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, April 10, 2012 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

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

II. INVOCATION

The Invocation was given by City Attorney Randy Gunter.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by City Engineer Tom Warner.

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. Mr. Skeet Raggio remarked on the graffiti on the stop signs near his home and stated concerns regarding the condition of the bathroom facilities at the Little League Field.

Mayor Pickett stated that April is Child Abuse Month and the Liberty County District Attorney's Office is holding its annual Candlelight Vigil honoring victims of crime and child abuse this same night. Councilperson Simonson requested that, in the future, that the council meeting and the DA's service be held on separate days, allowing the Council to attend this very important service.

Mayor Pickett further stated the following:

1) Thursday, April 12 is the Business Expo sponsored by the Liberty-Dayton Area Chamber of

Commerce,
2) Relay For Life will be held on Friday, April 13, and
3) a special called meeting of the City Council will be held on April 24th.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2361)

Various Project Updates - City Mgr. - G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the status of the following projects:

1) working to finalize accuracy and quality control of new smart meters,

2) ordinance re-codification is complete, effective date is April 15,

3) Airport project moving well, manager hired, water line installed, and have proposals for T-hangar construction,

4) Splash Pad is scheduled to open April 13th,

5) work on Boomerang Substation is ongoing,

6) firetruck is out of service and in need of repairs,

7) Jubilee was a success, and thanks to all who participated,

8) Early Voting begins Monday, April 30th, and

9) have closed on sale of City property on FM 1909, known as the old City Landfill, and will close later this week on the sale of City property located on Beaumont Avenue, known as the old Water & Wastewater Department.

Mr. Broz further reported on the Texas Water Development Board project, EMS personnel, sewer line repair on the north side of courthouse, water system upgrades and other related topics.

B. Information Item (ID # 2362)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that a Recycling and Shredding Event will be held on Saturday, April 28th on the west side parking lot of the City Hall. Councilperson Huddleston explained that there will be two commercial trucks present from 9 a.m. until Noon for the secure disposal of sensitive documents. Recyclable items include paper, plastic, and cardboard. This event is open to the public and to businesses.

Councilperson Potetz remarked that a roll-off is located at Potetz Home Center for the disposal of cardboard on the west side of his building. This service is provided at no charge to the public.

C. Information Item (ID # 2363)

Planning & Zoning Commission Appointments

COMMENTS - Current Meeting:

City Manager Gary Broz stated that appointments to the Planning and Zoning Commission will be made at the City Council Meeting in May. Mr. Broz explained that P&Z is a five member board, with two alternates. One alternate position is open is unfilled. Those members whose terms expire are Bill Takach and Kim Anderson. Other Commission members are Shelli Ellerbe, Mark Campbell, and Larry Wagnon.

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

D. Information Item (ID # 2364)

Liberty Community Development Corporation Appointments

COMMENTS - Current Meeting:

Mr. Broz reported that appointments to the Liberty Community Development Corporation will be made in May, prior to the LCDC's Annual Meeting in June. Mr. Broz reported that the Board is comprised of seven members, four of which are not employees, officers of the City, or members of City Council. Those members whose terms expire are Dennis Beasley, Louie Potetz, Barbara Norwood, and Billy Page. Mr. Page is unavailable for reappointment.

Mr. Broz reported that LCDC Member Mike McCarty will no longer be on City Council, as his term ends May, 2012 but would like consideration given to appointing him as a citizen member.

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

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.

COMMENTS - Current Meeting:

At 6:21 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 319 Independence Street. After review of the Power Point presentation regarding the condition of this structure, City Attorney Randy Gunter directed questions to Code Enforcement Officer Robbie Hood regarding the structure being identified as a hazard/nuisance and in a state of dilapidated/substandard condition. Mr. Hood reviewed the assessed value of the structure, stating that taxes are current. Through further questioning, Mr. Hood confirmed that the structure was a fire hazard, inadequately maintained, is not in compliance with the City's Code, and is a hazard to the health and/or safety of the general public. Mr. Gunter also confirmed with Mr. Hood 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. Hood recommended that the property owner be given 30 days to comply with the order of demolition, and at such time if not completed, that the City move forward with the demolition proceedings. After further discussion of the structure in question, Mayor Pickett closed the Public Hearing at 6:28 p.m.

ATTACHMENTS:

- PH 319 Independence(PDF)

2. Council Action 2012-31

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

COMMENTS - Current Meeting:

Motion was made to approve the Order of Abatement, as recommended, for the structure located at 319 Independence Street, with the Council finding that this structure presents a public nuisance.

ATTACHMENTS:

- Order of Abatement 319 Independence (DOC)

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

3. Public Hearing (ID # 2367)

Public Hearing on the Structure Located at 1007 Lamar Street.

COMMENTS - Current Meeting:

At 6:30 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 1007 Lamar Street Street. After review of the Power Point presentation regarding the condition of this structure, City Attorney Randy Gunter directed questions to Code Enforcement Officer Robbie Hood regarding the structure being identified as a hazard/nuisance and in a state of dilapidated/substandard condition. Through further questioning, Mr. Hood confirmed that the structure, a manufactured home built in 1980, has not had electricity since 2001, was a fire hazard, inadequately maintained, is not in compliance with the City's Code, and is a hazard to the health and/or safety of the general public. Mr. Hood confirmed that this structure has deteriorated due to natural causes and exposure to the elements. Mr. Gunter also confirmed with Mr. Hood 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. Hood recommended that the property owner be given 30 days to comply with the order of demolition, and at such time if not completed, that the City move forward with demolition proceedings. After further discussion of the structure in question, Mayor Pickett closed the Public Hearing at 6:34 p.m.

ATTACHMENTS:

- PH 1007 Lamar (PDF)

4. Council Action 2012-32

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

COMMENTS - Current Meeting:

Motion was made to approve the Order of Abatement,as recommended, for the structure located at 1007 Lamar Street, with the Council finding that this structure presents a public nuisance.

ATTACHMENTS:

- Order of Abatement 1007 Lamar (DOC)

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

5. Council Action 2012-33

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

COMMENTS - Current Meeting:

Mr. Broz reported that proposals were opened on Friday, March 30th for two 10-unit nested T-Hangars for the Liberty Municipal Airport. Mr. Broz further reported that this design build projects is for the cement slab, the metal structure and electrical wiring, to include bi-fold doors, privacy partitions, and a wind load of 130 mph. After review of these bids by the Liberty Community Development Corporation, management was directed to investigate the cost of increasing the wind load rating of the structures from 130 mph to 150 mph.

Mr. Broz reviewed, with Council, a handout regarding costs from the two lowest proposers, building options, and wind load as follows:

<u>Pelco Construction, Liberty, Texas -</u>

Proposal Amount - No storage walls or insulation - 130 mph	$555,535.00
Amount - With storage walls and insulation - 130 mph	$588,815.00
Amount - With storage walls and insulation - 150 mph	$655,832.00

<u>Bruce's General Const., Beaumont, Texas -</u>

Proposal Amount - No storage walls or insulation - 130 mph	$554,000.00
Amount - With storage walls and insulation - 130 mph	$582,000.00
Amount - With storage walls and insulation - 150 mph	$610,000.00

Lengthy discussion was held regarding the Airport project budget, funding sources, expenditures to date, wind rating, insulation, Airport related businesses, and future construction of additional hangars. The LCDC would be funding only $233,000.00 of the proposed hangar construction cost. A motion was made to ratify the LCDC's action to approve the proposal and award the contract for hangar construction to Bruce's Construction for $610,000.00.

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

6. Council Action 2012-34

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

COMMENTS - Current Meeting:

Mr. Broz reported that Magnolia Place Nursing Home is ready to build a new facility, the hospital is researching options for a new facility, and meetings have been held with representatives from these businesses and various landowners. Mr. Broz reported that the first task to get the street extension project back on track is to investigate the right of way needs and to approach the landowners to see if consideration would be given to each donating 60' of right-a-way. Right of way needs include 120' for street usage, utilities, and drainage. The route for the new road has been redesigned to follow the property lines from the Bypass to Lakeland Drive. Mr. Broz stated that there are 19 parcels of land as a part of this project, and that the project would be completed in two phases;

Phase I - Bypass west towards Lakeland - approximately 2500'

Phase II - then from the termination of the road under Phase I to Jefferson Drive, and then to Main Street

Lengthy discussion was held regarding obtaining commitments from all the landowners prior to beginning Phase I, street extension route, landowner issues, and other related topics.

Councilperson McCarty departed the meeting at 6:50 p.m.

Motion was made to ratify the Liberty Community Development Corporation's action to approve the Professional Services Agreement with CivilCorp, in the amount of $86,000 for the mapping, surveying, and preliminary engineering of Phase I of the Street Extension Project.

ATTACHMENTS:

- CivilCorp Survey & Mapping Agreement (PDF)

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

VIII. WORK SESSION

A. Work Session (ID # 2371)

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

COMMENTS - Current Meeting:

This agenda item was passed on.

IX. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 7:00 p.m.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Louie Potetz, Councilperson
SECONDER:	Dennis Beasley, Councilperson
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