEWER SYSTEM; AND APPROVING AND AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, A PURCHASE AGREEMENT, AN OFFICIAL STATEMENT AND ALL OTHER INSTRUMENTS AND PROCEDURES RELATED THERETO".

Present was Mr. Dusty Traylor, RBC Capital Markets, the City's financial advisors and Mr. Tom Spurgeon, McCall, Parkhurst & Horton, LLP, the City's bond counsel. Mr. Traylor began by reviewing the bond sale report and discussing the sources and uses of funds, the City's "A"

bond rating, bond insurance, the fixed interest rate of 3.517%, I & S tax rates, 9 year call date, and other related issues. To summarize, the City sold \$1,750,000 in principal amount of certificates, with additional funds from the premium generated by the investors that purchased the bonds, allowing for \$1,760,000 to be deposited into the project account. The principal and interest to be paid over the full twenty year of the certificates is \$2.5 million dollars.

Mr. Spurgeon spoke in regard to the proposed Ordinance which will set this process in motion. Mr. Spurgeon stated that the ordinance authorizes the sale of the bonds to Southwest Securities as the underwriter, establishes rates and maturity amounts, approves the Registrar Agreement with the Bank of New York, and addressed other related documents.

Motion was made to adopt the Ordinance authorizing the issuance, sale, and delivery of \$1,750,000 in aggregate principal amount of City of Liberty, Texas Combination Tax and Revenue Certificates of Obligation, Series 2012.

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

3. Council Action 2012-30

Discuss and Consider Possible Action on Construction Options for the New Police Station.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that PGAL was hired in 2009 to draw plans for a new police department and that the agreement previously signed is just now being put into motion. Mr. Jeff Gerber, PGAL Architects, was present to discuss with Council options for construction of a new police department facility. Mr. Gerber explained that there were three basic construction delivery methods which are:

1) design bid/build, 2) competitive sealed bid, and 3) construction manager at risk. Mr. Gerber went on to describe the differences in these basic methods.

Design Bid/build - method historically used by municipalities. Documents are prepared and put out for open bid. Traditionally, selects lowest bidder. May lead to lowest project cost, but may have a contractor that has never previously built a police department. Management would have a direct relationship with the general contractor, while the general contractor has the relationship with the subcontractors.

Competitive sealed proposal - similar to first option in that in addition to cost, provides the opportunity to identify other criteria by which a contractor is selected. Established criteria must be published ahead of time so that each bidder is aware of these additional requirements. Criteria could be requirements for having previously built one or more police stations, review of safety records or legal litigation, or as many criteria as may be deemed necessary. This method may or may not lead to the lowest cost. Of these first two options, Mr. Gerber stated that most municipalities are using this method to assure they are selecting a contractor with stable financial footing.

Construction manager at risk - this method consists of selecting a construction manager before the construction documents are complete. This manager works with the design team during the design process. The manager is able to offer budgeting information, constructability reviews, etc. When documents are complete, the construction manager puts out the project for bid to subcontractors, and may also have additional criteria for subcontractors. This method provides for a guaranteed maximum price, is an open book process, construction manager shares details of bids, and scope of project can be changed and portions re-bid during the process. This method may provide higher quality, and probability of higher price.

After lengthy discussion of flexibility, advantages and disadvantages of the various methods, total project cost of \$2.5 million dollars, and comments from City Engineer Tom Warner, a motion was made to use the competitive sealed proposal method for construction of a new police department facility.

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

V. WORK SESSION

1. Work Session (ID # 2353)

Water Wells & Other Water Alternatives

COMMENTS - Current Meeting:

Mr. Broz requested direction regarding water supply, water rights, and other water related issues, that would affect the current and future quality of life in the community. Discussed were control of Hardin and Ames processed water, underground aquifer, evaluation and long-term assessment of existing water wells. After lengthy discussion, Mr. Broz was directed to investigate costs for a feasibility study of current water conditions.

VI. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 7:33 p.m.

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

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Mar 27, 2012 6:00 PM (Minutes Approval)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.1

Meeting: 04/10/12 06:00 PM

Department: Administration
Category: Condemnations

PUBLIC HEARING (ID # 2365)

DOC ID: 2365

Date: March 12, 2012

TO: Mammen K. Punnoose ET AL
2422 Turtle Creek Dr
Missouri City, Texas 77459

RE: Public Nuisance-Proposed Order to Demolish

Dear Sir and/or Madam:

As the City of Neighborhood Services Administrator, it has come to my attention and I do hereby find the building or structure situated on the below described location is:

- ☒ unsafe,
- ☒ substandard,
- ☒ dangerous,
- ☒ a hazard,
- ☒ a public nuisance.

I have attached hereto a detailed list setting out the conditions which I find render the building or structure, or portion thereof, a nuisance. The subject building or structure and its location are described as follows:

Building/Structure: Dilapidated Structure

Street Address: 319 Independence

Legal Description: Liberty Outer Blocks, Block 21, Lot Pt 5 Tr 43

Attachment: PH 319 Independence (2365 : PH 319 Independence)

City of Liberty, Liberty County, Texas

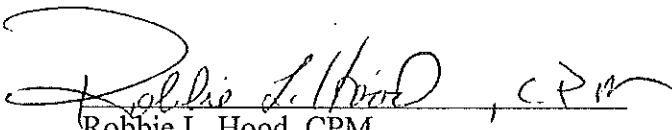
You are hereby given notice that a hearing will be held before the Liberty City Council at 6:00 o'clock p.m. on April 10, 2012, at the Liberty City Hall, 1829 Sam Houston Street, Liberty, Texas 77575 to determine if the building complies with the standards set out in Chapter 6 of the Liberty Code of Ordinances, or if the structure should be ordered repaired, vacated and repaired, or demolished.

All interested persons who desire to be heard or who oppose the proposed order to repair, vacate and repair, or demolish the above described structure, shall appear at the above mentioned City Council hearing and show cause, if any, why the building or structure, or any portion thereof, involved in these proceedings should not be ORDERED repaired, vacated and repaired, or demolished. Your failure to appear shall constitute a waiver of your right to oppose any ORDER of the City Council.

Proof and scope of work will be required to be presented at hearing if work cannot be completed within 30 days. Furthermore, IF an extension is granted by City Council, specific time schedules for the commencement and performance of the work shall be required.

Furthermore, the amount of cost of abating such nuisance or demolishing said building or structure, and all incidental expenses associated therewith, if undertaken by the City of Liberty, shall constitute special assessments against the property on which the structure is located and as such, shall constitute a lien on said property.

Sincerely,



Robbie L. Hood, CPM
Neighborhood Services Administrator
City of Liberty

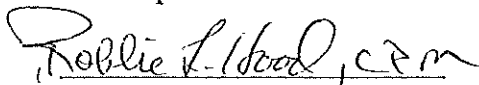
Attachment: PH 319 Independence (2365 : PH 319 Independence)

Conditions Rendering Building/Structure Hazardous and/or Dangerous

Owners Name: Mammen K. Punnoose ET AL
 Mailing Address: 2422 Turtle Creek Dr, Missouri City, Texas 77459
 Property Description: Liberty Outer Blocks, Block 21, Lot Pt 5 Tr 43
 Street Address: 319 Independence, Liberty, Texas 77575

UNSAFE BUILDINGS: All buildings or structures which are unsafe, unsanitary, or do not provide adequate egress, or which constitutes a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitutes a hazard to safety or health, are considered unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of Chapter 6 of the Liberty Code of Ordinances.

1. Lack of hot and cold water running to plumbing fixtures in bathroom and kitchen.
2. Improper sewage disposal system in bathroom and kitchen.
3. Lack of adequate heating facilities.
4. Lack of required ventilating equipment.
5. Lack of required electrical lighting.
6. Dampness of habitable rooms.
7. Infestation of insects, vermin and rodents.
8. General dilapidation and improper maintenance of all heating and plumbing facilities.
9. Lack of adequate garbage and rubbish storage and removal facilities.
10. Deteriorated and inadequate foundations.
11. Defective and deteriorated flooring and floor supports.
12. Members of walls, partitions and other vertical supports have split, lead, list and/or buckled due to defect and deterioration.
13. Members of ceilings, roofs, ceiling and roof supports and other horizontal members have sagged, split and/or buckled due to defect and deterioration.
14. Hazardous wiring which is not connected and can not be connected due to defective maintenance and deterioration.
15. Hazardous plumbing which is not connected and can not be connected due to defective maintenance and deterioration.
16. Faulty weather protection.
17. Serious fire hazard.
18. Hazardous and unsanitary premises with an accumulation of junk, debris and garbage which constitutes a fire, health and safety hazard.
19. The building structure or portion thereof as a result of decay, deterioration or dilapidation's has or is likely to fully or partially collapse.
20. The building structure or portion thereof is in such a condition that it constitutes a public nuisance.


 Robbie L. Hood, CPM
 Neighborhood Services Adm.

3-12-12

Date

Attachment: PH 319 Independence (2365 : PH 319 Independence)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.2

Meeting: 04/10/12 06:00 PM

Department: Administration
Category: Condemnations

COUNCIL ACTION (ID # 2366)

DOC ID: 2366

City of Liberty
Order of Abatement

The City Council of the City of Liberty ("Council"), at a duly noticed public hearing, does hereby adopt the following Order of Abatement:

WHEREAS, it has come to the attention of Council that a building or structure at 319 Independence of the Town of Liberty with Liberty County Central Appraisal District Property ID # 135917, Liberty Outer Blocks, Block 21, Lot Pt 5 Tr 43 in the City of Liberty is reported to be or believed to be substandard under the terms of Chapter 6 of the Liberty Code of Ordinances; and

WHEREAS, Council has at a public hearing received and/or heard evidence that the structure(s) on the property described above have/has

- a. become substantially deteriorated through natural causes and/or from exposure to the elements (wind, hail, rain and storms), or
- b. become so structurally deteriorated and/or damaged that it/they are in danger of collapse, or
- c. become a fire hazard due to the substantial deterioration of the building or structure; or
- d. failed to be constructed in conformity with the City Building Code; or
- e. become a hazard to the health and/or safety of the general public, including all conditions conducive to the harboring of rats, mice, and other disease carrying animals and/or insects, including such conditions that may be hazardous to safety, such as inadequate bracing or the use of deteriorated materials.

WHEREAS, Council has received and/or heard evidence that the City has made a diligent effort to determine the identity and address of any owner, lienholder, or mortgagee by searching the following records:

- a. county real property records of Liberty County;
- b. appraisal district records of Liberty County;
- c. records of the secretary of state;
- d. assumed name records of Liberty County;
- e. tax records of the City of Liberty; and
- f. utility records of the City of Liberty.

and has given notice of the public hearing held on this day regarding the substandard structure.

WHEREAS, the Council, having the authority to order abatement of substandard structures pursuant to Chapter 6 of the Liberty Code of Ordinances and Chapter 214 of the Local Government Code.

NOW, THEREFORE, BE IT RESOLVED, THAT the City Council of the City of Liberty hereby

ORDERS the abatement of the condition of the identified property by removal of the structure(s) thereon, within 30 days of this ORDER. The City Council further authorizes the City Manager or other City officials to secure the demolition of the structure(s) on the identified property if the structures have not been removed within 30 days of this ORDER, and place a lien on the land for costs associated with such demolition and removal according to law ; and

Part 1: That the notice of this public hearing was made or attempted with the efforts outlined in Chapter 214 of the Local Government Code.

Part 2: That it is hereby determined that the identified structure is in fact a structure that is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare.

Part 3: That public necessity requires the demolition and removal of the identified structure.

Part 4: That this resolution shall take effect immediately from and after its passage.

I certify that the foregoing is a true and correct copy of the resolution/order duly adopted by the City Council of the City of Liberty. This Order of Abatement shall be maintained with the official minutes of the City Council of the City of Liberty

In witness whereof, I have hereunto set my hand on this the 10th day of April, 2012.

By: _____

Carl Pickett,
Mayor,
City of Liberty



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.3

Meeting: 04/10/12 06:00 PM

Department: Administration
Category: Condemnations

PUBLIC HEARING (ID # 2367)

DOC ID: 2367

Date: March 12, 2012

TO: Gary Wayne Davis
3011 Grand Ave
Liberty, Texas 77575

RE: Public Nuisance-Proposed Order to Demolish

Dear Sir and/or Madam:

As the City of Neighborhood Services Administrator, it has come to my attention and I do hereby find the building or structure situated on the below described location is:

- ☒ unsafe,
- ☒ substandard,
- ☒ dangerous,
- ☒ a hazard,
- ☒ a public nuisance.

I have attached hereto a detailed list setting out the conditions which I find render the building or structure, or portion thereof, a nuisance. The subject building or structure and its location are described as follows:

Building/Structure: Dilapidated Structure

Street Address: 1007 Lamar

Legal Description: Liberty Outer Blocks, Block 0-30, Lot 7 Tr 11

Attachment: PH 1007 Lamar (2367 : PH 1007 Lamar)

City of Liberty, Liberty County, Texas

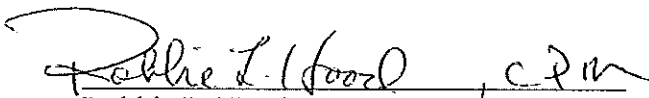
You are hereby given notice that a hearing will be held before the Liberty City Council at 6:00 o'clock p.m. on April 10, 2012, at the Liberty City Hall, 1829 Sam Houston Street, Liberty, Texas 77575 to determine if the building complies with the standards set out in Chapter 6 of the Liberty Code of Ordinances, or if the structure should be ordered repaired, vacated and repaired, or demolished.

All interested persons who desire to be heard or who oppose the proposed order to repair, vacate and repair, or demolish the above described structure, shall appear at the above mentioned City Council hearing and show cause, if any, why the building or structure, or any portion thereof, involved in these proceedings should not be ORDERED repaired, vacated and repaired, or demolished. Your failure to appear shall constitute a waiver of your right to oppose any ORDER of the City Council.

Proof and scope of work will be required to be presented at hearing if work cannot be completed within 30 days. Furthermore, IF an extension is granted by City Council, specific time schedules for the commencement and performance of the work shall be required.

Furthermore, the amount of cost of abating such nuisance or demolishing said building or structure, and all incidental expenses associated therewith, if undertaken by the City of Liberty, shall constitute special assessments against the property on which the structure is located and as such, shall constitute a lien on said property.

Sincerely,



Robbie L. Hood, CPM
Neighborhood Services Administrator
City of Liberty

Attachment: PH 1007 Lamar (2367 : PH 1007 Lamar)

Conditions Rendering Building/Structure Hazardous and/or Dangerous

Owners Name: Gary Wayne Davis
 Mailing Address: 3011 Grand Ave, Liberty, Texas 77575

Property Description: Liberty Outer Blocks, Block 0-30, Lot 7 Tr 11
 Street Address: 1007 Lamar , Liberty, Texas 77575

UNSAFE BUILDINGS: All buildings or structures which are unsafe, unsanitary, or do not provide adequate egress, or which constitutes a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitutes a hazard to safety or health, are considered unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of Chapter 6 of the Liberty Code of Ordinances.

1. Lack of hot and cold water running to plumbing fixtures in bathroom and kitchen.
2. Improper sewage disposal system in bathroom and kitchen.
3. Lack of adequate heating facilities.
4. Lack of required ventilating equipment.
5. Lack of required electrical lighting.
6. Dampness of habitable rooms.
7. Infestation of insects, vermin and rodents.
8. General dilapidation and improper maintenance of all heating and plumbing facilities.
9. Lack of adequate garbage and rubbish storage and removal facilities.
10. Deteriorated and inadequate foundations.
11. Defective and deteriorated flooring and floor supports.
12. Members of walls, partitions and other vertical supports have split, lead, list and/or buckled due to defect and deterioration.
13. Members of ceilings, roofs, ceiling and roof supports and other horizontal members have sagged, split and/or buckled due to defect and deterioration.
14. Hazardous wiring which is not connected and can not be connected due to defective maintenance and deterioration.
15. Hazardous plumbing which is not connected and can not be connected due to defective maintenance and deterioration.
16. Faulty weather protection.
17. Serious fire hazard.
18. Hazardous and unsanitary premises with an accumulation of junk, debris and garbage which constitutes a fire, health and safety hazard.
19. The building structure or portion thereof as a result of decay, deterioration or dilapidation's has or is likely to fully or partially collapse.
20. The building structure or portion thereof is in such a condition that it constitutes a public nuisance.

Robbie L. Hood, CPM
 Robbie L. Hood, CPM
 Neighborhood Services Adm.

3-12-12
 Date

Attachment: PH 1007 Lamar (2367 : PH 1007 Lamar)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.4

Meeting: 04/10/12 06:00 PM

Department: Administration
Category: Condemnations

COUNCIL ACTION (ID # 2368)

DOC ID: 2368

City of Liberty
Order of Abatement

The City Council of the City of Liberty ("Council"), at a duly noticed public hearing, does hereby adopt the following Order of Abatement:

WHEREAS, it has come to the attention of Council that a building or structure at 1007 Lamar of the Town of Liberty with Liberty County Central Appraisal District Property ID # 56935, Liberty Outer Blocks, Block 0-30, Lot7 Tr11 in the City of Liberty is reported to be or believed to be substandard under the terms of Chapter 6 of the Liberty Code of Ordinances; and

WHEREAS, Council has at a public hearing received and/or heard evidence that the structure(s) on the property described above have/has

- a. become substantially deteriorated through natural causes and/or from exposure to the elements (wind, hail, rain and storms), or
- b. become so structurally deteriorated and/or damaged that it/they are in danger of collapse, or
- c. become a fire hazard due to the substantial deterioration of the building or structure; or
- d. failed to be constructed in conformity with the City Building Code; or
- e. become a hazard to the health and/or safety of the general public, including all conditions conducive to the harboring of rats, mice, and other disease carrying animals and/or insects, including such conditions that may be hazardous to safety, such as inadequate bracing or the use of deteriorated materials.

WHEREAS, Council has received and/or heard evidence that the City has made a diligent effort to determine the identity and address of any owner, lienholder, or mortgagee by searching the following records:

- a. county real property records of Liberty County;
- b. appraisal district records of Liberty County;
- c. records of the secretary of state;
- d. assumed name records of Liberty County;
- e. tax records of the City of Liberty; and
- f. utility records of the City of Liberty.

and has given notice of the public hearing held on this day regarding the substandard structure.

WHEREAS, the Council, having the authority to order abatement of substandard structures pursuant to Chapter 6 of the Liberty Code of Ordinances and Chapter 214 of the Local Government Code.

NOW, THEREFORE, BE IT RESOLVED, THAT the City Council of the City of Liberty hereby

ORDERS the abatement of the condition of the identified property by removal of the structure(s) thereon, within 30 days of this ORDER. The City Council further authorizes the City Manager or other City officials to secure the demolition of the structure(s) on the identified property if the structures have not been removed within 30 days of this ORDER, and place a lien on the land for costs associated with such demolition and removal according to law ; and

Part 1: That the notice of this public hearing was made or attempted with the efforts outlined in Chapter 214 of the Local Government Code.

Part 2: That it is hereby determined that the identified structure is in fact a structure that is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare.

Part 3: That public necessity requires the demolition and removal of the identified structure.

Part 4: That this resolution shall take effect immediately from and after its passage.

I certify that the foregoing is a true and correct copy of the resolution/order duly adopted by the City Council of the City of Liberty. This Order of Abatement shall be maintained with the official minutes of the City Council of the City of Liberty

In witness whereof, I have hereunto set my hand on this the 10th day of April, 2012.

By: _____

Carl Pickett,
Mayor,
City of Liberty



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.5

Meeting: 04/10/12 06:00 PM

Department: Administration
Category: Proposals

COUNCIL ACTION (ID # 2369)

DOC ID: 2369



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.6

Meeting: 04/10/12 06:00 PM

Department: Administration
Category: Proposed Projects

COUNCIL ACTION (ID # 2370)

DOC ID: 2370



2825 Wilcrest Dr., Suite 460
Houston, Texas 77042
Telephone: (832) 252-8100
E-Mail: tkuykendall@civilcorp.us

**Professional Services Agreement between the City of Liberty and
CivilCorp, LLC., to provide Right-of-Way Surveying and Mapping for
The New Road Extension Project (From Main Street to SH 146 By-Pass)**

OWNER: The City of Liberty, Texas, 1829 Sam Houston, Liberty, Texas 77575

PROFESSIONAL: CivilCorp, LLC, 2825 Wilcrest Dr., Suite 460, Houston, Texas 77042

PROJECT: Pre-Engineering Services for the New Road Extension Project (Main Street to SH 146 By-Pass) as described in **Exhibit "A"**, which is attached hereto and incorporated herein.

OWNER'S REPRESENTATIVE: Gary Broz, General Manager- Liberty Community Development Corporation, City of Liberty

PROFESSIONAL'S AGREEMENT: PROFESSIONAL shall provide professional services to perform the PROJECT as described above.

PAYMENT TO PROFESSIONAL:

OWNER agrees to pay a lump sum fee of \$ 86,000 for the services in accordance with the scope of work described herein. Monthly progress payment for these services shall be made based upon the completed percentage of each of the following phases of the work:

The discipline breakdown for the fee is as follows:

Preliminary Engineering	\$ 10,000
Right-of-Way Surveying and Mapping (19 parcels x \$4,000/parcel)	\$ 76,000
TOTAL FEES	\$ 86,000

GENERAL CONDITIONS:

1. Termination.

OWNER may terminate this Agreement upon 10 days written notice to the other party with the understanding that all services being performed under this Agreement shall cease upon the date specified in such notice. In the event of early termination, PROFESSIONAL shall invoice OWNER for all services completed and shall be compensated in the full amount stated above for the percentage of work completed in any uncompleted phase by the PROFESSIONAL prior to the date specified in such notice to the extent such work provides value to the OWNER.

2. Ownership of Documents.

All documents prepared and assembled by PROFESSIONAL under this Agreement shall become the sole property of the OWNER and shall be delivered to OWNER without restriction on future use. PROFESSIONAL may make copies of any and all documents for its files.

*CivilCorp, LLC.**Page 2 of 5*

3. Controlling Law.

This Agreement is performable and is to be governed by the law applicable in Liberty County, Texas. Venue for any action arising under this Agreement shall be in Liberty County, Texas.

4.0. Successors and Assigns.

4.1. Neither OWNER nor PROFESSIONAL shall assign, sublet or transfer any rights under or interest in (including, but without limitations, monies that may become due or monies that are due) this Agreement without the written consent of the other. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Nothing contained in this paragraph shall prevent PROFESSIONAL from employing independent consultants, associates and other employees to assist it in the performance of services hereunder.

4.2. Nothing herein shall be construed to give any rights or benefits to anyone other than OWNER and PROFESSIONAL.

5. Independent Contractor.

In performing services under this Agreement, the relationship between OWNER and PROFESSIONAL is that of independent contractor, and OWNER and PROFESSIONAL by the execution of this Agreement do not change the independent contractor status of PROFESSIONAL. No term or provision of this Agreement or act of PROFESSIONAL in the performance of this Agreement shall be construed as making PROFESSIONAL the agent, servant, or employee of OWNER.

6. Indemnity.

PROFESSIONAL agrees to defend, indemnify, and hold the OWNER whole and harmless against any and all claims, suits, and actions for damages, costs, and expenses to persons or property that may arise out of, or be occasioned by or from any negligent act, error or omission of PROFESSIONAL or any officer, agent, servant, employee or subcontractor of PROFESSIONAL in the execution or performance of this Contract. In the event of notice of a claim to which this indemnity might apply, so much of the money due the PROFESSIONAL under this contract as shall be reasonably considered necessary by the City may be retained for the use of the OWNER, until all suits, actions, and claims shall have been settled and satisfactory evidence to that effect furnished the OWNER. The PROFESSIONAL expressly agrees to defend, indemnify and hold harmless the City, its officers, agents, and employees in accordance with this clause regardless of whether the injury or damage is caused in whole or in part by any hidden or apparent condition of property owned or controlled by the OWNER. This indemnity shall not apply to any claim to the extent to which an engineer is prohibited from indemnifying a governmental entity pursuant to Tex. Local Gov't Code § 271.904.

*CivilCorp, LLC.**Page 3 of 5*

This agreement and said attachments may only be amended, supplemented, modified or canceled by a duly executed written instrument.

EXECUTED, this the _____ day of _____, 2010.

OWNER:
City of Liberty, Texas

PROFESSIONAL:
CivilCorp, LLC

Gary Broz, General Manager LCDC

Thomas C. Kuykendall, Jr., Vice President CivilCorp, LLC

ATTEST:

ATTEST:

Dianne Tidwell, City Secretary

FORM APPROVED:

City Attorney

EXHIBIT "A"
RIGHT-OF-WAY SURVEYING AND MAPPING - SCOPE OF SERVICES
 New Road Extension Project (From Main Street to SH 146 By-Pass)

PROJECT DESCRIPTION:

The New Road Extension Project involves the construction of a new street on new location between Main Street and the SH 146 By-Pass. The preliminary engineering study (PER), completed in April 2011, included the investigation and recommendation of the preferred route and design criteria required to continue this project to the final design phase. The project included preliminary engineering to design a new street and the associated infrastructure. The pavement widths and phase construction were evaluated to determine project costs and the most feasible design. The project also included the extension of water, sanitary sewer, storm sewer, electrical and street lighting systems. With the prospect of potential development and right-of-way donations, the City requested adjustments to the project alignment and updates to the construction cost estimates to split out a Phase 1 and Phase 2 option. A meeting was held on 3/14/2012 with major stakeholders and a general consensus was expressed for the revised alignment. The scope of work will include the boundary surveying and right-of-way mapping necessary for the City of Liberty to secure the roadway right-of-way for the revised alignment.

PROJECT TASKS:

1. Preliminary Engineering

- 1.1. Review the revised alignment and geometric data
- 1.2. Review the existing right-of-way map and property boundaries.
- 1.3. Revise the proposed alignment based on surveyed property boundaries.
- 1.4. Determine final right-of-way limits

2. Right-of-Way

- 2.1. Obtain existing property records and deeds from the Liberty County CAD
- 2.2. Perform boundary survey of the project area
- 2.3. Develop existing property boundary map
- 2.4. Prepare overall right-of-way map
- 2.5. Develop parcel sketches for each tract (19 estimated)
- 2.6. Prepare metes and bounds descriptions for each right-of-way parcel

RIGHT-OF-WAY SURVEYING AND MAPPING FEES:

CivilCorp, LLC. proposes that we will provide the City of Liberty with the Right-of-Way Surveying and Mapping for New Road Extension Project for a fixed fee of \$ 86,000. The discipline breakdown for the fee is as follows:

Preliminary Engineering	\$ 10,000
Right-of-Way Surveying and Mapping (19 parcels x \$4,000/parcel)	<u>\$ 76,000</u>
TOTAL FEES	\$ 86,000

*CivilCorp, LLC.**Page 5 of 5***RIGHT-OF-WAY SURVEYING AND MAPPING SCHEDULE:**

CivilCorp, LLC will complete Tasks 1-2 within the schedule outline below.

April 10 – Notice to proceed

July 31 – Final Right-of-Way Map, Parcel Sketch and Metes and Bounds Descriptions

SERVICES NOT INCLUDED WITHIN THE SCOPE OF SERVICES:

The following services have not been included within the above scope of services:

1. Easement determination or mapping
2. Right-of-Way determination or mapping for detention pond



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

8.A

Meeting: 04/10/12 06:00 PM

Department: Administration
Category: Goals and Objectives

WORK SESSION (ID # 2371)

DOC ID: 2371