



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, March 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	Absent	
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Absent	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Randy Gunter	City Attorney	Present	

II. INVOCATION

This agenda item was passed on.

III. PLEDGE OF ALLEGIANCE

Officer Chance Maddox, Liberty Police Department, led the pledge to the American and Texas flags.

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.

Mayor Pickett reported the following:

- 1) a special called meeting of the City Council will be held two weeks from this evening,
- 2) Project on Aging recently held a BBQ fundraiser which was a huge success due to the many volunteers that assisted with this endeavor,
- 3) compliments to City Attorney Randy Gunter, also a Liberty High School teacher, whose UIL Literary Criticism Team won first place at a recent competition.

Mr. Jesse Donatto, 701 Lamar Street addressed Council regarding his concerns with the City's manufactured home ordinance and the one-time replacement portion of this document. Mr.

Donatto commented on a natural disaster clause, homestead laws, and requested to be placed on a future agenda for further discussion and possible action.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2631)

Project Updates - City Mgr. Gary Broz

COMMENTS - Current Meeting:

Mr. Broz reviewed a handout of current City projects to include the following:

- 1) construction of Boomerang Substation going well,
- 2) bids will be let soon for construction of the new Police Station,
- 3) Freese & Nichols and TRA will be present on March 26 to review the Water Study,
- 4) current sales tax revenues are meeting budget, and
- 5) the Annual Jubilee is March 22 & 23.

Mr. Broz invited questions regarding other projects not specifically mentioned.

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, Simonson
ABSENT:	Louie Potetz, David Arnold

A. Minutes Approval

1. Tuesday, February 12, 2013

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2013-21

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

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported on the proposed Final Plat of the Raven Hill Subdivision, Section 3. Mr. Warner stated that there was one correction to be made from the

preliminary plat regarding extension of a roadway, and this correction has been made. Section 3 is comprised of four lots, two of which have already been sold.

Motion was made to approve the Final Plat of the Raven Hill Subdivision, Section 3.

ATTACHMENTS:

- Final Raven Hill Ranch Section 3 (PDF)

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

2. Information Item (ID # 2633)

Presentation Regarding Condemnation of the Structure Located at 1350 Wallisville Road.

COMMENTS - Current Meeting:

Mr. Broz reported that this property involves a presentation only, as the property owner razed the structure upon notification of demolition proceedings. Mr. Broz presented a power point slideshow of the property and its post clean-up condition.

3. Public Hearing (ID # 2634)

Public Hearing on the Condemnation of the Structure Located at 3701 Old Beaumont Avenue.

COMMENTS - Current Meeting:

At 6:29 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 3701 Old Beaumont Avenue. After review of the Power Point presentation regarding the condition of the structure, City Attorney Randy Gunter directed questions to Public Works Director Tom Warner regarding the structure being identified as a hazard/nuisance and being in a state of dilapidated/substandard condition. Mr. Warner reviewed the assessed value of the structure, the tax status, and through further questioning from the attorney, confirmed that the structure was inadequately maintained. Mr. Warner 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. Warner 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. Mr. Warner and Mr. Gunter recommended that the property owner be given 60 days to comply with the order of demolition, as the property owner will be working weekends to comply, 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 6:34 p.m.

ATTACHMENTS:

- PH 3701 Old Bmt. (PDF)

4. Council Action 2013-23

Consider an Order of Abatement for the Structure Located at 3701 Old Beaumont Avenue.

COMMENTS - Current Meeting:

Motion was made to approve the Order of Abatement as recommended, for the structure located at 3701 Old Beaumont Avenue, 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 3701 Old Bmt (DOC)

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

5. Council Action 2013-24

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

COMMENTS - Current Meeting:

Mr. Broz reported on the proposed agreement with Liberty County whereby the City will provide the County with rural fire protection. Discussed were the method of payment in compliance with the provisions and terms of the agreement, either party being able to terminate the contract, indemnification, suspension of contract, and other related issues.

Motion was made to approve the contract with Liberty County subject to the changes discussed, with each entity providing reciprocal documents and the contract to include a provision that either party can suspend the contract in the instance of fraud, abuse or fiscal mismanagement.

ATTACHMENTS:

- Fire Prot Svs Agreement 2013 (PDF)

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

6. Resolution 2013-4

Consider a Resolution Authorizing Submission of a Grant Application to the Criminal Justice Division, for New Investigative Equipment.

COMMENTS - Current Meeting:

Chief Tidwell, Liberty Police Department, reported on the application for a fully funded grant from the Criminal Justice Division in the amount of \$21,248. Chief Tidwell explained that these funds, if received, would purchase a dryer and fuming tank for evidence processing, and a video comparator which provides a split image projection for comparing fingerprints simultaneously.

Motion was made to approve submission of the grant application.

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

7. Council Action 2013-25

Consider Acceptance of the City Secretary's Certification of Unopposed Candidates. Considerar La Aprobación De Certificación De La Secretaria De La Ciudad De Los Candidatos Sin Oposición.

COMMENTS - Current Meeting:

Motion was made to accept and approve of the City Secretary's Certificate of Unopposed Candidates for the May 11, 2013 General Election.

ATTACHMENTS:

- Cert of Unopposed Candidates (PDF)

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

8. Ordinance 2013-4

Consider Adoption of an Ordinance Cancelling the May 11, 2013 General Election and Declaring Unopposed Candidates Elected to Office. Considerar La Adopción De Una Ordenanza Cancelando Las Elecciones Generales Del 11 De Mayo Del 2013 Y Declarando Los Candidatos Sin Oposición a Las Elecciones.

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, CANCELLING AN ELECTION PREVIOUSLY ORDERED TO BE HELD ON MAY 11, 2013; FOR THE ELECTION OF THREE COUNCILPERSONS; DECLARING UNOPPOSED CANDIDATES INSAID ELECTIN ELECTED TO OFFICE;; RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

Those individuals declared elected are incumbents: Dennis Beasley, Diane Huddleston, and Libby Simonson.

Motion was made to adopt the Ordinance cancelling the general election previously ordered for May 11, 2013.

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

9. Council Action 2013-26

Consider Award of Bid for Mowing Various City Properties, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported that bids for mowing services, of various City properties, were opened on February 28th. Mr. Warner reviewed the bid tabulation and discussed the proposed weekly contract rates compared to current weekly contract rates. Mr. Warner stated that six (6) new properties were added to the list of properties to be mowed. Bid amounts submitted were Noack Locksmith - \$3,160.00 and Flying N Landscaping - \$1,955.00. Mr. Warner recommended the lower weekly bid.

Motion was made to award the bid for mowing services to Flying N Landscaping.

ATTACHMENTS:

- Bid Tab - Mowing 2013 (PDF)

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

10. Ordinance (ID # 2641)

Consider Adoption of an Ordinance Establishing Rates or Fees Charged by the City for Rail Cars Passing Over City of Liberty Property.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS, AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF LIBERTY, TEXAS; GRANTING THE CITY OF LIBERTY AUTHORITY TO CHARGE A TOLL FOR RAILROADS THAT CROSS CITY OWNED STREETS; BY 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 Attorney Randy Gunter discussed the proposed ordinance which would take advantage of the City's unique ownership of fee property under the railroad crossings. However, the railroad believes they have a valid easement. Mr. Gunter explained that he is working in conjunction with Mr. Steve Robinson, attorney for Rural Rail District No. 1, in formulating the City's

participation in this matter. Lengthy discussion was held regarding an interstate commerce clause, addition of a penalty clause, legal fees, and other associated topics.

The proposed ordinance will be brought before Council at a meeting scheduled for March 26th.

RESULT: NO ACTION TAKEN

B. Executive Session

Deliberation Regarding Real Property. Gov. Code §551.072

Consultation with Attorney. Gov. Code §551.071

1. Discussion to deliberate the purchase, exchange, lease, or value of real property.

At 7:00 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

Mayor Pickett did not attend and/or participate the Executive Session.

C. Reconvene into Regular Session

At 7:19 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2013-22

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

RESULT: NO ACTION TAKEN

VIII. ADJOURNMENT

A. Motion To: Adjourn

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary