



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, January 8, 2013

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	6:03 PM
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 Coach Joe Roberts, Church of Jesus Christ of Latter Day Saints, Liberty.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was given by Drew Dugger, Boy Scouts of America, Liberty.

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 filing period for the May 11, 2013 General Election is January 30 - March 1; also stating that those council members whose terms expire are Councilpersons Beasley, Huddleston, and Simonson.

Mayor Pickett further reported that the Annual Rotary Club Fish Fry is the main fundraiser for this organization and will take place on Friday, January 25th. Mayor Pickett explained that the Club promotes humanitarian service and goodwill throughout the world and they would appreciate everyone's support.

V. PRESENTATIONS / REPORTS**A. Information Item (ID # 2583)**

Various Project Updates - City Manager - G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on numerous current city projects as follows:

- 1) continuing to work on remaining right-of-way acquisition for the street extension project,
- 2) bids will be let for the new Police Department facility at the end of February or first of March,
- 3) Phase 3, Texas Water Development Board Project will begin soon ,
- 4) the 2011-2012 Audit will be presented on January 22nd, by Swaim, Brents & Associates,
- 5) Liberty will host a Texas Municipal League Program, the "Tony Koriath Supervisor Academy" to be attended by City personnel and representatives from other entities,
- 6) the City has taken delivery of the new fire truck,
- 7) Mr. Sweeper continuing to sweep the streets, and
- 8) discussion of other numerous projects.

B. Information Item (ID # 2584)

Laurie Lomas, Trinity River Wildlife Refuge - Wildlife Trails

COMMENTS - Current Meeting:

Laurie Lomas, U.S. Parks & Wildlife Biologist addressed Council regarding a project entitled "From Crosswalks to Boardwalks". Ms. Lomas explained that the purpose of the project is to connect citizens with nature, encourage outdoor recreation, and promote wildlife refuge awareness. After a power point presentation of the project, that included cleaning trails and building boardwalks, Ms. Lomas requested financial assistance and/or assistance with materials to complete the project. Additional discussion was held regarding birding trails, bicycle trails, and other related issues.

C. Information Item (ID # 2585)

November 2012 Financial Report - Finance Director N. Herrington

COMMENTS - Current Meeting:

Finance Director Naomi Herrington briefed the Council on the City's finances as of November 30, 2012. Ms. Herrington reported on the various funds and the status of each. Ms. Herrington also stated that sales tax revenues were on target with budgeted amounts, with cash in the bank being \$784,514. Further discussion was held regarding recycling and shred-it events, which are budgeted items in the garbage fund.

D. Information Item (ID # 2586)

Charter Review Commission

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported that appointments to the Charter Review Commission are to be made in January of each odd-numbered year, with these appointments to be made at

the January 22nd meeting. Brief discussion was held regarding the 2011 Charter Review Commission members and other individuals that may be interested in serving.

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, Jordan, Potetz, Simonson, Arnold

A. Minutes Approval

1. Tuesday, December 11, 2012
2. Tuesday, December 18, 2012

B. Resolution 2013-1

Consider a Resolution Authorizing Signators on State of Texas Contractual Documents and State of Texas Documents Requesting Funds, Relative to the CDBG 712191 (Layl Sewer Project), Disaster Recovery Project 13-195-000-7334 (Police Station), and CDBG 712054 (Planning Project), and Take Any Action Deemed Necessary.

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2013-1

Consider Request by Drew Dugger to Conduct an Eagle Scout Project in the City by Placing Signage Warning of the Danger of Swimming in the Trinity River, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Drew Dugger, Life Scout, addressed Council proposing an Eagle Scout Project to place signs acknowledging the dangers of swimming in the Trinity River, due to its strong currents. Mr. Dugger reported that he proposes to place signs at the Port of Liberty, both sides of the bridge on Hwy. 90, the west side of the bridge on Hwy. 105, and both sides of the bridge on County Road 787. Signs will be 4 feet high and 3 feet wide, mounted on galvanized square tube frames. The signs will be 3 feet off the ground, anchored in 2 feet of quikrete, and be in both the English and Spanish language. These signs will be large enough to attract attention and are legible from 100 feet.

Mr. Dugger continued by describing the exact location of each sign and other activities related to this project such as picking up trash and clearing trees. Mr. Dugger stated that the signs should last for approximately ten years, and if approved the project would take place in early April.

Motion was made to approve the project as presented.

ATTACHMENTS:

- Dugger Request for Agenda (PDF)

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

2. Public Hearing (ID # 2589)

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

COMMENTS - Current Meeting:

At 7:05 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 1917 Jefferson Drive. Robbie Hood, Code Enforcement Officer, reported that this structure had been brought before Council in October, 2012 and the property owners given 90 days to repair or possibly sell the property, as requested. 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. Mr. Hood further reported that the structure is not in compliance with the City's Code, is a hazard to the health and/or safety of the general public, and is in the same condition as previously reported in October, 2012. Mr. Gunter also confirmed with Mr. Hood that the City had inspected the County real property records, and other applicable records, and assured that all parties involved had been re-noticed of the condemnation process. Mr. Hood recommended that the property owner be given 60 days to comply with the order of demolition, and if no action is taken in the allotted time period, that the City move forward with demolition proceedings. After further discussion of the structure in question, Mayor Pickett closed the Public Hearing at 7:11 p.m.

ATTACHMENTS:

- PH 1917 Jefferson Dr (PDF)

3. Council Action 2013-2

Consider an Order of Abatement for the Structure Located at 1917 Jefferson Drive, 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 1917 Jefferson Drive, allowing the property owner a 60-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 1917 Jefferson Dr (PDF)

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

4. Public Hearing (ID # 2591)

Public Hearing on the Condemnation of the Structure Located at 409 Kentucky Street.

COMMENTS - Current Meeting:

At 7:12 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 409 Kentucky Street. After review of the Power Point presentation regarding the condition of this structure, City Attorney Randy Gunter directed questions to Code Enforcement Officer Robbie Hood regarding the structure being identified as a hazard/nuisance and 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, is a hazard to the health and/or safety of the general public having no power for several years, vegetation growing inside the house, rotten boards, open doors, and numerous complaints from the neighbors. Mr. Gunter also confirmed with Mr. Hood that the City had inspected the County real property records, and other applicable records, and assured that all parties involved had been properly noticed of the condemnation process. However, Mr. Hood stated that he had received no response from any of the notifications. Mr. Hood and Mr. Gunter recommended that the property owner be given 30 days to comply with the order of demolition, and if no action is taken in the allotted time period, that the City move forward with demolition proceedings. After further discussion of the structure in question, Mayor Pickett closed the Public Hearing at 7:19 p.m.

ATTACHMENTS:

- PH 409 Kentucky (PDF)

5. Council Action 2013-3

Consider an Order of Abatement for the Structure Located at 409 Kentucky 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 409 Kentucky 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 409 Kentucky (PDF)

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

6. Ordinance (ID # 2593)

Consider Adoption of an Ordinance Amending the City's Code of Ordinances with the Addition of a New Article Regarding Oil and Gas Pipeline Standards to Include General Requirements, Permits, and Other Related Issues, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS AMENDING THE CITY OF LIBERTY CODE OF ORDINANCES BY SPECIFICALLY ADDING ARTICLE 4.10, ENTITLED "OIL AND GAS PIPELINE STANDARDS; PROVIDING FOR DEFINITIONS; PROVIDING FOR GENERAL REQUIREMENTS AND MINIMUM DESIGN STANDARDS; PROVIDING FOR NEW PERMITS; PROVIDING FOR PUBLIC EDUCATION; PROVIDING FOR PIPELINE INFORMATION REPORTING REQUIREMENTS; PROVIDING FOR PIPELINE MARKERS; PROVIDING FOR THE ONE CALL SYSTEM; PROVIDING FOR INACTIVE AND IDLED PIPELINES; PROVIDING FOR EMERGENCY RESPONSE PLANS AND EMERGENCY INCIDENT REPORTING; PROVIDING FOR PIPELINE REPAIRS AND MAINTENANCE; PROVIDING FOR STREET AND RIGHT-OF-WAY USE; PROVIDING A REQUIREMENT FOR BOND AND INSURANCE; PROVIDING FOR TERMINATION OF THE PERMIT; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR 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 that the City's Code of Ordinances does not contain any reference to oil and gas pipelines and related issues. After lengthy discussion, Council consensus was to review this document further and place this item on a future Council agenda for possible action. No formal action was taken.

RESULT: NO ACTION TAKEN

7. Council Action 2013-4

Consider Award of Proposal for Engineering Services for the Community Development Block Grant Contract 712191, Layl Sewer Project, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mr. Broz reported that this Community Development Block Grant is for engineering services for the Layl Sewer Project. Request for Proposals were advertised, with the City receiving four responses. Discussed was the Engineer Evaluation Summary, having been based on a point system. The chosen firm will provide the design and bid process for this project, and will be on-call as needed. After further discussion of the summary, the various engineering firms and points received, a motion was made to authorize management to engage O'Malley Engineers, LLP, Brenham, Texas as the selected firm, based on the City's budgetary requirements.

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

8. Council Action 2013-5

Consider a Joint Election with Various Entities and Contract with Liberty County for Conduct of the May 11, 2013 Election, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz and City Secretary Dianne Tidwell discussed with Council the possibility of contracting with the Liberty County Clerk for the conduct of a joint election between the City of Liberty and the Liberty Independent School District. Discussed was a proposal from the County regarding costs, various duties, and other election related issues. Council directed management to move forward with the required process to contract with the Liberty County Clerk's Office for the conduct of the May 11, 2013 General Election.

RESULT: NO ACTION TAKEN

B. Executive Session

Personnel Matters. Gov. Code §551.074

Consultation with Attorney. Gov. Code §551.071

1. Consider resolution of personnel appeal.

Consultation with Attorney. Gov. Code §551.071

2. Litigation Update.
3. Humphreys Cultural Center Update.

At 7:46 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:22 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2013-6

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

COMMENTS - Current Meeting:

Motion was made to resolve the issues, as discussed in the Executive Session, and authorize the City Manager to execute necessary documents.

RESULT: APPROVED [UNANIMOUS]
MOVER: Libby Simonson, 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 8:22 p.m.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary