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, October 9, 2012 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Diane Huddleston	Councilperson	Present	
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	
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 Fire Chief Fred Collins.

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Public Comment is reserved for members of the public who would like to address the City Council 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.

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

Mayor Pickett reported that the Senior Citizens were now having congregate meetings at Heights Baptist Church, the program is running well, but volunteers are always needed. Mayor Pickett also encouraged participation at the annual Trinity Valley Exposition and Rodeo.

Councilperson Jordan, a member of the Gulf Coast Economic Development District, reported on possible Houston-Galveston Area Council low interest rate loans to public entities. This Board provides oversight to H-GAC's economic development planning programs in the Gulf Coast planning region. Councilperson Jordan stated that according to Chuck Wemple, H-GAC Economic Development Program Manager, that the offering of these loans are in the approval process, and with a balance of $7 million in that fund, it is anticipated that these loans may be in the amount of $400,000 - $500,000.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2520)

Various Project Updates - City Manager - . G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the status of various City projects to include:

1) Airport gas availability and hangars,

2) closeout paperwork for the SCADA,

3) ROW papers being drawn up for street extension project,

4) TCEQ SEP Program complete, with 42 new residential sewer lines installed,

5) update on various grants,

6) review of unaudited funds, working on year end close out,

7) Senior Citizen Program working well, and

8) preparing for construction of the new Police Department facility.

B. Information Item (ID # 2521)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that the next community Shred-It event is to be held on Saturday, October 20th from 9 a.m. until Noon, on the parking lot of the City Hall Administration Building.

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:	Diane Huddleston, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold

A. Minutes Approval

1. Tuesday, September 11, 2012

2. Tuesday, September 25, 2012

VII. REGULAR AGENDA

A. Regular Session

1. Public Hearing (ID # 2526)

Public Hearing on the Condemnation of the Structure Located at 1917 Jefferson Drive.

COMMENTS - Current Meeting:

At 6:14 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 1917 Jefferson Drive. 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 confirmed that the structure had been 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. 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 90 days to comply with the order of demolition, and at such time the demolition is not competed within the allotted time period, the City will move forward with demolition proceedings. Further discussion was held with the property owners in which they expressed intent to sell the property, possibly having a buyer for the property in question. Council consensus was to allow the property owners 90 days to complete their transaction, at which time the structure will come before Council, at the January Meeting. Mayor Pickett closed the Public Hearing at 6:30 p.m.

ATTACHMENTS:

- PH 1917 Jefferson (PDF)

2. Council Action 2012-100

Consider an Order of Abatement for the Structure Located at 1917 Jefferson Drive, and Take Any Action Deemed Necessary.

ATTACHMENTS:

- Order of Abatement 1917 Jefferson (PDF)

RESULT:	**NO ACTION TAKEN**

3. Resolution 2012-15

Consider a Resolution Adopting the Houston-Galveston Area Council Regional Hazard Mitigation Plan, 2011 Update.

COMMENTS - Current Meeting:

Fire Chief Fred Collins reported that the H-GAC Hazard Mitigation Plan identifies regional hazards and vulnerabilities, and includes numerous mitigation projects that could be implemented within our region. This plan is important as it is a specific requirement that any local government must have this document when applying for federal mitigation grant funding. The plan expired during April 2011 and H-GAC has worked with emergency management coordinators to revise the plan and identify new projects. H-GAC has received acknowledgement of "approvable pending adoption" status. Chief Colllins stated that H-GAC is working with the 78 jurisdictions in the area to formally adopt the 2011 Plan Update.

Motion was made to approve the Resolution.

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

4. Council Action 2012-101

Consider a Nomination to the Liberty County Central Appraisal District Agricultural Advisory Board.

COMMENTS - Current Meeting:

Motion was made to nominate Mr. Fredrick Freeman to the Liberty County Central Appraisal District Agricultural Advisory Board.

ATTACHMENTS:

- CAD Ag Board 2012 (PDF)

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

5. Council Action 2012-102

Consider a Nomination to the Liberty County Central Appraisal District Appraisal Review Board.

COMMENTS - Current Meeting:

Motion was made to nominate Mr. Bill Brackin to the Liberty County Central Appraisal District Appraisal Review Board.

ATTACHMENTS:

- CAD Appraisal Rev Brd 2012 (PDF)

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

6. Ordinance 2012-8

Consider Adoption of an Ordinance Denying the CenterPoint Energy Rate Increase as Filed in a Statement of Intent on July 2, 2012.

COMMENTS - Current Meeting:

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

"AN ORDINANCE BY THE CITY OF LIBERTY, TEXAS ("CITY") DENYING THE RATES OF CENTERPOINT ENERGY RESOURCES CORP. FILED IN CENTERPOINT ENERGY RESOURCES CORP.'S RATE PROCEEDING INITIATED ON JULY 2, 2012; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; DECLARING AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

City Manager Gary Broz reported attendance at a stakeholders meeting in which information was received regarding other entities/partners opposing the proposed rate increase. Mr. Broz reviewed CenterPoint's proposed revenues from the rate increase, the areas affected, and relayed that the majority of these funds will go toward funding employee pensions and benefit plans, rather than infrastructure needs. Mr. Broz recommended denial of the $8.00 a month increase to the basic charge, to residential gas customers.

Motion was made to adopt the Ordinance as presented, supporting denial of the CenterPoint rate increase.

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

7. Council Action 2012-103

Consider an Interlocal Agreement Between the City and Liberty County Precincts 1 and 2 for the Maintenance of Streets, Roads, Ditches and Recreational Areas, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mr. Broz stated that he had changed the Interlocal Agreement, with Liberty County Precinct #1 for the maintenance of streets, roads, ditches and recreational areas, to include County Precinct #2. Mr. Broz reported that Precinct #2 enters the City on the north side of town and would like to also work with this precinct in exchanging resources. Discussed were various tasks in which both entities previously worked together to provide the other with necessary equipment to complete a project.

Motion was made to approve the Interlocal Agreement with Liberty County Precincts #1 and #2.

At 6:58 p.m., Mayor Pickett called for a brief recess, reconvening the meeting at 7:03 p.m.

ATTACHMENTS:

- Interlocal with Precincts 1 & 2 (DOCX)

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

8. Council Action (ID # 2530)

Presentation by Mr. Jeff Gerber, PGAL, on the Proposed Police Department Facility, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mr. Jeff Gerber, PGAL President, Architects for the new Police Department facility, made a presentation regarding an update of the design and construction of the structure. Mr. Gerber discussed and reviewed the floor plan and finishes for the inside, which consists of approximately 9,950 square feet, being energy efficient and as “green” as budgetary constraints allow. Also discussed was the outdoor layout of the area, to include parking, utilizing existing driveways, using materials complimentary to the Fire Station, and external lighting. Mr. Gerber reported on the competitive sealed proposal methodology which is a combination of bids and submission of qualifications. This process allows for the best price and quality in contractor selection resulting in the ability to choose a contractor that has possibly built these type structures before, at the best price. Budget for this project is $2.5 million.

At this time, Mayor Pickett reopened Public Comment to allow Mr. Perry Ealim to discuss partnering with the City on economic and business development in the City. Mr. Ealim states that he assists others with grant writing to obtain funds for various projects.

B. Executive Session

Consultation with Attorney. Gov. Code §551.071

1. Contemplated Litigation - Liberty Municipal Library.

At 7:39 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:44 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2012-104

Consider and Take Action, If Any, on the Items as Discussed in the Executive Session.

COMMENTS - Current Meeting:

Motion was made to authorize the City Manager to conduct testing for any defects, not to exceed a cost of $14,000 each with respect to the new and old construction of the Geraldine D. Humphreys Cultural Center.

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

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:45 p.m.

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary