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, September 11, 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	☐	☐	☐	
Councilperson Diane Huddleston	☐	☐	☐	
Councilperson Dennis Beasley	☐	☐	☐	
Councilperson Frank Jordan	☐	☐	☐	
Councilperson Louie Potetz	☐	☐	☐	
Councilperson Libby Simonson	☐	☐	☐	
Councilperson David Arnold	☐	☐	☐	

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 regarding agenda and non-agenda items. Please be aware that, under Texas Law, the Council may not deliberate or take any action during Citizen's comments for items not on the agenda. In some situations, City Staff may be able to respond to the public comment with a factual statement or clarification. The City Council may have the item placed on a future agenda for action or refer the item to Management and Staff for study or conclusion.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2504)

Various Project Updates - City Mgr. Gary Broz

B. Information Item (ID # 2505)

Recycling Report - Councilperson Huddleston

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, August 14, 2012

2. Tuesday, August 28, 2012

B. Council Action (ID # 2503)

Library Board Appointments

VII. REGULAR AGENDA

A. Regular Session

1. Council Action (ID # 2506)

Presentation by the Liberty Trivium Club in Support of Curbside Recycling, and Take Any Action Deemed Necessary.

- Trivium Club Request (PDF)

2. Council Action (ID # 2507)

Presentation by Lina Rodriguez Regarding Signage in the City of Liberty for Motorcycle Awareness, and Take Any Action Deemed Necessary.

- Lina Rodriguez Request (PDF)

3. Council Action (ID # 2508)

Consider a Variance Request for Property Located at 1610 Wallisville Road, and Take Any Actioin Deemed Necessary.

- 1610 Wallisville Variance Request (PDF)

4. Council Action (ID # 2509)

Consider a Variance Request for Property Located East of Fannin Street on Dr. Martin Luther King, Jr. Drive, and Take Any Action Deemed Necessary.

- Fannin & MLK Daniel Variance Request (PDF)

5. Council Action (ID # 2510)

Consider a Variance Request for Property Located at the Northeast Corner of San Jacinto and Dr. Martin Luther King, Jr. Drive, and Take Any Action Deemed Necessary.

- San Jacinto and MLK variance request Daniel (PDF)

6. Resolution (ID # 2511)

Consider a Resolution Appointing a Representative to the Sam Rayburn Municipal Power Agency Board of Directors.

7. Ordinance (ID # 2512)

Consider an Ordinance Adopting the Budget for Fiscal Year 2012-2013.

8. Council Action (ID # 2513)

Consider Ratification of the Property Tax Revenue Increase Reflected in the FY 2012-2013 Budget.

9. Ordinance (ID # 2514)

Consider an Ordinance Adopting the Tax Rate for FY 2012-2013.

10. Ordinance (ID # 2515)

Consider an Ordinance Regarding Tax Roll Approval and the Tax Levy.

11. Council Action (ID # 2516)

Consider Appointments to the 2013 Houston-Galveston Area Council General Assembly.

- HGAC Gen Asssembly 2013 (PDF)

12. Council Action (ID # 2517)

Consider Approval of Amendment No. 8 Too the Brazos Transit District Agreement with the City of Liberty, and Take Any Action Deemed Necessary.

- Brazos Transit Amend. No. 8 (PDF)

13. Council Action (ID # 2518)

Consider Approval of a Process and Timeline for Appointment/Replacement of a Municipal Court Judge.

VIII. 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 7th day of September, 2012 at 4:00 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.

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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

Meeting: 09/11/12 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2504)

DOC ID: 2504

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/11/12 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2505)

DOC ID: 2505

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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, August 14, 2012 **6:00 PM** **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on August 14, 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	
Diane Huddleston	Councilperson	Present	
Dennis Beasley	Councilperson	Present	
Frank Jordan	Councilperson	Absent	
Louie Potetz	Councilperson	Absent	
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Randy Gunter	City Attorney	Present	

II. INVOCATION

The Invocation was given by Liberty County District Attorney Mike Little.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Chip Fairchild, President Liberty County Project On Aging.

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Mayor Pickett welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council. There were no comments.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2461)

Various Project Updates - City Mgr. Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the status of various City projects to include the new Police Station, SCADA installation, Downtown Task Force, TCDP grant award for sewer line rehabilitation in the Layl Subdivision, budget preparation, right-of-way for street extension, and the various Airport projects.

B. Information Item (ID # 2462)

SCADA Demonstration - City Eng./PWD Tom Warner

COMMENTS - Current Meeting:

Tom Warner, City Engineer/PWD, gave a powerpoint presentation to Council regarding the SCADA System (Supervisory Control and Data Acquisition). Mr. Warner explained that SCADA is a software application program used for process control which also gathers real time data from remote locations in monitoring the City's water plants and towers, and the wastewater treatment plant and lift stations. Discussion was held regarding the various components and functions, and type of information gathered.

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:	Dennis Beasley, Councilperson
SECONDER:	Libby Simonson, Councilperson
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold
ABSENT:	Frank Jordan, Louie Potetz

A. Minutes Approval

1. Tuesday, July 10, 2012

2. Wednesday, July 11, 2012

3. Thursday, July 12, 2012

4. Tuesday, July 24, 2012

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2012-71

Consider Setting the Date, Time and Location for a Public Hearing on the Proposed Budget.

COMMENTS - Current Meeting:

Motion was made that the public hearing on the proposed Fiscal Year 2012-2013 Budget be held on Tuesday, August 28 at 6:00 p.m. in the Council Chambers.

ATTACHMENTS:

- 2012 BUDGET AND TAX RATE SCHEDULE (DOC)

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

2. Council Action 2012-72

Consider Approval of the Proposed Tax Rate for Fiscal Year 2012-2013.

COMMENTS - Current Meeting:

Discussion was held regarding the effective tax rate of $0.5420, rollback tax rate of $0.5507, and the current and proposed tax rate of $0.5900. City Manager Gary Broz stated that reducing the tax rate one cent equates to $46,000 reduction in revenue for the City. Mr. Broz stated that the City is already operating on a lean budget, there are no capital items in the proposed budget, and that a balanced budget could not be provided should the tax rate be lowered. Management recommended the proposed rate of $.5900 in order not to eliminate any services provided to the citizens.

Motion was made to approve a tax rate not to exceed $0.5900.

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

3. Council Action 2012-73

Consider Setting the Date, Time and Location for Public Hearings on the Proposed Tax Rate for Fiscal Year 2012-2013.

COMMENTS - Current Meeting:

Motion was made that the public hearings on the proposed tax rate for Fiscal Year 2012-2013 be held on Tuesday, August 28 and Tuesday, Sept 4, 2012.

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

4. Council Action 2012-74

Consider Approval of the Preliminary Plat of the Edgewood East Subdivision, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Candice Motschman, Inspection Department, reported on the preliminary plat of the Edgewood East Subdivision. Ms. Motschman stated that Mr. Bob Lawrence is subdividing this property for future development. Mr. Lawrence will construct homes on some of the property, while also selling property for the purchaser to build a home. Further discussion included that drainage issues and deed restrictions.

Motion was made to approve the preliminary plat of the Edgewood East Subdivision.

ATTACHMENTS:

- Edgewood East Subdivision Checklist (PDF)
- Edgewood East Subdivision Plat (3) (PDF)

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

5. Council Action 2012-75

Discuss and Take Action Regarding Order of Local Option Election for Alcohol.

COMMENTS - Current Meeting:

City Attorney Randy Gunter reported that on July 16, 2012 a petition had been submitted to the City Secretary from citizens of the community wishing to legalize the sale of alcoholic beverages in the City of Liberty. Mr. Gunter stated that the number of valid signatures required on the petition was 695. The petition contained 787 signatures, however after verification only 447 signatures were valid. Mr. Gunter presented a Resolution stating that the petition failed to meet the requisite number of signatures needed to order the election.

Motion was made to approve the Resolution.

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

6. Council Action 2012-76

Consider Liberty County Project on Aging Update and Possible 90-Day Extension, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mr. Chip Fairchild, Liberty County Project on Aging President, addressed Council regarding the strides the Project has made since receiving administrative assistance from the City. Mr. Fairchild stated that 700 meals were being delivered weekly, bills were being paid, and the new fiscal year budget is being prepared. Mr. Fairchild further stated that contracts were being drafted for the new fiscal year with H-GAC and other entities providing assistance to the project. The Board is also making plans to begin congregate services and transportation services starting October 1. Mr. Fairchild requested continued administrative services from the City for an additional 90 days. Mr. Fairchild expressed his appreciation for the City's efforts in keeping this worthwhile program from failing.

Motion was made to approve the requested 90-day extension for assistance from the City of Liberty.

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

7. Public Hearing (ID # 2467)

Public Hearing on the Condemnation of the Structure Located at 416 Lamar Street.

COMMENTS - Current Meeting:

At 7:02 p.m., Mayor Pickett opened the public hearing on the condemnation of the structure located at 416 Lamar. After review of the Power Point presentation regarding the condition of this structure, the City Attorney Randy Gunter directed questions to Code Enforcement Officer Robbie Hood regarding the structure being identified as a hazard/nuisance and being in a state of dilapidated/substandard condition. Mr. Hood reviewed the assessed value of the structure, the tax status, and through further questioning from the attorney, confirmed that the structure was a fire hazard and inadequately maintained. Mr. Hood further reported that the structure Is not in compliance with the City's Code and is a hazard to the health and/or safety of the general public. Mr. Davis 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 90 days to comply with the order of demolition, as the property owner has expressed intent to personally have the structure demolished. Mr. Hood stated that at such time that the demolition is not completed within the allotted time period, the City will move forward with demolition proceedings. After further discussion of the structure in question, Mayor Pickett closed the Public Hearing at 7:09 p.m.

ATTACHMENTS:

- PH 416 Lamar (PDF)

8. Council Action 2012-77

Consider an Order of Abatement for the Structure Located at 416 Lamar Street, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Motion was made to approve the Order of Abatement, as recommended, for the structure located at 416 Lamar, allowing the property owner a 90-day period to comply with the order, with the Council finding that this structure presents a public nuisance, and at such time that the demolition is not completed within the allotted time period, the City will move forward with demolition proceedings.

ATTACHMENTS:

- Order of Abatement 416 Lamar (DOC)

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

9. Public Hearing (ID # 2469)

Public Hearing on the Condemnation of the Structure Located at 611 Minglewood.

COMMENTS - Current Meeting:

At 7:10 p.m., Mayor Pickett opened the public hearing on the structure located at 611 Minglewood. 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 being in a state of dilapidated/substandard condition. Mr. Hood reviewed the assessed value of the structure, the tax status, and through further questioning from the attorney, confirmed that the structure was a fire hazard and inadequately maintained, the roof had collapsed and was open to vandalism. Mr. Hood further reported that the structure Is not in compliance with the City's Code and is a hazard to the health and/or safety of the general public. Mr. Davis 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. Mr. Hood stated that at such time that the demolition is not completed within the allotted time period, the City will move forward with demolition proceedings. After further discussion of the structure in question, Mayor Pickett closed the Public Hearing at 7:15 p.m.

ATTACHMENTS:

- PH 611 Minglewood (PDF)

10. Council Action 2012-78

Consider an Order of Abatement for the Structure Located at 611 Minglewood, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Motion was made to approve the Order of Abatement, as recommended, for the structure located at 611 Minglewood, allowing the property owner a 30-day period to comply with the order, with the Council finding that this structure presents a public nuisance, and at such time that the demolition is not completed within the allotted time period, the City will move forward with demolition proceedings.

ATTACHMENTS:

- Order of Abatement 611 Minglewood (DOC)

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

11. Resolution 2012-9

Consider a Resolution Joining with Other Entergy Service Area Cities in Support of a Settlement Regarding the Transfer of Operation Control of Entergy's Transmission System to Midwest Independent Transmission System Operator.

COMMENTS - Current Meeting:

Mr. Broz explained that the proposed Resolution authorizes joining with other Entergy Service Area cities in support of the transfer of operational control of Entergy's Transmission System to Midwest Independent Transmission System Operator, Inc. (MISO). Mr. Broz stated that the application for transfer was filed with the Public Utility Commission in April, 2012, and that the transfer is projected to save Texas customers millions of dollars and will facilitate acquiring electricity and getting it to the customer.

Motion was made to approve the Resolution.

ATTACHMENTS:

- Entergy Transmission to MISO (PDF)

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

12. Resolution 2012-10

Consider Approval of a Resolution Electing to Participate in the Tax Abatement Program Under Texas Tax Code Chapter 312.

COMMENTS - Current Meeting:

City Manager Gary Broz stated that electing to participate in the Tax Abatement Program under Texas Tax Code Chapter 312 is the first part of a two step process in order to update the City's Guidelines and Criteria for Tax Abatements. Review and update of this process takes place every two years.

Motion was made to approve the Resolution.

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

13. Resolution 2012-11

Consider Approval of a Resolution Adopting Guidelines and Criteria for Tax Abatement.

COMMENTS - Current Meeting:

Mr. Broz reported to Council that the actual adoption of the Tax Abatement Guidelines and Criteria is the second step to the Tax Abatement process.

Motion was made to approve the Resolution adopting the City Guidelines and Criteria for Tax Abatement.

ATTACHMENTS:

- Tax Abatement Guidelines and Criteria 2010 (DOC)

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

14. Council Action 2012-79

Consider Award of Bid on Construction of Boomerang Electric Substation, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

This agenda item was passed on.

RESULT:	**NO ACTION TAKEN**

15. Council Action 2012-80

Consider Award of Bid for Fencing at the Humphreys Cultural Center, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mr. Broz reported that there is approximately $10,000 of unused funds to be used for Cultural Center upgrades. Library Director Dana Abshier acquired three quotes for fencing 380 feet on the south side of the Cultural Center, with either 5 ft or 6 ft chain link or ornamental iron fencing. Ms. Abshier addressed Council stating that no barrier between the Cultural Center grounds and the railroad tracks is a safety issue due to the large number of children that frequent the area. Further discussion included extending the fencing on both the east and west sides of a portion of the grounds.

Motion was made to approve the quote from Greak Fence Company, Liberty, Texas ($9135) for construction of 380 feet of six foot ornamental fence along the south side of the Cultural Grounds, to include wing extensions of the fence on both the east and west sides to the north, for an expenditure of up to $10,000.

ATTACHMENTS:

- Bid Tab CC Fencing (PDF)
- Bids CC Fencing (PDF)

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

16. Council Action (ID # 2477)

Discuss Possible Refinancing of the 2004 Certificates of Obligation, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mr. Broz reported that he requested information from City Financial Advisor Bob Henderson regarding refinancing of the City's 2004 Certificates of Obligation. Mr. Broz stated that interest rates are at an all time low and the refunding of these certificates would save the City a substantial amount of money over the term of the obligation. After brief discussion of the City's outstanding Certificates, the consensus of the Council was to move forward on this matter and have Mr. Henderson present at the Council Meeting of August 28.

ATTACHMENTS:

- Refinancing of 2004 COs (PDF)

17. Council Action 2012-83

Consider and Possible Action Regarding Boomerang Electricity Deposit.

COMMENTS - Current Meeting:

Mr. Broz explained that Boomerang Tube, LLC placed $2 million in an escrow account in October, 2010 to serve as a utility deposit. At each six-month period, Boomerang withdrew $500,000, with the current balance in the account now being $500,000. Discussion was held regarding the original contract calling for $500,000 to remain in escrow and Boomerang's request to reduce the escrow balance by half. Mr. Broz further explained that the facility charge will reduce on October 1 from $83,000 to $22,000, with the 2 mils ($.002 cents/kwh) adder fluctuating with Boomerang's electric usage. Both these items provide considerable monthly revenue to the City.

Mr. Broz stated that Boomerang has been a good corporate citizen to the community, and an excellent customer, with no late payments. Management recommended that Boomerang be allowed to withdraw half of the escrow balance, leaving $250,000 in the account to serve as the utility deposit for Boomerang Tube, LLC.

Motion was made to approve reducing the balance in the escrow account to $250,000.

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

18. Resolution 2012-12

Consider a Resolution Indicating Intent to Adopt the Amendment to the Electric Service and Rate Agreement with Boomerang Tube, LLC.

COMMENTS - Current Meeting:

Motion was made to approve the Resolution amending the Electric Rate and Service Agreement with Boomerang Tube, LLC, regarding the security deposit for utilities.

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

19. Council Action 2012-81

Consider Approval of Waste Management's Option to Increase Trash/Garbage Rates by 1.9%, Representing the Consumer Price Index as Reported by the Bureau of Labor Statistics, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mr. Broz stating that the City had received a letter from Waste Management wishing to exercise their option, pursuant to the terms of their contract, to increase rates by 1.9% representing the increase in the Consumer Price Index, as reported by the Bureau of Labor Statistics. This percentage will increase the bill of a residential customer by $0.23, for a garbage collection charge of $15.86, to begin October 1, 2012.

Motion was made to approve the increase in the City's garbage and collection rates by 1.9% , as Waste Management has opted to do under their contract with the City of Liberty, and to pass the increase along to the customer.

ATTACHMENTS:

- Waste Mgmt. CPI Increase (PDF)
- CPI - Burerau of Labor Stat. (PDF)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Carl Pickett, Mayor
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold
ABSENT:	Frank Jordan, Louie Potetz

B. Executive Session

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

1. Consider ownership of land under rail crossings.

Consultation with Attorney. Gov. Code §551.071
Personnel Matters Regarding Public Officer. Gov. Code §551.074

2. Discuss City personnel role in possible criminal investigation of outside party.

At 8:02 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 9:02 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2012-82

Consider and Possible Action Regarding Ownership of Rail Crossings.

RESULT:	**NO ACTION TAKEN**

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 9:03 p.m.

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Carl Pickett, Mayor

ATTEST:

____
Dianne Tidwell, City Secretary

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, August 28, 2012 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on August 28, 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	
Diane Huddleston	Councilperson	Absent	
Dennis Beasley	Councilperson	Present	
Frank Jordan	Councilperson	Present	
Louie Potetz	Councilperson	Present	
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Brandon Davis	City Counsel	Present	

II. INVOCATION

This agenda item was passed on.

III. PLEDGE OF ALLEGIANCE

This agenda item was passed on.

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Mayor Pickett reported on the following:

1) a special called meeting of the City council will be held on Tuesday, Sept. 4th,
2) the City will host the Texas Municipal Region XVI Meeting in the Liberty Center, on Thursday, September 27th,
3) thanked volunteers who assisted with the Hunger Buster Program,
4) thanked those that participated in the Smiles on Wheels Program, sponsored by the Texas Dental Association, and read aloud a letter from an individual expressing appreciation for the assistance they received from this program.

City Manager Gary Broz reported on the following:
1) please keep City Attorney Randy Gunter's family in thoughts and prayers, as his wife Jenn is in the hospital and
2) the hurricane in the Gulf seems to be staying east of Texas, and he asked the City's Emergency Management Coordinator Fred Collins to give a brief report on the storm.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2482)

Financial Report - Finance Director, N. Herrington

COMMENTS - Current Meeting:

Finance Director Naomi Herrington briefed the Council on the City's finances as of July 31, 2012. Ms. Herrington reported on the various funds and the status of each. The following figures were reported:

Fund	% of Budget - Rev.	% of Budget - Exp.	Cash in Bank
General	84%	80%	$1.3 million
Water	77.5%	67%	$600,000
Electric	69%	66%	$700,000
Garbage	111%	101%	$150,000

Additional discussion was held regarding the general fund and end of year transfers.

B. Information Item (ID # 2483)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

In the absence of Councilperson Huddleston, Mr. Broz reported that the next "Shred-It Day" will be held on Saturday, October 20th in the City Hall parking lot, from 9 a.m. until Noon.

C. Information Item (ID # 2484)

Houston-Galveston Area Council Report - Councilperson Jordan

COMMENTS - Current Meeting:

Councilperson Jordan, who serves on several Houston-Galveston Area Council committees read aloud a letter from the Texas Department of Agriculture stating that the City will soon be in receipt of funds awarded from a Community Development Block Grant Program, in the amount of $350,000, in support of sewer system improvements. Councilperson Jordan also reported that the City had received a H-GAC Planning Grant, in the amount of $80,000 for planning and community development. Councilperson Jordan further reported on the amount of grant funds received by Liberty County and the City of Liberty over the past several years.

VI. REGULAR AGENDA

A. Regular Session

1. Council Action 2012-89

Receive Report from Sam Rayburn Municipal Power Agency Director Pickett and President Halstead on Current Status of the Agency, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

The following Sam Rayburn Municipal Power Agency officials addressed Council regarding the Agency's recent bond refunding and current status of the Agency:

Bruce Mintz, Executive Director

Bruce Halstead, President

Carl Pickett, Board Member

The SRMPA officials discussed the $115 million Power Supply System Revenue refunding Bonds Series 2012 recently issued by SRMPA. Proceeds from the Series 2012 bonds will be used to refund all outstanding bonds. Bonds are secured by net revenues of the Agency, which are derived from payments received under power supply contracts with the three member cities, Liberty, Livingston, and Jasper.

SRMPA entered into a series of electric supply contracts, both sales and purchase contracts, with all those contracts collectively referred to as Cambridge. The effective date for Cambridge was Dec. 1, 2011. Cambridge resulted in SRMPA serving additional loads through Entergy Texas and Vinton Public Power Authority, creating additional power supply arrangements, in addition the the 1998 RSPA. SRMPA funds are not co-mingled with Cambridge; Cambridge being independent from the Agency's operations that secure payment on the Series 2012 Bonds.

This refunding will result in an annual reduction of $2.9(?) million in future debt service. Also discussed was that Cambridge will assist in securing long term power supply for member cities until 2035. The use of outside consultants will continue for oversight of this project.

Additional discussion included bond maturity dates and possible Cambridge profits to be passed down to member cities at the end of the year.

RESULT:	**NO ACTION TAKEN**

2. Council Action 2012-85

Consider Possible Refinancing of the 2004 Certificates of Obligation, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Dusty Traylor, RBC Capital Markets was present to discuss the details of possible refinancing of the City's 2004 bond issuance of $2.5 million for construction of the City Hall and Fire Station. Mr. Traylor reported that interest rates are extremely low and refinancing would equate to a savings of $192,000 or approximately $16,000 per year. The original interest rate on the borrowing was 4.295%, with available rates now being less than 2.5%. Mr. Traylor reviewed a Preliminary Refunding Analysis, reported that the refunding would have the same payoff date as the original debt, and that he could return in 3-4 weeks with a locked-in interest rate.

After brief discussion, a motion was made to authorize RBC Capital Markets to proceed with the refinancing of the 2004 Certificates of Obligation.

ATTACHMENTS:

- Refinancing of 2004 COs (PDF)

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

3. Council Action 2012-84

Consider Approval of the Final Plat of the Edgewood East Subdivision, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Candice Motschman, Inspection Department reported on the final plat of the Edgewood East Subdivision located at Bowie and Edgewood, stating that this property is being subdivided for future development. Ms. Motschman stated that she had received a copy of the deed restrictions and the plat is in compliance and ready for filing.

Motion was made to approve the final plat of the Edgewood East Subdivision, as presented.

ATTACHMENTS:

- Edgewood East Subdivision Plat (3) (PDF)

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

4. Council Action (ID # 2488)

Consider Bids for Construction of Boomerang Electric Substation, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that bids were opened for the construction of the Boomerang Electric Substation. Bids received were in the amount of $1.8 million and $1.4 million. Mr. Broz stated that with the bids being over the $900,000 project budget, his recommendation was to reject all bids.

Motion was made to reject the bids, as recommended by the City Manager.

ATTACHMENTS:

- Boomerang Substation Bid Tab (PDF)

RESULT:	**WITHDRAWN [UNANIMOUS]**
MOVER:	Libby Simonson, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Beasley, Jordan, Potetz, Simonson, Arnold
ABSENT:	Diane Huddleston

5. Council Action 2012-86

Consider Approval of an Interlocal Agreement with Liberty County for Maintenance of Streets, Roads, Ditches and Recreational Areas, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mr. Broz reported that this Interlocal Agreement is with Liberty County Precinct No. 1. Mr. Broz stated that he would like to pass on this agenda item, as he is working with the County on possibly changing this agreement to include all county precincts.

ATTACHMENTS:

- Interlocal Agreement- Liberty Co. 2012 (PDF)

RESULT:	**NO ACTION TAKEN**

6. Council Action 2012-87

Discuss City-Wide Air Conditioner Maintenance Proposals, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mr. Broz reported that the City is constantly having issues with air conditioning in the various City facilities. Mr. Broz stated that the proposed maintenance agreement with ABM Building Services provides numerous services. City Engineer Tom Warner explained that this proposal was the only proposal received for these maintenance services. Mr. Warner stated that ABM will conduct an equipment inventory, test and inspect the equipment, conduct preventive maintenance, repair and replace broken or worn out parts and components, answer trouble calls, and pay for parts and supplies to keep the equipment operating properly and efficiently. This service is provided at a cost of $22,630 per year , which includes travel and technician time. The contract is renewed annually, unless written notice is provided by either party 30 days prior to the anniversary date.

After brief discussion a motion was made to accept the proposal as presented and enter into a maintenance contract with ABM .

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

7. Resolution 2012-13

Consider a Resolution Authorizing the City Manager to Enter into Agreements with the Texas Department of Transportation for Temporary Closure of Main Street During the Trinity Valley Fair & Exposition Parades.

COMMENTS - Current Meeting:

Motion was made to approve the Resolution authorizing the City Manager to enter into agreements with the Texas Department of Transportation for the temporary closure of State Right of Way, for conduct of the Trinity Valley Exposition Parades.

ATTACHMENTS:

- TVE Rd Closure Agreement Baby Parade 2012 (DOC)
- TVE Rd Closure Agreement Opening Day Parade 2012 (DOC)

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

8. Public Hearing (ID # 2491)

Public Hearing on the Proposed Budget for Fiscal Year 2012-2013.

COMMENTS - Current Meeting:

At 7:17 p.m., Mayor Pickett opened the Public Hearing on the proposed budget for Fiscal Year 2012-2013. Mr. Broz reported that is only one change to the proposed budget since its original presentation to Council. Budget figures will change as a result of the approved air conditioner maintenance project, as the cost will be allocated to the various departments. Brief discussion was held regarding these figures and the 3% one-time salary adjustment to be presented to employees in December. Mayor Pickett closed the Public Hearing at 7:25 p.m.

9. Council Action 2012-88

Consider Postponement of the Final Vote on the Fiscal Year Budget 2012-2013 Until September 11, 2012.

COMMENTS - Current Meeting:

Motion was made to postpone the final vote on the FY 2012-2013 Budget until September 11, 2012.

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

10. Public Hearing (ID # 2493)

Public Hearing on the Proposed Tax Rate for Fiscal Year 2012-2013.

COMMENTS - Current Meeting:

At 7:28 p.m., Mayor Pickett opened the Public Hearing on the proposed tax rate for FY 2012-2013. Discussion was held regarding the effective rate of $0.5420 and the rollback rate of $0.5507. Further discussion was held regarding maintenance and operations, debt service,

Minutes Acceptance: Minutes of Aug 28, 2012 7:00 PM (Minutes Approval)

average taxable values on property, total taxable property values in the City of $472,780,288, and retaining the current tax rate of $0.5900 per $100 valuation. The Public Hearing was closed at 7:34 p.m.

VII. WORK SESSION

1. Work Session (ID # 2494)

Discuss Changes to the Master Fee Schedule.

COMMENTS - Current Meeting:

Mr. Broz reported that this agenda item is not ready for discussion and will be presented at the next meeting.

2. Work Session (ID # 2495)

Discuss Changes to the Proposed 2012-2013 Fiscal Year Budget.

COMMENTS - Current Meeting:

This agenda item was passed on.

VIII. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 7:34 p.m.

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____
Carl Pickett, Mayor

ATTEST:

____
Dianne Tidwell, City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/11/12 06:00 PM

Department: Library
Category: Board Appointments

COUNCIL ACTION (ID # 2503)

DOC ID: 2503

EXPLANATION:
The Liberty Municipal Library Board is a nine-member advisory board comprised of residents of the City of Liberty, appointed for two-year terms. These members may serve three consecutive two-year terms.

Board members whose terms expire on September 30, 2012 are Amy Milentz and Paul Schmidt, each of whom has reached their term limits. The Library Director recommends the appointment of Susan LaCour and Pam Litton to fill these positions. The current terms of Board Members Abby Cumbie, Mychal English and Helen Lamberth are also expiring, and each is eligible to serve another two-year term. All three have agreed to serve again, if appointed.

The unexpired term of Jessica Haidusek has become open and needs to be filled. The Library Director recommends the appointment of Beverly Davis.

Summary: The Library Director recommends the following appointments:

Susan LaCour, Pam Litton, Abby Cumbie, Mychal English, Helen Lamberth for two-year terms and Beverly Davis to fill the unexpired term.

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/11/12 06:00 PM

Department: Administration
Category: Recycling Issues

COUNCIL ACTION (ID # 2506)

DOC ID: 2506

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RECEIVED 7/17/12 dt

REQUEST FOR PLACEMENT OF AN ISSUE ON A CITY COUNCIL AGENDA

City Council Meetings are held the second Tuesday of each month at 6:00 p.m.

The deadline for an issue to be placed on the next council agenda is the Wednesday prior to the council meeting. This form must be turned in by 5:00 p.m. on this day.

Date of Submission of Request 7/16/2012

Date of Council Meeting September 11, 2012

****

Name Julie Hebert on behalf of the Trivium Club of Liberty

Street Address 201 Regal Lane

City Liberty

State TX

Zip Code 77575

Telephone No. 936-346-2498

Fax No. 936-298-2112

Please list below the issue that you wish to be brought before the Council

We would like to express our support for curbside recycling in Liberty.

Thank you

This request will be reviewed by the City Manager and the requestor will be notified regarding the above-mentioned topic being placed on an agenda.

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For City Use Only

Date this form given to the City Manager__________

Date requestor was notified__________

Comments__________

Attachment: Trivium Club Request (2506 : Trivium Club - Recycling)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/11/12 06:00 PM

Department: Administration
Category: Misc.

COUNCIL ACTION (ID # 2507)

DOC ID: 2507

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Name Lina Rodriguez

Street Address 332 Still Forrest

CityStateZip Code liberty Tx

Telephone No.Fax No.

334-4762
Please list below the issue that you wish to be broughtbefore the Council
I would like to address motorcycle awareness and how liberty has no knowledge of this in our town. Main street needs signs up to help save lives and maybe if a sign had been up my fiancé would still be alive. He was killed April 4th 2012 on main street. Thank you and I hope the council will grant me some time to make my proposal and together we can save lives.

Sent from my iPhone

The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/11/12 06:00 PM

Department: Administration
Category: Variance Requests

COUNCIL ACTION (ID # 2508)

DOC ID: 2508

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CITY OF LIBERTY
PLANNING COMMISSION'S
CERTIFICATION

RE: **Variance request to obtain a Manufactured Home Permit to place a new home at 1610 Wallisville Road, where there are multiple single family dwellings.**

On the **5th** day of **September, 2012**, the Planning Commission of the City of Liberty, Texas, timely met at a regularly scheduled meeting; notice of said meeting was duly posted; and consideration on a variance request was placed on the agenda of such meeting.

The Planning Commission, after reviewing all materials, evidence, documents and recommendations submitted in connection with the above-mentioned variance request does herein certify:

√ the Planning Commission has reviewed the variance request and all other materials and evidence submitted in connection therewith; and

hereby recommends the City Council take the following action:

_____ conditionally approve the variance request.

_____ disapprove the variance request for the following reasons:

No recommendation made on this variance

SIGNED this the 5th day of September, 2012.

Shelli R.D. Ellerle
Chairperson
Planning Committee

ATTEST:

Planning Committee

The City of Liberty

Memo

To: The Mayor and City Council Members

From: Candice Motschman, Inspections

Date: 09/06/2012

Re: Variance request for 1610 Wallisville Road

Ms. Etta Brooks is requesting a variance to replace a FEMA issued manufactured home at 1610 Wallisville Road with a new manufactured home. The property has multiple single family dwellings, therefore prohibiting an additional permit for a dwelling. The City of Liberty's Code of Ordinances does not allow more than one single family dwelling per legally described lot/tract. The current manufactured home was a replacement home Harold Brooks live in while repairing his Hurricane Ike damaged home. Harold Brooks later sold the home to Etta Brooks. To the best of my knowledge and research, the home is currently in Ms. Eliza Brooks' name according to the Liberty County Central Appraisal District. The utility account is in the name of Terry Haley. I have enclosed information provided by Ms. Brooks, as well as, the records and timeline concerning this property for your review.

Timeline:

April 18, 2008-Harold Brooks moved in 1610 Wallisville Road.

September 13, 2008-Hurricane Ike damaged Harold Brooks' home.

October 21, 2008-Harold Brooks finaled the utility account (the damaged home) at 1610 Wallisville Road.

November 20, 2008-A permit was requested and denied for a FEMA issued manufactured home to be placed at 1610 Wallisville Road because the property has multiple single family dwellings.

January 7, 2009-Planning and Zoning Commission made a recommendation to Council to grant Mr. Brooks a variance for one year from date of permit to place a FEMA issued manufactured home at 1610 Wallisville Road while repairs were being made to his damaged home.

January 13, 2009-Council considered the recommendation from the Planning and Zoning Commission, and there was no action taken. However, Ordinance 2009-1 granting limited exceptions regarding placement of FEMA manufactured homes for a limited period of time and upon certain circumstances, and also granting the authority to grant a variance by City Manager or his designee was passed.

January 20, 2009-A permit was issued to place the FEMA issued manufactured home on the property for nine months for Mr. Brooks to make the necessary repairs to the existing home. This permit was issued in accordance with Ordinance 2009-1 that passed on January 13, 2009.

January 23, 2009-Utilities were reconnected to the FEMA home for Harold Brooks.

October 5, 2009-Harold Brooks had a private conversation with the Interim City Manager and a decision was made to allow the home to be left there as a permanent residence. The original home was removed from the property. This decision should have been presented to council as an additional variance request, but was not.

October 20, 2009-The nine month deadline to remove the FEMA issued manufactured home from the property.

October 26, 2009-Utilities were finaled for this location and turned on in the name of Terry Haley. It currently remains in Terry Haley's name.

End of July/First of August/Exact date unknown-Etta Brooks inquired about obtaining a permit for a new manufactured home to replace the FEMA issued manufactured home. Roy and I explained to her there would be no permit issued at this time because of the multiple dwellings on the property. We also explained that she has a right as a citizen to ask for a variance, prompting her to submit her information.

August 16, 2012-Etta Brooks submitted the enclosed letter and two aerial photos of the property to request a variance.

Please review all the enclosed material, and contact me with any questions you may have regarding this matter.

12:00 P.M. Liberty, Texas January 7, 2009

A meeting of the Planning Commission of Liberty, Texas was held on the above date with the following members present:

Kim Anderson	Commission Member
Paul Damek	Commission Member
David Arnold	Commission Member

Also present were: Roy Gilliland, City Building Official; Candice Parker, Secretary.

The meeting was call to order at 12:07 p.m. and acknowledged the guests and visitors that were present.

Commission Member, Kim Anderson, made the motion to approve the minutes of the, July 30, 2008, meeting. Commission Member, Paul Damek, seconded the motion and it passed unanimously.

Commission Member, Kim Anderson, made the motion to approve the minutes of the October 15, 2008, meeting. Commission Member, Paul Damek, seconded the motion and it passed unanimously.

Item number four on the agenda, concerning a Final Re-plat of the Raven Hill Ranch Section 2 Subdivision. Candice Parker explained to the Commission Members that developer Jean Murph re-platted the subdivision because of an error in the layout of Maryville lane of the original section 2. Commission Member, Kim Anderson, made the motion to approve the revised plat. Commission Member, Paul Damek, seconded the motion and it passed unanimously.

Item number five on the agenda, concerning a variance request to place a FEMA issued manufactured home on his property while repairs were being made to his existing home. Because placing a second dwelling on one legally described lot is prohibited by ordinance, Mr. Brooks was denied a permit, prompting him to ask for a variance. After reviewing the material, Commission Member, Paul Damek, made the motion to recommend to Council that Mr. Brooks be allowed to place the manufactured home on the property for no longer than one year from date of permit. Commission Member, Kim Anderson, seconded the motion and it passed unanimously.

There being no further business, the meeting adjourned at 12:15 p.m.

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/13/09 06:00 PM
Department: Administration
Category: Natural Disasters

RESOLUTION 2009-1 DOC ID: 1243 A

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, AUTHORIZING THE CITY ADMINISTRATION TO GRANT LIMITED EXCEPTIONS TO THE ORDINANCES OF THE CITY OF LIBERTY REGARDING THE PLACEMENT OF FEMA MANUFACTURED HOMES FOR A LIMITED PERIOD OF TIME UPON CERTAIN CIRCUMSTANCES

WHEREAS, the City Council of the City of Liberty recognizes that certain residents of the city have experienced damage to their homes making the homes uninhabitable for a temporary period, specifically during the period of repair to their home; and

WHEREAS, the variance process requires a period of time due to the requirement of multiple meetings and notices of such meetings that may cause inconvenience and the loss of temporary housing as the variance works through the different levels required before approval; and

WHEREAS, the City Council of the City of Liberty recognizes such inconvenience and recognizes that in certain, very limited cases it may be appropriate for variances to be approved administratively; and

WHEREAS, the City Council desires to delegate to the permitting department, authority to authorize the temporary placement of FEMA manufactured homes near a single family residence during the repair period for a residence that has become uninhabitable due to a natural disaster and disaster area as declared by the President of the United States and the Governor of Texas.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Liberty, Texas, does hereby delegate to the City Manager or his designee the authority to grant a variance for the placement of a manufactured home in a location which would otherwise be prohibited by the ordinances of the City of Liberty, provided the facts meet each of the criteria set forth below:

1. Only in the event of a disaster declaration by the President of the United States and the Governor of Texas.
2. This variance is limited to one manufactured home per single family residence and for the purpose of living quarters during the repair of the residence.
3. This administrative variance is only available to owner-occupied single family residences.
4. The residence must be uninhabitable in the sole discretion of the City permitting department, and the manufactured home must be placed on the same property as the residence declared uninhabitable by the City permitting

Attachment: 1610 Wallisville Variance Request (2508 : Variance Request - 1610 Wallisville)

department.

5. The manufactured home must be provided by the Federal Emergency Management Agency ("FEMA").
6. The owner must agree to remove the manufactured home within nine (9) months after initial placement of the manufactured home onto the property near the residence.
7. The owner of the residence must give the City, prior to granting of the administrative variance, written permission to enter the premises, disconnect water, electricity, and sewer; and remove the FEMA manufactured home to a location of the City's choice at the expiration of nine months or when the residence becomes habitable, whichever comes first.
8. The owner, at its own expense, must make provision for connection to water and sanitary sewer while the manufactured home remains on the property of the residence.
9. The owner must agree in writing to indemnify the City for any cost of removal and/or storage of the FEMA manufactured home if it remains at the residence beyond nine months or beyond habitability of the residence.
10. The owner must agree in writing to hold the City harmless for any damage to the manufactured home or its contents if the City must move the manufactured home because it has remained on the residence longer than nine months or beyond the habitability of the residence.

PASSED, APPROVED AND ADOPTED this 13th day of January, 2009.

CITY OF LIBERTY, TEXAS

Carl Pickett
Mayor

ATTEST:

Dianne Tidwell
City Secretary

THE CITY OF LIBERTY
MANUFACTURED HOME PERMIT
This Form Was Printed On 01/20/09

PERMIT #: 09-00026
PROJECT #: 09- H

MASTER PERMIT #: 0900026
DATE ISSUED: 01/20/09
REF #: ________

PROJECT ADDRESS: 1610 WALLISVILLE
LOCATION: 1610 WALLISVILLE
SUBDIVISION:

LOT #:
BLK #:

OWNER NAME: BROOKS, HAROLD
ADDRESS: 1610 WALLISVILLE
CITY: LIBERTY STATE: TX ZIP: 77575
PHONE: (936)447-070

CONTRACTOR: OWNER
ADDRESS:
CITY: STATE: ZIP:
PHONE:

ENGINEER:
DESIGNER:
PROP. USE:

WORK: FEMA ISSUED MANUFACTURED HOME TL INDUSTRIES, 2009
DESC: SERIAL NUMBER F1460TLINAC60296

No additional permits required to make home permanent res.

VALUATION:	FEES DUE: .01 FEES PAID: .01
SPECIAL CONDITIONS:	WORK CLASS: SQ. FTG: FIRE ZONE: OCCP TYPE: R USE ZONE: CNST TYPE:

APPLICATION ACCEPTED BY	PLANS CHECKED BY	APPROVED FOR ISSUANCE BY

***** NOTICE *****

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED, OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS STARTED.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT) ___/___/___ DATE

Cathie Baker 1/20/09

(APPROVED BY) DATE

Customer (Mr. Brooks) came in on October 5, 2009 to notify us the home will be his permanent residence.

This decision was made by the City Manager. The Inspections Department was not consulted on this matter. This should have been a variance request voted on by P+Z and Council but was not.

ccount Number - 12-1475-04 HALEY, TERRY Service Address: 1610 WALLISVILLE RD

Date	Packet	Type	Receipt #	Reference	Debits	Credits	Balance
08/17/2012	013506	Payment	1216051			62.78	51.65
08/20/2012	013502	Bill		7/12-8/13 09/11	51.65		114.43
08/17/2012	000000	Memo	1216051	Ex CUT-PMT 62.78CR			62.78
08/09/2012	013466	Late Charge			5.58		62.78
07/18/2012	013383	Payment	1212072			56.68	57.20
07/18/2012	000000	Memo	1212072	Ex CUT-PMT 56.68CR			113.88
07/18/2012	013371	Bill		6/12-7/12 08/08	57.20		113.88
07/11/2012	013345	Late Charge			5.03		56.68
06/21/2012	000000	Memo		Cutoff S/O			51.65
06/22/2012	013288	Payment	1208384			91.68	51.65
06/21/2012	013268	Cutoff		SERVICE CHARGE	35.00		143.33
06/20/2012	013210	Memo		Cutoff Posting			108.33
06/18/2012	013244	Bill		5/13-6/12 07/10	51.65		108.33
06/08/2012	013210	Late Charge			5.03		56.68
06/01/2012	013181	Payment	1205411			42.49	51.65
05/22/2012	013133	Payment	1204215			32.50	94.14
05/22/2012	000000	Memo	1204215	Ex CUT-PMT 32.50CR			126.64
05/18/2012	013114	Bill		4/13-5/13 06/07	51.65		126.64
05/10/2012	013062	Late Charge			6.69		74.99
04/27/2012	013029	Payment	1200862			48.60	68.30
04/20/2012	013003	Payment	1200002			32.50	116.90
04/18/2012	012989	Bill		3/14-4/13 05/09	68.30		149.40
04/11/2012	012965	Late Charge			7.25		81.10
03/26/2012	012850	Payment	1196311			87.20	73.85
03/19/2012	012831	Bill		2/16-3/14 04/10	73.85		161.05
03/14/2012	012807	Late Charge			7.80		87.20
02/27/2012	000000	Memo		Cutoff S/O			79.40
02/27/2012	012735	Payment	1192556			163.31	79.40
02/27/2012	012728	Cutoff		SERVICE FEE	35.00		242.71
02/23/2012	012651	Memo		Cutoff Posting			207.71
02/21/2012	012693	Bill		1/17-2/16 03/13	79.40		207.71
02/09/2012	012651	Late Charge			8.36		128.31
01/26/2012	000000	Memo		Cutoff S/O			119.95
01/26/2012	012585	Payment	1188085			56.68	119.95
01/26/2012	012582	Cutoff		SERVICE CHARGE	35.00		176.63
01/24/2012	012510	Memo		Cutoff Posting			141.63
01/19/2012	012553	Bill		12/14-1/17 02/08	84.95		141.63
01/11/2012	012510	Late Charge			5.03		56.68
12/30/2011	012463	Payment	1184287			56.68	51.65
12/19/2011	012436	Bill		11/14-12/14 01/10	51.65		108.33
12/09/2011	012388	Late Charge			5.03		56.68
11/29/2011	012308	Payment	1180212			31.68	51.65
11/18/2011	012277	Payment	1179327			25.00	83.33
11/18/2011	012267	Bill		10/14-11/14 12/08	51.65		108.33
11/10/2011	012240	Late Charge			5.03		56.68
10/28/2011	012188	Payment	1176270			40.98	51.65
10/21/2011	012164	Payment	1175529			27.50	92.63
10/19/2011	012130	Bill		9/23-10/14 11/08	51.65		120.13
10/13/2011	012111	Late Charge			6.11		68.48
10/04/2011	012082	Payment	1172999			42.10	62.37
09/26/2011	012051	Payment	1171732			26.50	104.47
09/22/2011	012030	Bill		8/24-9/23 10/12	62.37		130.97
09/14/2011	011992	Late Charge			6.11		68.60
08/30/2011	011939	Payment	1167979			62.25	62.49
08/24/2011	011905	Bill		7/25-8/24 09/13	62.37		124.74
08/17/2011	011863	Late Charge			5.55		62.37
07/29/2011	011809	Payment	1163804			68.48	56.82
07/29/2011	000000	Memo	1163804	Ex CUT-PMT 68.48CR			125.30

Current utility account

Attachment: 1610 Wallisville Variance Request (2508 : Variance Request - 1610 Wallisville)

ccount Number - 12-1475-04 HALEY, TERRY Service Address: 1610 WALLISVILLE RD

Date	Packet	Type	Receipt#	Reference	Debits	Credits	Balance
07/26/2011	011787	Bill		6/15- 7/25 08/16	56.82		125.30
07/15/2011	011731	Late Charge			6.11		68.48
07/01/2011	011690	Payment	1159946			74.58	62.37
06/24/2011	011653	Bill		5/16- 6/15 07/14	62.37		136.95
06/16/2011	011628	Late Charge			6.66		74.58
05/24/2011	011562	Bill		4/16- 5/16 06/15	67.92		67.92
05/23/2011	011561	Payment	1154887			83.90	0.00
05/23/2011	000000	Memo	1154887	Ex CUT-PMT 83.90CR			83.90
04/25/2011	011470	Payment	1151050			52.50	83.90
04/20/2011	011461	Bill		3/17- 4/16 05/10	67.92		136.40
04/13/2011	011439	Late Charge			6.11		68.48
03/28/2011	011381	Payment	1147478			86.79	62.37
03/21/2011	011340	Bill		2/17- 3/17 04/12	62.37		149.16
03/16/2011	011328	Late Charge			7.77		86.79
02/18/2011	011215	Payment	1142385			74.58	79.02
02/22/2011	011209	Bill		1/13- 2/17 03/15	79.02		153.60
02/18/2011	000000	Memo	1142385	Ex CUT-PMT 74.58CR			74.58
02/09/2011	011145	Late Charge			6.66		74.58
01/18/2011	011028	Bill		12/14- 1/13 02/08	67.92		67.92
01/13/2011	011022	Payment	1137426			74.58	0.00
01/13/2011	000000	Memo	1137426	Ex CUT-PMT 74.58CR			74.58
01/12/2011	010993	Late Charge			6.66		74.58
12/29/2010	010900	Payment	1134985			68.48	67.92
12/20/2010	010858	Bill		11/18-12/14 01/11	67.92		136.40
12/10/2010	010800	Late Charge			6.11		68.48
11/19/2010	010709	Bill		10/19-11/18 12/09	62.37		62.37
11/18/2010	010702	Payment	1129699			86.79	0.00
11/18/2010	000000	Memo	1129699	Ex CUT-PMT 86.79CR			86.79
11/12/2010	010652	Late Charge			7.77		86.79
10/20/2010	010551	Payment	1125740			80.69	79.02
10/20/2010	010543	Bill		9/20-10/19 11/10	79.02		159.71
10/14/2010	010509	Late Charge			7.22		80.69
09/22/2010	010411	Payment	1121810			80.69	73.47
09/22/2010	000000	Memo	1121810	Ex CUT-PMT 80.69CR			154.16
09/21/2010	010394	Bill		8/16- 9/20 10/13	73.47		154.16
09/10/2010	010351	Late Charge			7.22		80.69
08/20/2010	010269	Bill		7/20- 8/16 09/09	73.47		73.47
08/11/2010	010231	Payment	1116362			74.58	0.00
08/11/2010	000000	Memo	1116362	Ex CUT-PMT 74.58CR			74.58
08/11/2010	010222	Late Charge			6.66		74.58
07/21/2010	010131	Bill		6/18- 7/20 08/10	67.92		67.92
07/19/2010	010119	Payment	1113013			80.69	0.00
07/19/2010	000000	Memo	1113013	Ex CUT-PMT 80.69CR			80.69
07/14/2010	010088	Late Charge			7.22		80.69
06/30/2010	010039	Payment	1110285			48.19	73.47
06/21/2010	010000	Bill		5/14- 6/18 07/13	73.47		121.66
06/16/2010	009986	Payment	1108770			32.50	48.19
06/10/2010	009962	Late Charge			7.22		80.69
05/21/2010	009908	Payment	1105264			105.43	73.47
05/19/2010	009889	Bill		4/19- 5/14 06/09	73.47		178.90
05/13/2010	009855	Late Charge			9.51		105.43
05/06/2010	009812	Payment	1103260			60.00	95.92
04/21/2010	009698	Bill		3/12- 4/19 05/12	155.92		155.92
04/08/2010	009564	Payment	1099739			62.37	0.00
03/18/2010	009440	Bill		2/16- 3/12 04/08	62.37		62.37
03/10/2010	009415	Payment	1095824			67.92	0.00
02/19/2010	009350	Bill		1/15- 2/16 03/11	67.92		67.92
02/10/2010	009321	Payment	1091667			73.47	0.00

Attachment: 1610 Wallisville Variance Request (2508 : Variance Request - 1610 Wallisville)

ccount Number - 12-1475-04 HALEY, TERRY Service Address: 1610 WALLISVILLE RD

Date	Packet	Type	Receipt #	Reference	Debits	Credits	Balance
01/21/2010	009242	Bill		12/10-1/15 02/11	73.47		73.47
01/19/2010	009235	Payment	1088482			74.58	0.00
01/19/2010	000000	Memo	1088482	Ex CUT-PMT 74.58CR			74.58
01/08/2010	009200	Late Charge			6.66		74.58
12/22/2009	009152	Payment	1085240			62.37	67.92
12/18/2009	009138	Bill		11/20-12/10 01/07	67.92		130.29
11/18/2009	009014	Bill		10/21-11/20 12/10	62.37		62.37
11/13/2009	008994	Payment	1079817			15.38	0.00
10/26/2009	008904	Bill		10/12-10/21 1ST BILL	15.38		15.38

ccount Number - 12-1475-03 BROOKS, GERALD Service Address: 1610 WALLISVILLE RD

Date	Packet	Type	Receipt #	Reference	Debits	Credits	Balance
12/01/2009	009060	Payment	1082055			115.99	0.00
10/26/2009	008904	Deposit		DEPOSIT RETURN-BILL		35.00	115.99
10/26/2009	008904	Bill		9/21-10/12 FINAL	55.32		150.99
09/29/2009	008807	Payment	1073473			140.74	95.67
09/24/2009	008786	Bill		8/19-9/21 10/14	95.67		236.41
09/15/2009	008742	Late Charge			10.55		140.74
08/24/2009	008684	Payment	1069008			100.00	130.19
08/24/2009	008676	Bill		7/15-8/19 09/14	106.77		230.19
08/11/2009	008627	Late Charge			11.10		123.42
07/21/2009	008543	Payment	1064661			128.62	112.32
07/20/2009	008525	Bill		6/12-7/15 08/10	112.32		240.94
06/22/2009	008419	Payment	1060758			22.50	128.62
06/18/2009	008401	Bill		05-15/06-15 07/09	90.12		151.12
06/11/2009	008356	Late Charge			5.48		61.00
06/02/2009	008327	Payment	1058309			100.00	55.52
05/26/2009	008303	Payment	1056971			27.50	155.52
05/20/2009	008281	Bill		4/13-5/14 06/10	90.12		183.02
05/14/2009	008265	Late Charge			8.33		92.90
04/28/2009	008207	Payment	1053338			35.45	84.57
04/28/2009	008204	Payment	1053245			55.00	120.02
04/20/2009	008159	Bill		3/20-4/13 05/13	84.57		175.02
04/16/2009	008147	Late Charge			7.77		90.45
04/07/2009	008129	Payment	1050739			60.00	82.68
03/30/2009	008105	Payment	1049191			48.66	142.68
03/23/2009	008073	Bill		2/19-3/20 04/15	79.02		191.34
02/23/2009	007956	Bill		1/20-2/19 03/17	112.32		112.32
01/23/2009	007833	Bill		1/14-1/20 1ST BILL			0.00

FEMA issued home

ccount Number - 12-1475-02 BROOKS, GERALD G Service Address: 1610 WALLISVILLE RD

Date	Packet	Type	Receipt #	Reference	Debits	Credits	Balance
01/13/2009	007793	Payment	1038985			196.21	0.00
10/21/2008	007374	Bill		9/11-10/01 FINAL	29.30		196.21
09/25/2008	007288	Bill-Adjustment		8/19-9/11 MANUAL	73.08		166.91
09/25/2008	007288	Bill-Reverse		8/19-9/11 MANUAL		89.68	93.83
09/25/2008	007199	Bill-Void		8/19-9/11	89.68		183.51
09/02/2008	007167	Payment	1021922			63.83	93.83
08/26/2008	007140	Payment	1021119			60.00	157.66
08/25/2008	007129	Bill		7/16-8/19 09/17	93.83		217.66
07/22/2008	007014	Bill		6/14-7/16 08/11	123.83		123.83
07/10/2008	006982	Payment	1015178			126.18	0.00
06/20/2008	006907	Bill		5/15-6/14 07/10	126.18		126.18
06/06/2008	006851	Payment	1010414			73.08	0.00
05/20/2008	006794	Bill		4/15-5/15 06/10	73.08		73.08
04/18/2008	006672	Bill		4/11-4/15 1ST BILL			0.00

Existing Home

August 16, 2008

City Of Liberty
Tom Warner, P.E.
City Engineer
Planning Department

RE: 1610 Wallisville Rd
Liberty, TX 77575

To All Concerned Parties,

My Name is Etta Brooks and I reside at 1610 (FM 563) Wallisville Rd Liberty TX 77575. I am requesting a zoning variance allowing me to remove my existing manufactured home, from family land, (1610 Wallisville rd) and install a new manufactured home on the same location.

The Land is 13.23 undivided acres, currently two single wide manufactured homes are installed on the property a third dwelling is vacant and inhabitable. I am requesting the variance for the following reasons: My family has owned the land for over one hundred years, my immediate family has resided on the land for approximately fifty years, the existing site of my home has had a manufactured home installed on it for thirty six years- See attached exhibits "A" & "B".

I have researched county records and have been unable to find any recorded deeds. I have been advised that the cost in time and money to continue the title search is considerable, to undertake this process would create a sever financial hardship that I can not afford.

I am requesting that the City of Liberty issue a home owners building permit allowing me to place a new manufactured on the 1610 Wallisville rd location. Your assistance in this matter would be greatly appreciated and would create better living conditions for my Family

Sincerely,

Etta Brooks

Etta Brooks


1610 Wallisville Rd, Liberty, TX 77575, USA
CURRENT HOME
INSTALLED
© 2012 Google
Google earth
Google earth
feet
100
meters
50

Exhibit "B"

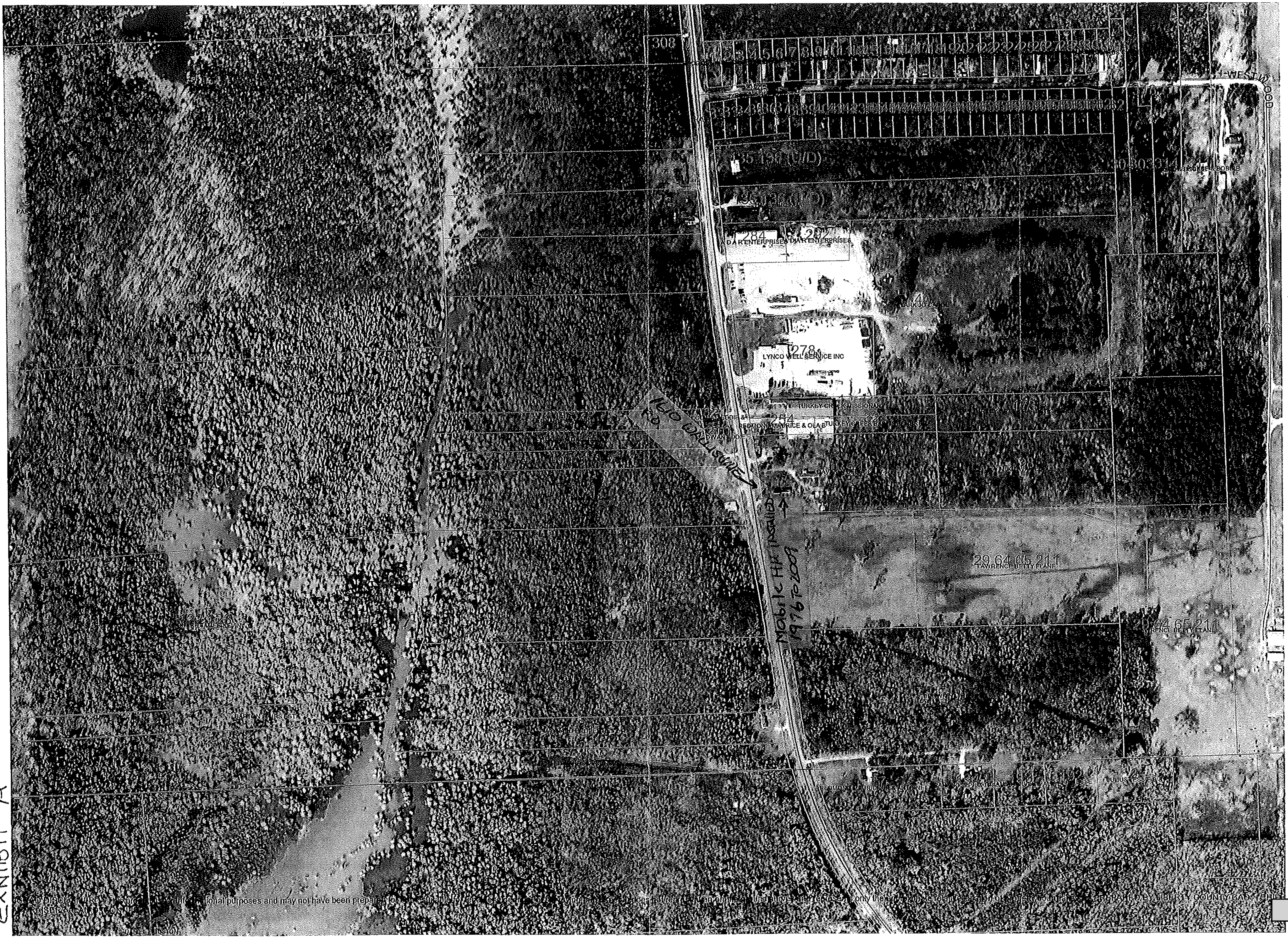

EXHIBIT "A"

Exhibit "A"

Attachment: 1610 Wallisville Variance Request (2508 : Variance Request - 1610 Wallisville)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/11/12 06:00 PM

Department: Administration
Category: Variance Requests

COUNCIL ACTION (ID # 2509)

DOC ID: 2509

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CITY OF LIBERTY
PLANNING COMMISSION'S
CERTIFICATION

RE: **Variance request to place a structure on the property just East of Fannin Street on Dr. Martin Luther King, Jr. Drive for future restoration. The structure will encroach on the required setback lines.**

On the **5th** day of **September, 2012**, the Planning Commission of the City of Liberty, Texas, timely met at a regularly scheduled meeting; notice of said meeting was duly posted; and consideration on a variance request was placed on the agenda of such meeting.

The Planning Commission, after reviewing all materials, evidence, documents and recommendations submitted in connection with the above-mentioned variance request does herein certify:

✓ the Planning Commission has reviewed the variance request and all other materials and evidence submitted in connection therewith; and

hereby recommends the City Council take the following action:

✓ conditionally approve the variance request.

____ disapprove the variance request for the following reasons:

SIGNED this the 5th day of September, 2012.

Shelli R. S. Ellerbe

Chairperson
Planning Committee

ATTEST:

Planning Committee

The City of Liberty

Memo

To: The Mayor and City Council Members

From: Candice Motschman, Inspections

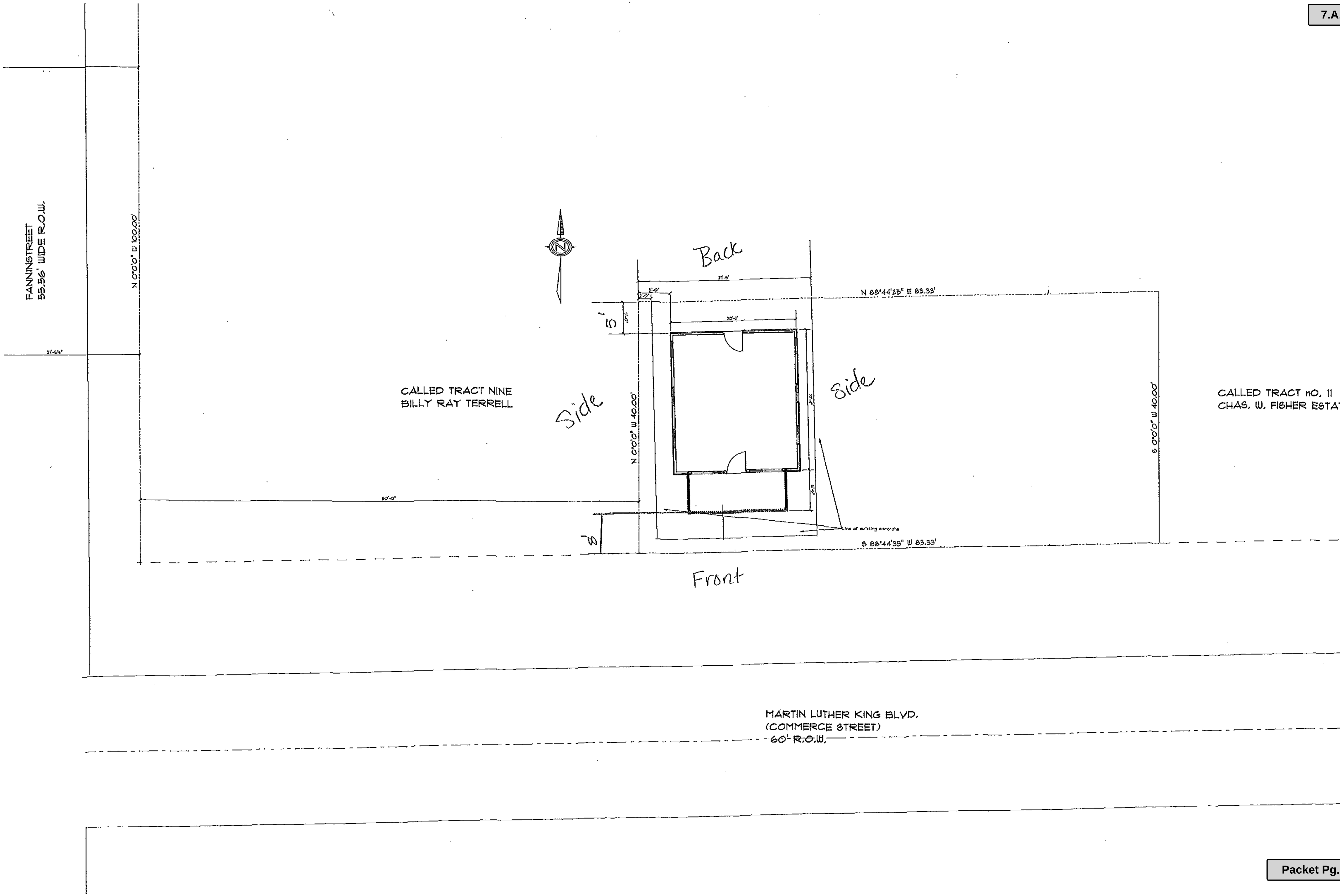
Date: 09/06/2012

Re: Variance request for the property located on Dr. Martin Luther King, Jr. Drive just east of Fannin Street

---

Michael Ramirez, of PELCO Construction, is requesting a variance on behalf of property owner, Houston Daniel, to permanently place a building (known as the old Noack Locksmith building) on the property located just east of Fannin Street on Dr. Martin Luther King, Jr. Drive. The variance, if granted, will allow the building to be permanently placed 5' over the required 10' backyard setback line.

If you have any questions regarding this matter, please give me a call.


FANNINSTREET
55.56' WIDE R.O.W.
N 0°0'0" W 100.00'
Back
N 88°44'35" E 83.33'
5'
CALLED TRACT NINE
BILLY RAY TERRELL
Side
N 0°0'0" W 40.00'
Side
S 0°0'0" W 40.00'
CALLED TRACT NO. 11
CHAS. W. FISHER ESTATE
8'
S 88°44'35" W 83.33'
Front
MARTIN LUTHER KING BLVD.
(COMMERCE STREET)
60' R.O.W.

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/11/12 06:00 PM

Department: Administration
Category: Variance Requests

COUNCIL ACTION (ID # 2510)

DOC ID: 2510

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CITY OF LIBERTY
PLANNING COMMISSION'S
CERTIFICATION

RE: **Variance request of Setback Requirements, Houston Daniel**

On the **4th** day of **January, 2012**, the Planning Commission of the City of Liberty, Texas, timely met at a regularly scheduled meeting; notice of said meeting was duly posted; and consideration on a variance request was placed on the agenda of such meeting.

The Planning Commission, after reviewing all materials, evidence, documents and recommendations submitted in connection with the above-mentioned variance request does herein certify:

✓ the Planning Commission has reviewed the variance request and all other materials and evidence submitted in connection therewith; and

hereby recommends the City Council take the following action:

✓ conditionally approve the variance request.

___ disapprove the variance request for the following reasons:

SIGNED this the 4th day of January, 2012.

Shellie R. S Ellerbe
Chairperson
Planning Committee

ATTEST:

Kari Carter
Planning Committee

The City of Liberty

Memo

To: The Mayor and City Council Members

From: Candice Motschman, Inspections

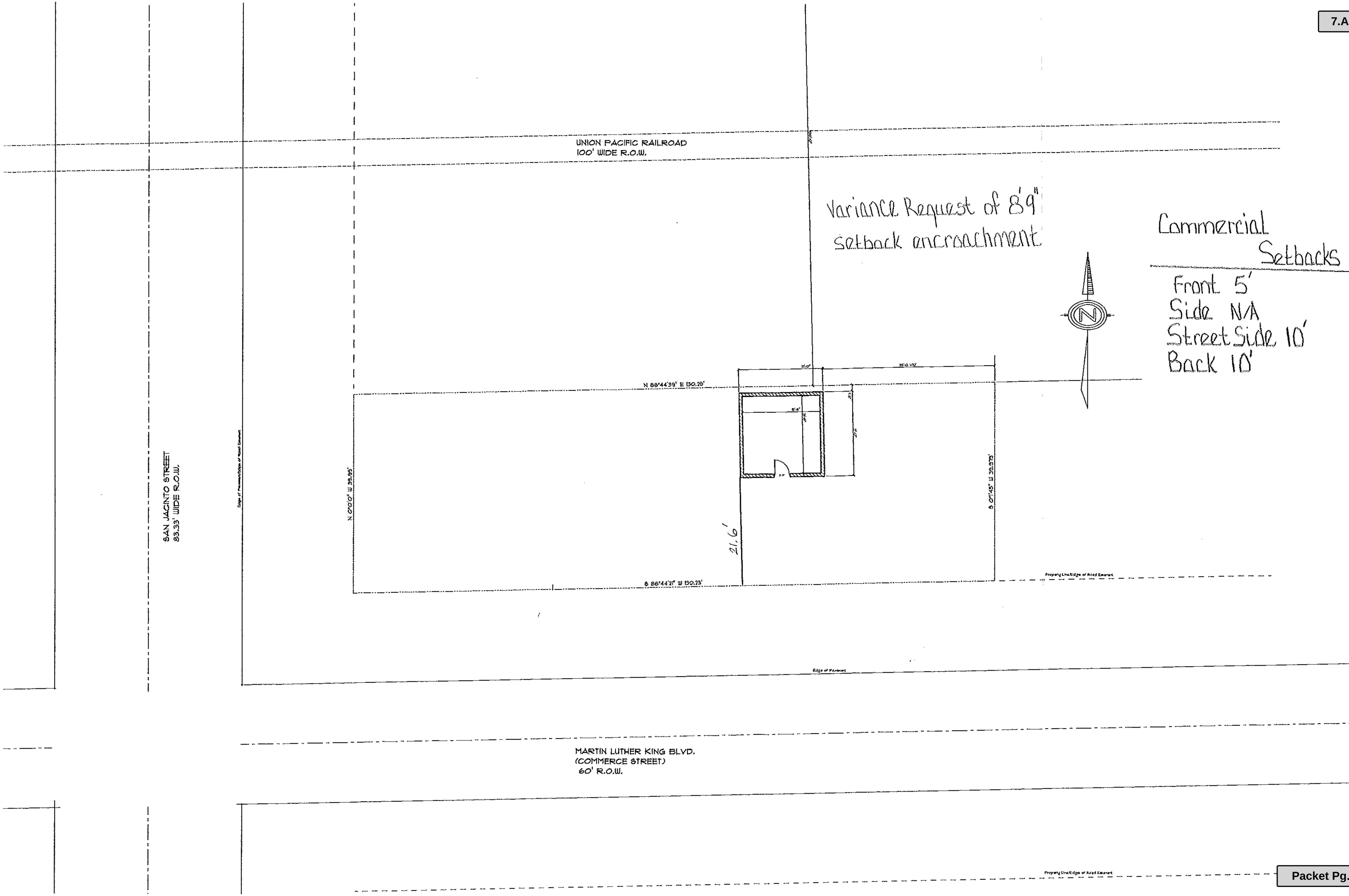
Date: 09/06/2012

Re: Variance request for the property located at the Northeast corner of the intersection of San Jacinto and Dr. Martin Luther King, Jr. Drive

---

Michael Ramirez, of PELCO Construction, is requesting a variance on behalf of property owner, Houston Daniel, to permanently place a building (known as the Chicken Shack building) on the property located at Northeast corner of the intersection of San Jacinto Street and Dr. Martin Luther King, Jr. Drive. The variance, if granted, will allow the building to be permanently placed 8'9" over the 10' building setback line required by the Subdivision Ordinance.

If you have any questions regarding this matter, please give me a call.


UNION PACIFIC RAILROAD
100' WIDE R.O.W.
Variance Request of 8'9"
setback encroachment
Commercial
Setbacks
Front 5'
Side N/A
Street Side 10'
Back 10'
N
N 88°44'39" E 130.29'
S 88°44'21" W 130.23'
21.6'
SAN JACINTO STREET
83.33' WIDE R.O.W.
MARTIN LUTHER KING BLVD.
(COMMERCE STREET)
60' R.O.W.

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/11/12 06:00 PM

Department: Administration
Category: SRMPA Appointments

RESOLUTION (ID # 2511)

DOC ID: 2511 A

EXPLANATION:
Appointments for two-year staggered terms are made to the SRMPA Board of Directors in September of each year. Each member city is allowed two representatives. Our current representatives to this Board are Carl Pickett and Bruce Halstead.

Mayor Pickett's term expires this month.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, APPOINTING A REPRESENTATIVE TO THE SAM RAYBURN MUNICIPAL POWER AGENCY BOARD OF DIRECTORS

WHEREAS, on October 31, 1979, the City of Liberty, Texas, enacted the concurrent ordinance, establishing Sam Rayburn Municipal Power Agency with the City of Jasper, Texas and the City of Livingston, Texas; and,

WHEREAS, said concurrent ordinance provides that each of the three (3) cities involved in the Sam Rayburn Municipal Power Agency, each appoint Directors to serve with the Agency for a period of two (2) years.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

That _____________ be appointed to serve as Director for the Agency for the City of Liberty, Texas, for a period of two (2) years, said term ending September, 2014.

PASSED AND APPROVED THIS 11TH DAY OF SEPTEMBER, 2012.

____
Carl Pickett
Mayor

ATTEST:

____
Dianne Tidwell
City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/11/12 06:00 PM

Department: Administration
Category: Budget Adoption

ORDINANCE (ID # 2512)

DOC ID: 2512 A

SETTING AND ESTABLISHING THE 2012/2013 FISCAL YEAR OPERATING BUDGET

WHEREAS, The City of Liberty, in accordance with the City Charter and the laws of the State of Texas, and acting by and through its City Council has received the proposed budget and financial plan for the fiscal year beginning October 1, 2012 and ending September 30, 2013; and

WHEREAS, The City Council of the City of Liberty, Texas, finds that the proposed budget and financial plan for Fiscal Year 2013 is a balanced budget in keeping with the City Charter; and

WHEREAS, The total expenditures for all funds for Fiscal Year 2013 are $31,989,658.00.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

That the budget and plan for Fiscal Year 2013 be established at $31,989,658.00 as a combined total budget for the City of Liberty's operations for said fiscal year.

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two (2) separate days is hereby dispensed with and all Council Members present vote affirmatively for the adoption of this Ordinance.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Liberty, Texas on the 11th day of September, 2012.

Carl Pickett
Mayor

ATTEST:

Dianne Tidwell

City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/11/12 06:00 PM

Department: Administration
Category: Tax Issues

COUNCIL ACTION (ID # 2513)

DOC ID: 2513

EXPLANATION:
"Adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget. A vote under this subsection is in addition to and separate from the vote to adopt the budget or a vote to set the tax rate." LGC §102.007

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/11/12 06:00 PM

Department: Administration
Category: Tax Rate

ORDINANCE (ID # 2514)

DOC ID: 2514 A

TAX RATE ADOPTION

WHEREAS, A tax rate of $0.3487 for maintenance and operations and a tax rate of $0.2413 for the debt service fund for a total tax rate of $0.5900 is necessary and appropriate for the funding of the FY 2012/2013 City of Liberty budget; and

WHEREAS, Said budget has been heretofore regularly adopted by the City Council of the City of Liberty; and

WHEREAS, All other things required by law to be done have been done properly by the appropriate officials.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

That the 2012/2013 maintenance and operations tax rate in the amount of $0.3487 per $100.00 and the debt service tax rate of $0.2413 per $100.00 for a total tax rate of $0.5900 per $100.00 is set and adopted.

“THE CITY OF LIBERTY TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR’S TAX RATE.”

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two (2) separate days is hereby dispensed with and all Council Members present vote affirmatively for the adoption of this Ordinance.

PASSED AND ADOPTED at a regular called meeting of the City Council of the City of Liberty, Texas on the 11th day of September, 2012.

Carl Pickett, Mayor

ATTEST:

____
Dianne Tidwell, City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/11/12 06:00 PM

Department: Administration
Category: Tax Issues

ORDINANCE (ID # 2515)

DOC ID: 2515 A

TAX ROLL APPROVAL AND TAX LEVY

WHEREAS, A tax rate of $0.3487 for maintenance and operations and a tax rate of $0.2413 for the debt service fund for a total tax rate of $0.5900 were adopted for the tax year 2012-2013 by the City Council of the City of Liberty, Texas; and

WHEREAS, All other things required by law to be done have been done properly by the appropriate officials.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

That the 2012 appraisal roll with tax amounts entered is hereby approved as the tax roll for 2012 and the taxes for said year are hereby levied in the amounts shown on said tax roll.

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two (2) separate days is hereby dispensed with and all Council Members present vote affirmatively for the adoption of this Ordinance.

PASSED AND ADOPTED at a regular called meeting of the City Council of the City of Liberty, Texas on the 11th day of September, 2012.

____
Carl Pickett, Mayor

ATTEST:

____
Dianne Tidwell, City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/11/12 06:00 PM

Department: Administration
Category: Board Appointments

COUNCIL ACTION (ID # 2516)

DOC ID: 2516

EXPLANATION:
Each HGAC member city, under 25,000, is allowed one delegate and one alternate to the General Assembly. The designees must be elected officials of the governing body.

Councilperson McCarty and Councilperson Jordan were the representative and alternate to the 2012 General Assembly.

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Houston-Galveston Area Council

Office of the Executive Director

August 30, 2012

The Honorable Carl Pickett
Mayor, City of Liberty
1829 Sam Houston
Liberty, TX 77575

Dear Mayor Pickett:

I am writing regarding the appointment of your city's representative to H-GAC's 2013 General Assembly.

H-GAC's Bylaws provide that each member home rule city with a population under 25,000 as of the last (2010) Federal Census is entitled to designate one representative and one alternate to the H-GAC General Assembly, which will meet in early 2013.

I am enclosing the appropriate form for your city's use in officially designating a representative and an alternate. The two designees must be elected official members of your city's governing body.

A dinner meeting of home rule city representatives will be scheduled for November. At that meeting, your 2012 Home Rule Cities' H-GAC Board of Directors representatives will report on this year's activities and look ahead to issues and progress in 2013.

We are sending a copy of these designation materials to your city secretary as well. We would appreciate receiving your city's designation form no later than October 1. If you have any questions or problems in this designation process, please call Rick Guerrero, 713-993-4598.

Sincerely,

Jack Steele

JS/kay

Enclosure

cc: City Secretary

Mailing Address
PO Box 22777
Houston, Texas 77227-2777
Phone 713-627-3200

Recycled

Physical Address
3555 Timmons Lane, Suite 120
Houston, Texas 77027-6466
Phone 713-627-3200

DESIGNATION OF REPRESENTATIVE AND ALTERNATE

HOUSTON-GALVESTON AREA COUNCIL

2013 GENERAL ASSEMBLY

****

BE IT RESOLVED, by the Mayor and City Council of ________________________, Texas, that ______________________________ be, and is hereby designated as its Representative to the **GENERAL ASSEMBLY** of the Houston-Galveston Area Council for the year 2013.

FURTHER, that the Official Alternate authorized to serve as the voting representative should the hereinabove named representative become ineligible, or should he/she resign, is __________________________________.

THAT the Executive Director of the Houston-Galveston Area Council be notified of the designation of the hereinabove named representative and alternate.

PASSED AND ADOPTED, this _________ day of ___________________________, 2012.

APPROVED:

____

Mayor

ATTEST:

By: ______________________________

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/11/12 06:00 PM

Department: Administration
Category: Agreements

COUNCIL ACTION (ID # 2517)

DOC ID: 2517

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AGREEMENT
Amendment No. 8

STATE OF TEXAS

COUNTY OF BRAZOS

The Contract negotiated and executed on September 27, 1994 by and between Brazos Transit District (BTD) and the CITY OF LIBERTY (Liberty City), is amended to read as follows:

TERM

This agreement shall be for a period of two (2) years, commencing on September 1, 2012 and expiring on August 31, 2014.

Funds received from the city will be used as local share.

All other terms of the original Agreement dated September 27, 1994 are still in effect.

BRAZOS TRANSIT DISTRICT	CITY OF LIBERTY
Margie Lucas Deputy CEO	Carl Pickett City of Liberty Mayor
9/6/2012 Date	Date

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/11/12 06:00 PM

Department: Administration
Category: Misc.

COUNCIL ACTION (ID # 2518)

DOC ID: 2518

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