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, February 12, 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	
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Brandon Davis	Legal Counsel	Present	

II. INVOCATION

The Invocation was given by Don Prather, Minister of the Liberty Church of Christ.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Councilperson Louie Potetz.

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 on the following upcoming events:

1) St. Stephen's Episcopal Church Annual Shrove Tuesday Pancake Supper, February 12,
2) 87th Annual Methodist Men's Banquet - Thursday, February 21,
3) Chamber of Commerce Annual Banquet - March 5 - Speaker John Sharp, and the
4) Annual Liberty Jubilee - March 22 and 23.

Councilperson Huddleston reported that the next "Shred-It" event, for the disposal of sensitive documents in a secure manner, will be held on Saturday, April 27 from 9 a.m. until Noon.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2612)

Presentation/Recognition - Former Municipal Court Judge Bobby Rader.

COMMENTS - Current Meeting:

Mayor Pickett presented former Municipal Court Judge Bobby Rader with a plaque recognizing eight years of dedicated service to the City and this community.

B. Information Item (ID # 2613)

Project Updates - City Mgr. Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on current City projects to include the Greenopolis recycling machine, comprehensive plan, Airport improvements, and other ongoing projects.

VI. CONSENT 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, January 08, 2013

2. Tuesday, January 22, 2013

VII. REGULAR AGENDA

A. Regular Session

1. Public Hearing (ID # 2614)

Public Hearing on the Condemnation of the Structure Located at 2762 Cornell Street.

COMMENTS - Current Meeting:

At 6:25 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 2762 Cornell Street. After review of the Power Point presentation regarding the condition of this structure, the City's Counsel Brandon Davis 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, and assured that all parties involved had been property noticed of the condemnation process. Mr. Hood and Mr. Davis 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 6:37 p.m.

ATTACHMENTS:

- PH 2762 Cornell (PDF)

2. Council Action 2013-11

Consider an Order of Abatement for the Structure Located at 2762 Cornell Street.

COMMENTS - Current Meeting:

Motion was made to approve the Order of Abatement, as recommended, for the structure located at 2762 Cornell 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 2762 Cornell (2) (2) (DOC)

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

3. Public Hearing (ID # 2616)

Public Hearing on the Condemnation of the Structure Located on the West Side of FM 563.

COMMENTS - Current Meeting:

At 6:38 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 1351 Wallisville Road (west side of Hwy. 563). After review of the Power Point presentation regarding the condition of this structure, the City's Counsel Brandon Davis 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. Mr. Davis 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 property noticed of the condemnation process. Mr. Hood stated that he had received no response from the notifications. Mr. Hood and Mr. Davis 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 6:45 p.m.

ATTACHMENTS:

- PH FM 563 West Side (PDF)

4. Council Action 2013-12

Consider an Order of Abatement for the Structure Located on the West Side of FM 563.

COMMENTS - Current Meeting:

Motion was made to approve the Order of Abatement, as recommended, for the structure located at 1351 Wallisville Road, 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 FM 563 West Sdide (DOC)

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

5. Council Action 2013-13

Consider Approval of the Preliminary Plat of the Raven Hill Subdivision, Section 3, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Candy Motschman, Inspection Department, reported on the preliminary plat of Raven Hill Subdivision, Section 3. Ms. Motschman explained that property owner Jean Murph is subdividing a twenty acre tract that is a portion of the original 251 acre tract, reserved for future development. Ms. Motschman further reported that this plat was previously reviewed and approved by the Planning and Zoning Commission on February 6.

Motion was made to approve the preliminary plat of the Raven Hills Subdivision, Section 3.

ATTACHMENTS:

- Raven Hill Ranch Section 3 (PDF)

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Frank Jordan, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold
ABSTAIN:	Carl Pickett

6. Ordinance 2013-2

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.

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 address or provide protection to the City should a pipeline be placed through the city limits. Mr. Broz stated that this ordinance addresses issues relative to design standards, permits, markers, inactive pipelines, and a process for emergency response. After brief discussion, a motion was made to approve the ordinance as presented.

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

7. Resolution 2013-3

Consider Approval of a Resolution Adopting a Community Development Block Grant (CDBG) Program Section 3 Policy.

COMMENTS - Current Meeting:

Mr. J. Rice, Public Management, addressed Council regarding the CDBG Section 3 Policy. Mr. Rice explained that this Section 3 Program of the Housing and Urban Development Act helps members of protected classes gain economic opportunities necessary for exercising fair housing choices. This program assists low to moderate income citizens by providing employment, job training and business contracting opportunities. A resolution was introduced which states that it is the policy of the City of Liberty to comply with the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended.

After brief discussion, a motion was made to approve the Resolution.

ATTACHMENTS:

- Section 3 Policy CDBG Program (DOCX)

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

8. Council Action 2013-14

Consider Declaring Miscellaneous City Equipment as Surplus Property, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mr. Broz reviewed a handout of miscellaneous items and equipment, requesting these items be declared surplus property, which will allow them to be sold on an online auction.

Motion was made to declare the proposed items and equipment as surplus property.

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

9. Ordinance 2013-3

Consider Adoption of an Ordinance Ordering a General Election to be Held in the City of Liberty on Saturday, May 11, 2013; and Authorizing a Joint Election Agreement and Election Services Contract by and Between the City of Liberty, Liberty Independent School District, Liberty County Hospital District No. 1, and the Liberty County Clerk. Considere Una Posibilidad De Aprobación a La Ordenanza Que Manda a Una Elección General Que Tendrá Lugar En La Ciudad De Liberty, El Día 11 De Mayo Del 2013; Que Autoriza Un Acuerdo De Elecciones Conjuntas Y Un Contrato De Los Servicios De Elección Por Y Entre La Ciudad De Liberty, El Distrito Escolar Independiente De Liberty, El Hospital Del Distrito N º 1 De La Ciudad De Liberty, Y La Secretario Del Condado De Liberty.

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the Ordinance as follows:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ORDERING A GENERAL MUNICIPAL ELECTION TO BE HELD ON THE 11TH DAY OF MAY, 2013 FOR THE PURPOSE OF ELECTING THREE COUNCILMEMBERS; AUTHORIZING A JOINT ELECTION AGREEMENT AND ELECTION SERVICES CONTRACT BY AND BETWEEN THE CITY OF LIBERTY, LIBERTY INDEPENDENT SCHOOL DISTRICT, LIBERTY COUNTY HOSPITAL DISTRICT NO. 1, AND THE LIBERTY COUNTY CLERK; PROVIDING FOR EARLY VOTING; PROVIDING FOR TWO TWELVE-HOUR DAYS OF EARLY VOTING; PROVIDING FOR PUBLICATION AND NOTICE OF ELECTION; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENTOF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

Motion was made to adopt the Ordinance ordering the City's General Election for Saturday, May 11, 2013.

ATTACHMENTS:

- 2013 Election Agrmnt Final (DOCX)

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

10. Council Action 2013-15

Consider Approval of a Deposit, in the Amount of $565,000, to the Fixed Asset Replacement Fund, with Funds Received from the Sam Rayburn Municipal Power Agency.

COMMENTS - Current Meeting:

Mr. Broz reported that in November, 2012, funds received from Sam Rayburn Municipal Power Agency (SRMPA) in the amount of $449,707, were placed as the initial deposit in the Fixed Asset Replacement Fund. Mr. Broz further reported that several expenditures were made i.e. down payment on a Fire Truck and for laboratory testing of the concrete masonry unit walls at the Cultural Center, leaving a balance of $339,707. Mr. Broz requested approval to place additional funds received from the SRMPA, in the amount of $565,983 into the Fixed Asset Replacement Fund. This would leave a balance of $905,690 in this fund.

Motion was made to approve the deposit of funds into the Fixed Asset Replacement Fund, in the amount of $565,983.

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

11. Council Action 2013-27

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

COMMENTS - Current Meeting:

Mr. Broz reported that the Electric Department is in need of a small bucket truck and a digger truck, for a cost of $182,000. Mr. Broz proposes to use budgeted funds, along with Fixed Asset funds, to purchase these vehicles. Budgeted amount for this equipment is $30,000 each. The proposed plan is to procure these vehicles with cash and utilize an annual payment schedule to reimburse the Fixed Asset Fund for these purchases. Mr. Broz is requesting Fixed Asset Replacement Funds in the amount of $62,000 for the bucket truck and $120,000 for the digger truck. This would leave a balance of $723,690 in this fund.

Lengthy discussion was held regarding interest rates, annual repayment amounts, facility maintenance, park restrooms, prioritizing a needs/project list, possible receipt of additional Sam Rayburn Municipal Power Agency funds, and other associated issues.

Motion was made to approve the cash purchase of a small bucket truck and a digger truck, with budgeted and fixed asset funds, and utilizing a payment schedule to reimburse the electric fund.

The Council recessed for a five-minute break.

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

12. Council Action 2013-16

Consider Expenditures from the Remaining 2010 Certificate of Obligation Funds, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mr. Broz reported that there were funds remaining in the amount of $794,741 from the issuance of the 2010 Certificates of Obligation. Initial funds spent from the certificates were used to purchase the City's smart meters. Mr. Broz further reported that of the remaining funds $370,304 were for water distribution rehabilitation. Mr. Broz requested funds in the amount of $205,000 for a street sweeper, $6,000 for a records retention update, and $25,000 for security upgrades.

After lengthy discussion of related issues, a motion was made to approve the above-mentioned expenditures from the remaining 2010 Certificates of Obligation funds.

RESULT:	**APPROVED [5 TO 2]**
MOVER:	Dennis Beasley, Councilperson
SECONDER:	David Arnold, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Arnold
NAYS:	Louie Potetz, Libby Simonson

13. Resolution 2013-2

Consider a Resolution Authorizing the City Manager to Enter into an Agreement with the Texas Department of Transportation for the Temporary Closure of Main Street During the 2013 Liberty Jubilee.

COMMENTS - Current Meeting:

Motion was made to approve the Resolution authorizing the City Manager to enter into an Agreement with TXDOT for the temporary closure of Main Street during the 2013 Liberty Jubilee.

ATTACHMENTS:

- TxDOT Temporary Rd. Closure Agreement 2013 (DOC)

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

14. Council Action 2013-17

Discussion, and Possible Action, on a Request from First Liberty National Bank Regarding the Liberty Bell.

COMMENTS - Current Meeting:

Mr. Paul Henry, President of First Liberty National Bank, was present to address Council regarding the Liberty Bell and the Bank's 100th Anniversary. Mr. Henry requested placement of the bell in the bank lobby for the duration of their celebration, and in return the bank would make a donation of $50,000 to a construction fund for a new bell tower. Discussion was held regarding the possible transfer of location, insurance, and other legal documents. It was determined that the moving of the bell was subject to the approval of other entities in the original "Transfer of Title" document. Those other entities are the Liberty County Commissioner's Court, and the Liberty County Historical Commission.

After further discussion, a motion was made to authorize moving the Liberty Bell to the First National Bank Lobby in honor of their 100th Anniversary Celebration, subject to the other parties agreement.

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

15. Council Action 2013-18

Consider Approval of a Fire Protection Services Agreement with Liberty County, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mr. Broz and Fire Chief Fred Collins addressed Council regarding the proposed Fire Protection Services Agreement with Liberty County. After discussion of indemnification issues, fees, and other related issues, no action was taken on this agenda item.

ATTACHMENTS:

- Fire Protection Svs 2013 (PDF)

RESULT:	**NO ACTION TAKEN**

16. Council Action 2013-19

Consider Approval of an Interlocal Agreement with Liberty County Precinct 1 for Specific Projects, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Brief discussion was held regarding an Interlocal Agreement with Liberty County for specific projects. Those projects include the County providing manpower, equipment, and other resources for the maintenance of Candelier Road. The City agrees to provide manpower, equipment and resource to the County for the maintenance of the sally port driveway within the fenced area at the Liberty County Jail.

Motion was made to approve the Interlocal Agreement with Liberty County for special projects.

ATTACHMENTS:

- Interlocal Agreement Projects (PDF)

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

17. Council Action 2013-20

Consider the Sale of Property Located at the Port of Liberty, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mr. Broz addressed Council regarding property that the City owns in conjunction with the Chambers Liberty Counties Navigation District (CLCND) located on the west side of Boomerang Tube, LLC. This property consists of approximately eight acres off of FM 3361. Bids were let for the sale of this property and one bid was received in the amount of $25,000, from Boomerang Tube. The Port is in favor of this sale, as is the CLCND. The City will retain egress and ingress, and an easement across the property. Funds from this sale will go to the Port Commission.

Motion was made to approve the sale of the property located at the Port of Liberty.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Diane Huddleston, 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, the Mayor adjourned the meeting at 8:41 p.m.

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary