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, December 11, 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 Richard Ayers, Pastor St. John Baptist Church, Silsbee, Texas.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Allison Meche, Captain of the Liberty High School Girls Volleyball Team.

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.

Councilperson Jordan remarked on the proclamation by Liberty County proclaiming "John Hebert Day" and of the generosity and commitment to the community by this individual.

Mayor Pickett wished everyone a Merry Christmas and reminded Council of the Employee Appreciation Dinner to be held on Thursday, December 13th. Mayor Pickett also commented on two worthwhile programs conducted by City departments; 1) the Silver Santa Program, conducted by the Liberty Police Department, to assist disadvantaged senior citizens, and 2) the Angel Tree Program, conducted by the Liberty Fire Department to assist disadvantaged children.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2565)

Proclamation - LHS Girls Volleyball Team Day - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett read a proclamation proclaiming December 12, 2012 as Liberty High School Girls Volleyball Team Day. Mayor Pickett welcomed the students and congratulated them on their accomplishments.

B. Information Item (ID # 2566)

Various Project Updates - City Mgr. Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the following:

- the Liberty Fire Department would be conducting the controlled burning of an old home, at Cos and Fannin, for training purposes at 9:00 a.m., on Saturday, December 15th,
- the City received two donations from the Daniel Foundation: 1) for rehabilitation of the playground equipment at the Liberty Municipal Park, in the amount of $10,000, and 2) for the baseball association to rehabilitate their facilities at the Park, in the amount of $25,000, and
- Municipal Court Judge Bobby Rader had submitted his resignation, to become effective January 1 2013, to assume the duties of Liberty County Sheriff.

Mr. Broz concluded by reviewing the status of other current projects in the City.

C. Information Item (ID # 2567)

Proposed Pipeline Ordinance - City Mgr. Gary Broz

COMMENTS - Current Meeting:

Mr. Broz reported that work is currently being completed on the City's drilling ordinance to also address pipelines that may route through the City. A copy of an ordinance from the City of Copperas Cove is being reviewed and a final document should be ready for Council approval at the next meeting.

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

A. Minutes Approval

1. Monday, November 12, 2012

VII. REGULAR AGENDA

A. Regular Session

1. Public Hearing (ID # 2569)

Public Hearing on the Condemnation of the Structure Located at 3506 N. Main Street.

COMMENTS - Current Meeting:

At 6:30 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 3506 N. Main Street. Robbie Hood, Neighborhood Services Director and City Attorney Randy Gunter spoke to the progress being made on this property and recommended that no action be taken due to the improvements taking place.

Mayor Pickett closed the Public Hearing at 6:31 p.m.

ATTACHMENTS:

- PH 3506 N. Main (PDF)

2. Council Action 2012-119

Consider an Order of Abatement for the Structure Located at 3506 N. Main Street.

ATTACHMENTS:

- Order of Abatement 3506 N. Main (2) (2) (DOC)

RESULT:	**NO ACTION TAKEN**

3. Public Hearing (ID # 2571)

Public Hearing on the Condemnation of the Structure Located at 106 Carter Street.

COMMENTS - Current Meeting:

At 6:31 p.m., Mayor Pickett opened the public hearing on the condemnation of the structure located at 106 Carter Street. 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 inadequately maintained, in danger of collapse due to exposure to the elements, and a fire hazard. 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 6:37 p.m.

ATTACHMENTS:

- PH 106 Carter (PDF)

4. Council Action 2012-120

Consider an Order of Abatement for the Structure Located at 106 Carter Street.

COMMENTS - Current Meeting:

Motion was made to approve the Order of Abatement, as recommended, for the structure located at 106 Carter Street, 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 106 Carter (2) (2) (DOC)

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

5. Public Hearing (ID # 2573)

Public Hearing on the Condemnation of the Structure Located at 310 Carter Street.

COMMENTS - Current Meeting:

At 6:39 p.m., Mayor Pickett opened the Public Hearing on the structure located at 310 Carter Street. 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 inadequately maintained, in danger of collapse, and a fire hazard. 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 stated that the notifications had been unclaimed and he has not had any contact with the property owners. 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 6:50 p.m.

ATTACHMENTS:

- PH 310 Carter (PDF)

6. Council Action 2012-121

Consider an Order of Abatement for the Structure Located at 310 Carter Street.

COMMENTS - Current Meeting:

Motion was made to approve the Order of Abatement, as recommended, for the structure located at 310 Carter Street, 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 310 Carter (2) (2) (DOC)

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

7. Council Action 2012-122

Consider Award of Bid for Phase 3 of the Texas Water Development Board Water & Wastewater Improvement Project.

COMMENTS - Current Meeting:

Mr. Broz reported that there was $1,127,911.32 remaining from the 2007 Water Development Board Loan funds for water and wastewater rehabilitation. Mr. Broz stated that a project was developed that included repairs to the clarifiers, chlorine building, storage racks, belt press, and other related renovations. Mr. Broz discussed with Council the specs for the base bid and alternate and the four bids received. Further discussion of related issues included the status of the wastewater plant, plant capacity, peak flow, effluent levels, and possible need for future expansion.

Motion was made to award the low bid to Placo, Ltd., Lumberton, Texas, for the base bid in the amount of $932,680.26.

ATTACHMENTS:

- TWDB Phase 3 Ltr (PDF)
- TWDB Phase 3 Bid Tab (PDF)
- TWDB Project Summary (PDF)

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

8. Council Action 2012-123

Consider Acceptance of the Community Development Block Grant Disaster Recovery Grant, Round 2.2 for Police Station Construction.

COMMENTS - Current Meeting:

Mr. Broz reported on the CDBG Disaster Recovery Grant, 2.2 for construction of a new police station facility. Mr. Broz stated that this grant is through the Texas General Land Office which provides financial assistance with funds appropriated as a result of Hurricanes Dolly and Ike (September, 2008) to facilitate disaster recovery and restoration. Mr. Broz further stated that this is a no-match grant in the amount of $1,214,790.00. Public Management, Inc. Is to manage the grant for a fee of $32,000 which will be paid for from these grant funds.

After further discussion of the grant agreement and the new facility, a motion was made to approve acceptance of the grant upon legal review by the City Attorney.

ATTACHMENTS:

- CDBG Rnd 2.2 Agreement Police (PDF)

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

9. Council Action 2012-124

Consider Acceptance of the TXDOT Routine Airport Maintenance Program Grant and Authorize the City Manager to Execute All Related Documents.

COMMENTS - Current Meeting:

Mr. Broz reported on the Texas Department of Transportation Grant for routine Airport maintenance, which is a 50/50 matching grant. The State's financial assistance will be for fifty percent of eligible projects costs or $50,000 whichever is less. This grant may be used to contract for services and purchase of materials for routine maintenance and improvements of pavement, signage, drainage, herbacide, lighting systems, and any other maintenance related eligible projects.

Motion was made to approve acceptance of the TXDOT Routine Airport Maintenance Program Grant and authorize the City Manager to execute all related documents.

ATTACHMENTS:

- Ramp Grant Dec 2012 (PDF)

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

10. Council Action 2012-125

Consider Award of Bid for the Public Works Service Center Awning, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Tom Warner, City Engineer/Public Works Director reported that these project funds are from a previous issuance of certificates of obligation for construction of a vehicle awning at the Public Works Service Center. The City let bids and received two responses. The bid specs were for construction of eight, nine, or ten bays with a covered awning, or for eight, nine, or ten bays with a covered awning to include alternate number one, which is an 8 foot piece on the back side for weather protection.

Motion was made to award the bid to Arnold construction for eight stalls and awning, plus alternate number one, in the amount of $38,456.00.

At the conclusion of this agenda item, Council took a five-minute break and reconvened at 7:30 p.m.

ATTACHMENTS:

- PW Awning Bid Tab (PDF)
- PW Awing Specs (PDF)

RESULT:	**APPROVED [5 TO 0]**
MOVER:	Frank Jordan, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Beasley, Jordan, Potetz, Simonson
ABSTAIN:	Diane Huddleston, David Arnold

11. Council Action 2012-126

Discuss Creating a Fixed Asset Replacement Fund, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mr. Broz reported on funds received from the Sam Rayburn Municipal Power Agency as a result of bond refinancing, which he would like to use to create a fixed asset replacement fund, for vehicle replacement. This would assist in keeping the City's fleet up-to-date, without borrowing funds. Mr. Broz reviewed a Fixed Asset Replacement Plan, its process, and discussed various vehicles currently in need of replacement and their repair issues. Discussed were a fire truck, ambulance remount, two police vehicles, a small bucket truck and a digger truck.

Motion was made to establish a Fixed Asset Replacement Fund with a beginning balance of $449,707.00 with funds received from the Sam Rayburn Municipal Power Agency.

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

12. Council Action 2012-127

Consider Approval of Expenditures from the Fixed Asset Replacement Fund, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Discussion was held regarding possible expenditures from the Fixed Asset Replacement Fund, with discussion centering on the need for a fire truck and issues relating to the Humphreys Cultural Center (HCC). Further discussion included the immediate need to update Fire Department vehicles and comments from City Attorney Randy Gunter regarding problems with the HCC that relate not only to the old structure, but also problems unique to the new structure that appear to be both design and construction issues, that may involve liability on the part of others.

Motion was made to allocate, from the Fixed Asset Replacement Fund, $30,000 for professional investigative issues regarding the Humphreys Cultural Center, and $80,000 for a commitment to the purchase of a fire truck, with the remaining $320,000 cost of the fire truck to be determined by financing options.

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

13. Council Action 2012-128

Discuss the Master Fee Schedule, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mr. Broz commented on a handout of the City's current Master Fee Schedule and proposed changes to the Liberty Center rental fees and charges. Mr. Broz stated that there had been numerous occasions where the Liberty Center, restrooms and hallways have been badly damaged. Mr. Broz proposed raising fees to hold individuals more accountable for their actions. Discussed were the current rates, costs incurred due to facility damage, and additional increases to the proposed rates. After lengthy discussion, the proposed new rates are as follows:

Room Rental w/o alcohol	$500.00 Until 12:00 a.m.
Room Rental with alcohol	$1000.00 until 12:00 a.m.
Local Non-Profit w/o alcohol	$250.00 until 12:00 a.m.
Local Non-Profit with alcohol	$500.00 until 12:00 a.m.
Extra time from 12:00 a.m. until 2:00 a.m.	100.00 per each half hour
Kitchen Rental	$300.00
Damage Deposit	$1000.00

Also included is an addition to the current damage deposit language - "All of the deposit will be kept if the Lease Agreement, rules and regulations are broken for any reason."

Other rates and fees on the current Master Fee Schedule were passed on and will be discussed at a later date.

Motion was made to approve the proposed new rates as listed above.

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

14. Council Action 2012-129

Discuss Health and Safety in the City of Liberty, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Lengthy discussion was held, as a result of a visitor to a previous Council meeting, regarding questionable establishments in the City where illegal activity may be taking place. City Attorney Randy Gunter stated that he had been asked to investigate possible options under nuisance law. Mr. Gunter stated that Section 125 of the Texas Civil Practice and Remedy Code does provide some law enforcement authority, providing that certain illegal activity is taking place, and allows for locking down or closing the establishment for one year. Mr. Gunter explained that the law is very specific in defining those activities which include, but is not limited to: prostitution, obscenity, gambling, engaging in organized criminal activity, delivery, possession or manufacturing of a controlled substance, and numerous other illegal activities.

Mr. Gunter relayed that one way to address the issue is to converse with the business owner and tell him that it is understood that these particular activities are taking place, and gain his cooperation in abating the nuisance. If not, then the City may file suit and have a judge set a bond, which will ultimately end in the business being locked down for one year.

Police Chief Billy Tidwell spoke to this issue stating that he has previously been involved in the nuisance abatement process, which is long and lengthy. Chief Tidwell explained, that as an option, there are other alternatives that would assist with these issues such as intensive patrols and the Areas of Responsibility Program.

RESULT:	**NO ACTION TAKEN**

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

At 8:45 p.m., Mayor Pickett adjourned the meeting.

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary