The City of Liberty
City Council

Regular Meeting

~ Agenda ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, April 9, 2013 **6:00 PM** **City Council Chambers**

THE City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrival
Mayor Carl Pickett	☐	☐	☐	
Councilperson Diane Huddleston	☐	☐	☐	
Councilperson Dennis Beasley	☐	☐	☐	
Councilperson Frank Jordan	☐	☐	☐	
Councilperson Louie Potetz	☐	☐	☐	
Councilperson Libby Simonson	☐	☐	☐	
Councilperson David Arnold	☐	☐	☐	

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

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.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2666)

Project Updates - City Mgr. Gary Broz

B. Information Item (ID # 2667)

Recycling Report - Councilperson Huddleston

C. Information Item (ID # 2668)

LCDC Appointments

D. Information Item (ID # 2669)

P & Z Appointments

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.

A. Minutes Approval

1. Tuesday, March 12, 2013

2. Tuesday, March 26, 2013

B. Council Action (ID # 2670)

Consider Adoption of the Updated City of Liberty Investment Policy.

VII. REGULAR AGENDA

A. Regular Session

1. Council Action (ID # 2685)

Discussion with Mr. Jesse Donatto Regarding the Manufactured Home Ordinance, and Take Any Action Deemed Necessary.

2. Public Hearing (ID # 2671)

Public Hearing Regarding Information and Education on the Fair Housing Laws - J. Rice, Public Management, Inc.

- 2013 Public Hearing Notice for Fair Housing Education (DOC)

3. Resolution (ID # 2672)

Consider a Resolution Approving the City's Fair Housing Policies with Regard to the Fair Housing Activity Statement-Texas.

- 2013 Fair Housing Policies (DOCX)

4. Information Item (ID # 2673)

Proclamation of April as Fair Housing Month.

- 2013 Fair Housing Proclamation (DOC)

5. Public Hearing (ID # 2674)

Public Hearing on the Condemnation of the Structure Located at 1123 Trinity Street.

- PH 1123 Trinity (PDF)

6. Council Action (ID # 2675)

Consider an Order of Abatement for the Structure Located at 1123 Trinity Street, and Take Any Action Deemed Necessary.

- Order of Abatement 1123 Trinity (DOC)

7. Council Action (ID # 2676)

Consider Award of Proposal for Emergency Generator Maintenance.

- Proposal-Emergency Generator Maint (PDF)

8. Council Action (ID # 2677)

Consider Award of Bid for the Sale of Real Property Described as Lot No. 11, Johnson Subdivision, Liberty, Texas.

9. Council Action (ID # 2678)

Consider Award of Bid for Repairs at the Public Works Service Center.

- Bid Tab Service Ctr. Maint (PDF)

10. Council Action (ID # 2679)

Consider the Appointment of a Council Member to the Investment Committee.

11. Resolution (ID # 2686)

Consider a Resolution for the Sale of Real Property and Issue a Quitclaim Deed for the Property Described as 0.5050 Acres, Outer Block No. 55, City of Liberty, Texas.

12. Council Action (ID # 2680)

Consider Approval of Contract Extension with Waste Management, and Take Any Action Deemed Necessary.

13. Council Action (ID # 2681)

Consider Approval of Terms with Waste Management for Subscription Recycling, and Take Any Action Deemed Necessary.

14. Council Action (ID # 2682)

Consider Consumer Price Index Adjustment to Municipal Telecommunications Right-Of-Way Access Lines Rates, and Take Any Action Deemed Necessary.

- 2013 CPI Telecommunications (PDF)

15. Resolution (ID # 2687)

Consider a Resolution to Revoke Prior Authorization, If Any, for Railroad to Pass through the City of Liberty.

16. Ordinance (ID # 2688)

Consider Adoption of an Ordinance Amending Chapter 12 of the City's Code of Ordinances Granting the City Authority to Charge a Toll for Railroads that Cross City Owned Streets.

B. Executive Session

Government Code §551.071
Private Consultation with Attorney on all subjects or matters authorized by law:

1. When the governmental body seeks the advice of its attorney about

    a. pending or contemplated litigation

    b. a settlement offer

2. On a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act.

3. Consider legal advice regarding items specifically listed on the agenda.

C. Reconvene into Regular Session

1. Council Action (ID # 2684)

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

VIII. ADJOURNMENT

A. Motion To: Adjourn

CERTIFICATION

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 5th day of April, 2013 at 3:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

_____
Dianne Tidwell, City Secretary

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the _____ day of _____, 2013.

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 04/09/13 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2666)

DOC ID: 2666 A

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 04/09/13 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2667)

DOC ID: 2667

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 04/09/13 06:00 PM
Department: Administration
Category: Board Appointments & Information

INFORMATION ITEM (ID # 2668)

DOC ID: 2668

EXPLANATION:
The Liberty Community Development Corporation is managed by a Board of seven members. All members are appointed by the City Council for two-year terms. Four of the seven members shall be persons who are not employees, officers of the City, or members of City Council.

This information provides Council the opportunity to consider individuals to serve on this Board, as the appointments are scheduled to be made at the May Council Meeting. Those members whose terms expire are: David Arnold, Leslie Herndon, and Robert Ward.

Other Board Members are: Dennis Beasley, Louie Potetz, Barbara Norwood, and Mike McCarty.

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 04/09/13 06:00 PM

Department: Administration
Category: Board Appointments & Information

INFORMATION ITEM (ID # 2669)

DOC ID: 2669

EXPLANATION:
Appointments to the Planning and Zoning Commission are made on or after May 1st of each year. P&Z is comprised of five members who are qualified voters of the City, and are appointed by City Council to serve three-year terms. Those members whose terms expire are Larry Wagnon and Alternate Paul Damek.

Other Commission Members are: Shelli Ellerbe, Mark Campbell, Bill Takach, and Kim Anderson.

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The City of Liberty
City Council
Regular Meeting
~ Minutes ~

1829 Sam Houston
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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.

Minutes Acceptance: Minutes of Mar 12, 2013 7:00 PM (Minutes Approval)

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

Minutes Acceptance: Minutes of Mar 12, 2013 7:00 PM (Minutes Approval)

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 property 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

Minutes Acceptance: Minutes of Mar 12, 2013 7:00 PM (Minutes Approval)

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.

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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 Generals 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.

Minutes Acceptance: Minutes of Mar 12, 2013 7:00 PM (Minutes Approval)

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

Minutes Acceptance: Minutes of Mar 12, 2013 7:00 PM (Minutes Approval)

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

Minutes Acceptance: Minutes of Mar 12, 2013 7:00 PM (Minutes Approval)

The City of Liberty
City Council
Special Called Meeting
~ Minutes ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, March 26, 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	
Randy Gunter	City Attorney	Present	

II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

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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.

City Manager Gary Broz congratulated the Liberty High School Literary Criticism Team on their recent District Championship, led by City Attorney and LHS teacher, Randy Gunter. Mr. Broz also discussed with Council a date for photos to be taken with one of the new Motorcycle Safety Awareness signs. Photos will take place on Wednesday, April 3rd at 5:00 p.m., with the location to be emailed to Council. Mr. Broz thanked everyone for their participation in making the Liberty Jubilee a huge success.

Councilperson Simonson thanked the City staff, volunteers, and others for their time and effort in making the Liberty Jubilee an enjoyable event.

Mayor Pickett also expressed his appreciation to all participants for their dedication in making this event a success, and reminded everyone that the "Relay for Life' will be held on Friday, April 5th.

III. PRESENTATIONS / REPORTS

A. Information Item (ID # 2650)

Minutes Acceptance: Minutes of Mar 26, 2013 7:00 PM (Minutes Approval)

Financial Report - Finance Dir. - N. Herrington

COMMENTS - Current Meeting:

Finance Director Naomi Herrington relayed information regarding the City's financial report ending February, 28, 2013. Ms. Herrington reviewed the various funds, their revenue and expenditure status, also reporting on revenues over expenditures. Ms. Herrington concluded by saying that sales tax collections should currently be at 41% of the budgeted amount, however, those collections are already at 42%.

B. Information Item (ID # 2651)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that the next "Shred-It" Day will be held on Saturday, April 27th from 9 a.m. until Noon. This popular event for the shredding of sensitive documents will be held in the parking lot on the west side of City Hall.

C. Information Item (ID # 2652)

Houston-Galveston Area Council Report - Councilperson Jordan

COMMENTS - Current Meeting:

Councilperson Jordan reported on Houston-Galveston Area Council grant activities. Councilperson Jordan conveyed information regarding the Gulf Coast Economic Development District, community development grants, community enhancement grants, regional sustainable development grants, and other informative and related issues.

D. Information Item (ID # 2653)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett, as a representative on the Sam Rayburn Municipal Power Agency Board of Directors (SRMPA), reported on recent activities of the Agency. Mayor Pickett reported the following:

1) the City received a third rebate from SRMPA in the amount of $445,677.72 as a result of a class action lawsuit, in which the Agency opted out. The Agency received $1,258,621.06 from settlement funds established by several states' attorney generals. The settlement funds resulted from investment bank improprieties related to municipal bonds,

2) Oct. 1, 2012, SRMPA lowered the wholesale charge to the three member cities from 77.5 mils to 71 mils which has resulted in lower electric bills, and

3) Board Member Tommy Boykin, City Manager, City of Jasper has resigned his position with SRMPA, and no replacement has yet been appointed.

IV. WORK SESSION

1. Work Session (ID # 2654)

Presentation of Long-Range Water Plan, by Freese and Nichols, Inc.

Minutes Acceptance: Minutes of Mar 26, 2013 7:00 PM (Minutes Approval)

COMMENTS - Current Meeting:

Representatives from Freese and Nichols, Inc. led a work session on long-range water plans for the City of Liberty. Project Engineers, Richard Weatherly and Jason Afinowicz discussed numerous issues and cost estimates related to the water study.

Discussed and reviewed were the scope of work, to include population and water demands, groundwater and surface water supply assessment, water distribution system evaluation, wastewater reuse feasibility, draft capital improvement plan, funding options, and other associated topics. Freese and Nichols will discuss the Long Range Water Plan Final Report at the May Council meeting.

V. REGULAR AGENDA

A. Regular Session

1. Council Action 2013-29

Consider Approval of an Interlocal Agreement Between the City of Liberty and the City of Dayton Authorizing Each Entity's Municipal Court Judge to Serve as an Associate Judge for the Other Contracting Entity.

COMMENTS - Current Meeting:

Mr. Broz and Liberty Municipal Court Judge Mike Little reported on an Interlocal Agreement with the City of Dayton in regard to the position of visiting Municipal Court Judge. Each municipality's judge would serve as a visiting judge for the other contracting entity on an as-needed basis. There will be no cost to either entity for this service.

Motion was made to approve the Interlocal Agreement with the City of Dayton.

At this time, the Mayor moved to the Executive Session.

ATTACHMENTS:

- Interlocal with Dayton for Municipal Judge (DOCX)

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

2. Council Action 2013-30

Consider an Ordinance or Resolution to Revoke Prior Authorization, If Any, for Railroad through the City of Liberty.

COMMENTS - Current Meeting:

This agenda item was passed on.

RESULT:	**NO ACTION TAKEN**

3. Ordinance (ID # 2655)

Minutes Acceptance: Minutes of Mar 26, 2013 7:00 PM (Minutes Approval)

Consider Adoption of an Ordinance Amending Chapter 12 of the City's Code of Ordinances Granting the City Authority to Charge a Toll for Railroads that Cross City Owned Streets.

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the proposed 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; GRANTING THE CITY OF LIBERTY AUTHORITY TO CHARGE A TOLL FOR RAILROADS THAT CROSS CITY OWNED STREETS; BY PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PENALTY AND INTEREST FOR FAILURE TO TIMELY PAY INVOICES, AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS".

This agenda item was passed on.

RESULT:	**NO ACTION TAKEN**

B. Executive Session

Government Code §551.071
Private Consultation with Attorney on all subjects or matters authorized by law:

1. When the governmental body seeks the advice of its attorney about

    a. pending or contemplated litigation

    b. a settlement offer

2. On a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act.

3. Consider legal advice regarding items specifically listed on the agenda.

At 7:34 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:08 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2013-28

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

RESULT:	**NO ACTION TAKEN**

VI. ADJOURNMENT

Motion To: Adjourn

Minutes Acceptance: Minutes of Mar 26, 2013 7:00 PM (Minutes Approval)

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:10 p.m.

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_____

Carl Pickett, Mayor

ATTEST:

_____

Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Mar 26, 2013 7:00 PM (Minutes Approval)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 04/09/13 06:00 PM

Department: Administration
Category: Financial Issues

COUNCIL ACTION (ID # 2670)

DOC ID: 2670

.

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 04/09/13 06:00 PM

Department: Administration
Category: Misc.

COUNCIL ACTION (ID # 2685)

DOC ID: 2685

.

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 04/09/13 06:00 PM

Department: Administration
Category: Fair Housing

PUBLIC HEARING (ID # 2671)

DOC ID: 2671

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PUBLIC NOTICE

The City of Liberty, Texas will hold a Public Hearing to disseminate information and provide education to the public about Fair Housing Laws. The City Council will also consider adopting Fair Housing Policies immediately after the Public Hearing.

The Public Hearing will be held as follows:

Date: April 9, 2013
Time: 6:00 p.m.
Place: Liberty City Hall
1829 Sam Houston
Liberty, Texas 77575

Agenda:

1. A presentation regarding Fair Housing Laws.
2. Discussion and question/answers about Fair Housing Laws.
3. Amount of TXCDBG funds available

Persons with disabilities that wish to attend this meeting should contact the City Hall at 936-336-3684 to arrange for assistance. Individuals who require auxiliary aids or services for this meeting should contact the City at least two days before the meeting so that appropriate arrangements can be made.

If you are unable to attend, please mail your views and comments to:

Dianne Tidwell, City Secretary
City of Liberty
c/o Community Development Program
1829 Sam Houston
Liberty, Texas 77575

Published April 4, 2013

Attachment: 2013 Public Hearing Notice for Fair Housing Education (2671 : PH Fair Housing Laws)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 04/09/13 06:00 PM

Department: Administration
Category: Fair Housing

RESOLUTION (ID # 2672)

DOC ID: 2672 A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, APPROVING ITS FAIR HOUSING POLICIES WITH REGARD TO THE FAIR HOUSING ACTIVITY STATEMENT-TEXAS (FHAST)

WHEREAS, the City Council of the City of Liberty desires to develop a viable urban community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low/moderate income; and

WHEREAS, the City Council supports and affirmatively furthers fair housing; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:.

1. That the City's Fair Housing Policies with regard to its Fair Housing Activity Statement-Texas (FHAST) is hereby approved by the City Council.

2. That the City Council directs and designates the Mayor as the City 's Chief Executive Officer and Authorized Representative to act in all matters in connection with these Policies.

Passed and approved this 9th day of April, 2013.

_____
Carl Pickett, Mayor

_____
Dianne Tidwell, City Secretary

City of Liberty
Fair Housing Policies

The following fair housing policies are intended to complement the City's Fair Housing Activity Statement-Texas (FHAST) and to provide its citizens with fair and equal treatment under the fair housing laws.

Affirmatively Furthering Fair Housing through an Anti-NIMBYism Action Plan

NIMBY (Not In My Back Yard) attitudes are many times fostered by fear that property values and neighborhoods may deteriorate by the construction of affordable housing. The City recognizes that property owners should be able to protect their values and neighborhood social fabric but also recognizes the need for quality affordable housing. In the interest of fair and equal treatment for all of it citizens, the following plan will be used to assist developers and residents to come to reasonable agreement about quality affordable housing development. The City will:

- Work with local officials, editorial boards, religious and civic organizations and other community leaders to initiate education programs about affordable housing.
- Seek opportunities to present information to community organizations by requesting to be placed on their meeting agendas.
- Include visits to affordable housing units as part of an education program.
- Answer all questions about affordable housing.
- Talk with local neighborhood leaders, including elected representatives, and set up neighborhood meetings.
- Set up a liaison committee consisting of advocates, residents of affordable housing units, and neighborhood residents to discuss issues.
- Identify affordable housing target areas where the community supports development and where the City has worked with community groups. The City with consensus from the community and through future City Council action may potentially use its resources to assist the development of multi-family affordable housing.

Affirmatively Furthering Fair Housing through Infrastructure Planning and Development

- The City will consider limiting the concentration of infrastructure improvements like waste water treatment, solid waste disposal, or similar necessary but not desirable infrastructure projects in residential areas where there are concentrations of protected classes of the fair housing laws.
- The City, when working in low to moderate income areas to replace roads or other infrastructure, will consider making application for additional sources of funding to provide assistance to repair substandard housing associated with the project (i.e., TDHCA or HUD).

Attachment: 2013 Fair Housing Policies (2672 : Fair Housing Policies)

- Most infrastructure projects take into account items like curb cuts, sidewalks, hearing and visually impaired indicators at intersections. When approving federally and non-federally funded projects, similar special accessibility needs construction will be required for all infrastructure improvements.

Affirmatively Furthering Fair Housing through Development Regulations

- The City, when using CDBG Disaster Recovery funds, will offering expedited permitting and review processes for affordable housing projects within high opportunity target zones
- For affordable housing in the flood plain, the City will provide clear standards that allow for proper elevation, or relocation and that also allows for visit-ability/special needs considerations consistent with state and federal law
- In accordance with Texas Government Code 2306.514 for federally funded housing construction, the City will consider 1) establishing point incentives for affordable housing developers to create an increased set-aside of housing units for persons with disabilities or persons who are elderly without violating the existing TDHCA Integrated Housing Rule; 2) providing point incentives for units in proximity to medical facilities for competitive programs using federal funds; and 3)requiring new housing built with federal funds to be built with structures that allow for accessible features, regardless of whether the original occupant needs the features, as called for by state law.

Affirmatively Furthering Fair Housing through Public Information

- The City will publish on its website its support for affirmatively furthering fair housing.
- The City will also publish on its website its contact person and a method for reporting noncompliance of fair housing laws to the Texas Department of Housing and Community Affairs (TDHCA) and to the U. S. Department of Housing and Urban Development (HUD).

Attachment: 2013 Fair Housing Policies (2672 : Fair Housing Policies)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 04/09/13 06:00 PM

Department: Administration
Category: Proclamations

INFORMATION ITEM (ID # 2673)

DOC ID: 2673

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PROCLAMATION OF

APRIL AS FAIR HOUSING MONTH

WHEREAS *Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and*

WHEREAS *The principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and*

WHEREAS *The anniversary of this National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.*

NOW, THEREFORE, WE*, The City of Liberty, do proclaim April as Fair Housing Month in The City of Liberty and do hereby urge all the citizens of this locality to become aware of and support the Fair Housing law.*

IN WITNESS WHEREOF *we have affixed our signatures and seal on this the _____day of April 2013.*

_____

Carl Pickett, Mayor

Attest:

_____

Dianne Tidwell, City Secretary

Attachment: 2013 Fair Housing Proclamation (2673 : Proclamation-Fair Housing Month)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 04/09/13 06:00 PM

Department: Administration
Category: Condemnations

PUBLIC HEARING (ID # 2674)

DOC ID: 2674

.

Date: March 08, 2013

TO: Hugh Bradford
5010 Malmedy Road
Houston, Texas 77033-2521

RE: Public Nuisance-Proposed Order to Demolish

Dear Sir and/or Madam:

As the City of Neighborhood Services Administrator, it has come to my attention and I do hereby find the building or structure situated on the below described location is:

- ✓ unsafe,
- ✓ substandard,
- ✓ dangerous,
- ✓ a hazard,
- ✓ a public nuisance.

I have attached hereto a detailed list setting out the conditions which I find render the building or structure, or portion thereof, a nuisance. The subject building or structure and its location are described as follows:

Building/Structure: **Dilapidated Structure**
Street Address: **1123 Trinity Street**
Legal Description: **Liberty Inner Blocks, Block 73, Lot Pt 3 Tr 3**

Attachment: PH 1123 Trinity (2674 : PH Condemnation1123 Trinity St.)

City of Liberty, Liberty County, Texas

You are hereby given notice that a hearing will be held before the Liberty City Council at **6:00 o'clock p.m. on April 09, 2013, at the Liberty City Hall, 1829 Sam Houston Street, Liberty, Texas 77575** to determine if the building complies with the standards set out in Chapter 6 of the Liberty Code of Ordinances, or if the structure should be ordered repaired, vacated and repaired, or demolished.

All interested persons who desire to be heard or who oppose the proposed order to repair, vacate and repair, or demolish the above described structure, shall appear at the above mentioned City Council hearing and show cause, if any, why the building or structure, or any portion thereof, involved in these proceedings should not be ORDERED repaired, vacated and repaired, or demolished. Your failure to appear shall constitute a waiver of your right to oppose any ORDER of the City Council.

Proof and scope of work will be required to be presented at hearing if work cannot be completed within 30 days. Furthermore, IF an extension is granted by City Council, specific time schedules for the commencement and performance of the work shall be required.

Furthermore, the amount of cost of abating such nuisance or demolishing said building or structure, and all incidental expenses associated therewith, if undertaken by the City of Liberty, shall constitute special assessments against the property on which the structure is located and as such, shall constitute a lien on said property.

Sincerely,

Robbie L. Hood, CPM
Neighborhood Services Administrator
City of Liberty

Attachment: PH 1123 Trinity (2674 : PH Condemnation1123 Trinity St.)

Conditions Rendering Building/Structure Hazardous and/or Dangerous

Owners Name: **Hugh Bradford**
Mailing Address: **5010 Malmedy Road; Houston, Texas 77033-2521**
Property Description: **Liberty Inner Blocks, Block 73, Lot Pt 3 Tr 3**
Street Address: **1123 Trinity Street, Liberty,Texas 77575**

UNSAFE BUILDINGS: All buildings or structures which are unsafe, unsanitary, or do not provide adequate egress, or which constitutes a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitutes a hazard to safety or health, are considered unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of Chapter 6 of the Liberty Code of Ordinances.

1. Lack of hot and cold water running to plumbing fixtures in bathroom and kitchen.
2. Improper sewage disposal system in bathroom and kitchen.
3. Lack of adequate heating facilities.
4. Lack of required ventilating equipment.
5. Lack of required electrical lighting.
6. Dampness of habitable rooms.
7. Infestation of insects, vermin and rodents.
8. General dilapidation and improper maintenance of all heating and plumbing facilities.
9. Lack of adequate garbage and rubbish storage and removal facilities.
10. Deteriorated and inadequate foundations.
11. Defective and deteriorated flooring and floor supports.
12. Members of walls, partitions and other vertical supports have split, lead, list and/or buckled due to defect and deterioration.
13. Members of ceilings, roofs, ceiling and roof supports and other horizontal members have sagged, split and/or buckled due to defect and deterioration.
14. Hazardous wiring which is not connected and can not be connected due to defective maintenance and deterioration.
15. Hazardous plumbing which is not connected and can not be connected due to defective maintenance and deterioration.
16. Faulty weather protection.
17. Serious fire hazard.
18. Hazardous and unsanitary premises with an accumulation of junk, debris and garbage which constitutes a fire, health and safety hazard.
19. The building structure or portion thereof as a result of decay, deterioration or dilapidation's has or is likely to fully or partially collapse.
20. The building structure or portion thereof is in such a condition that it constitutes a public nuisance.

Robbie L Hood, CPM — 3-8-13

Robbie L. Hood, CPM
Neighborhood Services Adm. — Date

Attachment: PH 1123 Trinity (2674 : PH Condemnation1123 Trinity St.)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 04/09/13 06:00 PM

Department: Administration
Category: Condemnations

COUNCIL ACTION (ID # 2675)

DOC ID: 2675

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City of Liberty

Order of Abatement

The City Council of the City of Liberty ("Council"), at a duly noticed public hearing, does hereby adopt the following Order of Abatement:

WHEREAS, it has come to the attention of Council that a building or structure located at 1123 Trinity Street of the Town of Liberty with Liberty County Central Appraisal District Property ID # 56223 in the City of Liberty is reported to be or believed to be substandard under the terms of Chapter 3 of the Liberty Code of Ordinances; and

WHEREAS, Council has at a public hearing received and/or heard evidence that the structure(s) on the property described above have/has

a. become substantially deteriorated through natural causes and/or from exposure to the elements (wind, hail, rain and storms), or
b. become so structurally deteriorated and/or damaged that it/they are in danger of collapse, or
c. become a fire hazard due to the substantial deterioration of the building or structure; or
d. failed to be constructed in conformity with the City Building Code; or
e. become a hazard to the health and/or safety of the general public, including all conditions conducive to the harboring of rats, mice, and other disease carrying animals and/or insects, including such conditions that may be hazardous to safety, such as inadequate bracing or the use of deteriorated materials.

WHEREAS, Council has received and/or heard evidence that the City has made a diligent effort to determine the identity and address of any owner, lienholder, or mortgagee by searching the following records:

a. county real property records of Liberty County;
b. appraisal district records of Liberty County;
c. records of the secretary of state;
d. assumed name records of Liberty County;
e. tax records of the City of Liberty; and
f. utility records of the City of Liberty.

and has given notice of the public hearing held on this day regarding the substandard structure.

WHEREAS, the Council, having the authority to order abatement of substandard structures pursuant to Chapter 3 of the Liberty Code of Ordinances and Chapter 214 of the Local Government Code.

NOW, THEREFORE, BE IT RESOLVED, THAT the City Council of the City of Liberty hereby

Attachment: Order of Abatement 1123 Trinity (2675 : Order of Abatement-1123 Trinity St.)

finds that this property is a public nuisance, and ORDERS the abatement of the condition of the identified property by removal of the structure(s) thereon, within 30 days of this ORDER. The City Council further authorizes the City Manager or other City officials to secure the demolition of the structure(s) on the identified property if the structures have not been removed within 30 days of this ORDER, and place a lien on the land for costs associated with such demolition and removal according to law ; and

Part 1: That the notice of this public hearing was made or attempted with the efforts outlined in Chapter 214 of the Local Government Code.

Part 2: That it is hereby determined that the identified structure is in fact a structure that is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare.

Part 3: That public necessity requires the demolition and removal of the identified structure.

Part 4: That this resolution shall take effect immediately from and after its passage.

I certify that the foregoing is a true and correct copy of the resolution/order duly adopted by the City Council of the City of Liberty. This Order of Abatement shall be maintained with the official minutes of the City Council of the City of Liberty

In witness whereof, I have hereunto set my hand on this the 09th day of April, 2013.

By:_____

Carl Pickett,
Mayor,
City of Liberty

Attachment: Order of Abatement 1123 Trinity (2675 : Order of Abatement-1123 Trinity St.)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 04/09/13 06:00 PM

Department: Administration
Category: Proposals

COUNCIL ACTION (ID # 2676)

DOC ID: 2676

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REQUEST FOR PROPOSAL 13-05
EMERGENCY GENERATOR MAINTENANCE
BID FORM
March 14, 2013

TO: City Manager
City of Liberty
1829 Sam Houston
Liberty, TX 77575

Pursuant to and in compliance with the "Invitation to Bid" and Standard Instructions to Bidders relating thereto, the undersigned,

WanKesha-Pearce INDUSTRIES
(Name of Firm)

having visited the site(s) and carefully examined all Bidding Documents and complete General Specifications dated March 14, 2013 together with all Addenda issued and received prior to the scheduled closing time for receipt of Bids, hereby offers and agrees as follows:

To provide all labor, materials, and anything else reasonably necessary to complete all work in connection with the maintenance of emergency generators for the City of Liberty includes: **Location**	**Year One**	**Year Two**	**Year Three**
1100 N Main – Water Dept. Portable	2,809.50	2,809.50	2,809.50
1829 Sam Houston – City Hall	2,389.06	2,389.06	2,389.06
1912 Lakeland – Fire Department	2,342.88	2342.88	2,342,88
FM 563 - Wallisville Lift Station	2,355.78	2,355.78	2,355.78
Washington – Washington Lift Station	2,355.78	2,355.78	2,355.78
Bowie – Bowie Lift Station	2665.07	2,665.07	2,665.07
1251 FM 3361 – Sewer Treatment Plant	3595.57	3,595.57	3,595.57
5201 N Main – North Water Plant	2,748.07	2748.07	2,748.07
1909 Monta - Monta Water Plant	2,372,56	2372.56	2372.56
TOTALS	23,634.27	23634.27	23,634.27

Attachment: Proposal-Emergency Generator Maint (2676 : Proposal Award-Emergency Generator Maintenance)

REQUEST FOR PROPOSAL 13-05
EMERGENCY GENERATOR MAINTENANCE

BID FORM (continued)
March 14, 2013

EMERGENCY GENERATOR MAINTENANCE

LIBERTY, TX	Year One	Year Two	Year Three
Add'l Labor/Hour – Regular	90.00	90.00	90.00
Add'l Labor/hour – Nights/Weekends	125.00	125.00	125.00
Emergency Call Outs/Hour	125.00	125.00	125.00
Parts Terms - % Markup	15%	15%	15%
TOTALS	340.00	340.00	340.00

In submitting this BID, the BIDDER acknowledges that:

1. The lump sum prices include all labor, materials, transportation, overhead, fees and insurances, profit, and all other costs to cover the work called for in the Contract Documents.

2. No representation of warranty has been made by the OWNER that the estimated quantities used for comparison of BIDS will even approximate the actual quantities required to satisfactorily complete the WORK required under this CONTRACT.

3. In regard to all conditions affecting the WORK to be done and the labor and materials to be furnished this BID is based solely on the BIDDER'S investigations and findings and neither the OWNER nor its officers, employees or agents shall be held responsible for the accuracy of, or be bound by any information contained in these Contract Documents.

Attachment: Proposal-Emergency Generator Maint (2676 : Proposal Award-Emergency Generator Maintenance)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 04/09/13 06:00 PM

Department: Administration
Category: Property Sale

COUNCIL ACTION (ID # 2677)

DOC ID: 2677

.

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 04/09/13 06:00 PM

Department: Administration
Category: Bids

COUNCIL ACTION (ID # 2678)

DOC ID: 2678

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Bid Tabulation
Service Center Maintenance Office

Scope of Work	Contractor	
	Pelco	Arnold
Brick top coarse – remove, seal and replace with new brick	$13,725.00	$13,268.00
Repaint bricks to match existing		
Replace rotten window seal		
Repair damage to framing under window seal, if applicable		
Remove ceiling fans		
Replace one 3° x 6'8" solid door with jamb		
Repair all damaged sheetrock and texture to prepare for painting		
Prime and paint all walls, trim and ceilings		
Remove existing flooring and cove base		
Replace floor with VCT and rubber cove base		
Cleanup and remove all debris from site		
Replace electrical switches and covers		
Replace electrical switches, outlets and covers.		
Rework windows – install sill flashing		

Attachment: Bid Tab Service Ctr. Maint (2678 : Bid Award-PW Service Ctr. Repairs)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 04/09/13 06:00 PM

Department: Administration
Category: Committee Appointments

COUNCIL ACTION (ID # 2679)

DOC ID: 2679 A

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 04/09/13 06:00 PM

Department: Administration
Category: Property Sale

RESOLUTION (ID # 2686)

DOC ID: 2686

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 04/09/13 06:00 PM

Department: Administration
Category: Contracts

COUNCIL ACTION (ID # 2680)

DOC ID: 2680

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 04/09/13 06:00 PM

Department: Administration
Category: Recycling Issues

COUNCIL ACTION (ID # 2681)

DOC ID: 2681

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 04/09/13 06:00 PM

Department: Administration
Category: Telecommunications R-O-W Line Rates

COUNCIL ACTION (ID # 2682)

DOC ID: 2682

EXPLANATION:
FYI - In 2012, no action was taken on the CPI Adjustement, therefore the 2012 rates remained the same as the 2011 rates.

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Public Utility Commission of Texas

1701 N. Congress Ave., PO Box 13326, Austin, TX 78711-3326

2013 CONSUMER PRICE INDEX (CPI) ADJUSTMENT TO MUNICIPAL TELECOMMUNICATIONS RIGHT-OF-WAY ACCESS LINE RATES

March 15, 2013

PURPOSE

This letter is to notify you that your city's 2013 maximum access line rates have increased by 1.06% due to inflation, as measured by the CPI. This adjustment has been made pursuant to Chapter 283 of the Local Government Code (House Bill 1777).

DEFAULT RATES FOR 2013: NO CHANGE

Based on the choice made by your city in April 2012, your city's 2013 rate will either be adjusted for inflation, or will remain the same as your 2012 rate. According to our records, when similar CPI adjustments were made in April 2012, you opted not to adjust your rates for inflation, i.e. you chose LESS than the maximum allowable CPI-adjusted rates. Therefore, your 2013 rates will REMAIN at your 2012 level and your rates will NOT increase. You have the option to refuse this default rate and request an increase in rate by taking the action explained below.

ACTION BY CITY: TO REQUEST AN INCREASE

(1) You do not have to respond if you desire to keep your 2013 rates at the 2012 levels. (2) Respond ONLY if you want an INCREASE from the 2012 rates. (3) To request an increase, notify the PUC using page 2 of this letter no later than April 30, 2013. (4) The PUC does not require City council authorization; however, if your city charter requires it, please do so immediately. (5) Verify your contact information and highlight any changes. (6) Make a copy of this document.

WHAT HAPPENS IF A CITY DOES NOT RESPOND BY APRIL 30, 2013?

If a city does not respond by April 30, 2013, the rates for your city will remain at the 2012 levels. The next opportunity to adjust your rates will be September 1, 2013.

WHAT HAPPENS NEXT?

The PUC will notify telephone companies of your desired rates and you will be compensated accordingly no later than July 1, 2013.

FUTURE REVISIONS TO CPI

The access line rates will be revised annually in March depending on whether the CPI changes for the previous year. If the CPI changes for the year 2013, you will receive a similar letter in 2014.

See over...

Attachment: 2013 CPI Telecommunications (2682 : CPI-Telecommunication ROW Acces Line Rates)

CITY OF LIBERTY

SECTION 1: Your new 2013 CPI adjusted maximum rates are as follows:

Residential $0.82 *Non-Residential* $1.81 *Point-to-Point* $2.75

SECTION 2: Your default rates for 2013 are as follows and are the same as your 2012 rates. Note: This is lower because you have chosen to do so previously.

Residential $0.75 *Non-Residential* $1.67 *Point-to-Point* $2.55

To increase your default rates up to your 2013 maximum rates, notify the PUC by completing the section below. You can mail or fax this page to the PUC. To accept rates in Section 2, no action is required.

I _____, Title_____, am an authorized representative for the City/Town/Village of _____. The City declines to accept the default rates indicated in Section 2 above. Instead, we choose the following rates: Residential_____; Non-Residential_____; Point-to-Point_____.

Date:_____ Signature:_____

Other Comments:

HOW TO RESPOND

Mail: Stephen Mendoza
Public Utility Commission
P.O. Box 13326
Austin, TX 78711-3326

OR FAX TO Stephen Mendoza at: 512-936-7428

INQUIRIES

Inquiries only. NOT for sending your response.
HB1777@puc.texas.gov
Phone No: 512-936-7394

CITY CONTACT INFORMATION

Please notify us if the contact information we have on file for your city has changed. Thank you.

Phone No. 1 (936) 336-3684
Phone No. 2 (936) 336-7361
Fax No: (936) 336-9846
Email: rwood@cityofliberty.org

Address

RONALD R WOOD CITY MANAGER
or current city official responsible for right-of-way issues
CITY OF LIBERTY
1829 SAM HOUSTON
LIBERTY TX 77575

Attachment: 2013 CPI Telecommunications (2682 : CPI-Telecommunication ROW Acces Line Rates)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 04/09/13 06:00 PM

Department: Administration
Category: Miscellaneous Issues

RESOLUTION (ID # 2687)

DOC ID: 2687

A RESOLUTION OF THE CITY OF LIBERTY, TEXAS, REVOKING ALLEGED GRANT OF PERMISSION TO RAILROAD TO PASS THROUGH CITY STREETS.

WHEREAS, the Board of Trustees of the Town of Liberty granted to the Texas and New Orleans Railroad Company in 1858 certain lands west of the Trinity River on condition that the railroad company would build the railroad through the Town of Liberty crossing the Trinity River at the Liberty Ferry, or just above or just below that point; and

WHEREAS, the Resolution containing such grant makes reference only to lands west of the Trinity River and it is the City's position that said land west of the Trinity River is the only land to which the Resolution applies; and,

WHEREAS, the Liberty City Council (the successor to the Board of Trustees of the Corporation of the Town of Liberty) has received a communication from the Union Pacific Railroad (successor to the Texas and New Orleans Railroad Company) that refers to a single reference within the Resolution that does not include the qualifier "west of the Trinity;" and,

WHEREAS, Union Pacific has attempted to establish that the City's predecessor granted permission to the railroad to pass through the streets of the City when it is clear that the Resolution only refers to lands west of the Trinity.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

That, although Council does not believe the City has ever relinquished any rights to the crossings or otherwise given permission for the railroad to use its crossings east of the Trinity, to the extent that the minutes of May 31, 1858 of the Board of Trustees of the Town of Liberty reflect any grant of such permission,

Such grant of permission to the railroad to use the crossings within the City be, and is hereby, revoked.

This resolution is applicable to all successors of the Texas and New Orleans Railroad, including, but not limited to, Union Pacific Railroad.

This Resolution shall be in full force and effect from and after the date of its passage.

Passed and approved this _____ day of _____, 2013, by a majority vote of the Liberty City Council.

_____

Carl Pickett, Mayor

Attest:

_____

Dianne Tidwell, City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 04/09/13 06:00 PM
Department: Administration
Category: Misc. Fees

ORDINANCE (ID # 2688)

DOC ID: 2688

AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS, AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF LIBERTY; GRANTING THE CITY OF LIBERTY AUTHORITY TO CHARGE A TOLL FOR RAILROADS THAT CROSS CITY OWNED STREETS; BY PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PENALTY AND INTEREST FOR FAILURE TO TIMELY PAY INVOICES, AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

WHEREAS, the City of Liberty was created in 1831 as a result of the City's receipt of a grant of four leagues of land by the government of Coahuila and Texas; and

WHEREAS, the City of Liberty is in the unique position of owning in fee a majority of the streets running throughout the City; and

WHEREAS, railroad tracks were installed over some City owned streets without the railroad first obtaining a valid right-of-way; and

WHEREAS, these streets include but are not limited to, those at Tennessee St., Alabama St., Louisiana St., Bowie St., Crockett St., Austin St., Milam St., Travis St., Main St., Fannin St., San Jacinto St., and Independence St.; and

WHEREAS, the railroad appears to have no legal right to use the referenced crossings; and

WHEREAS, a large number of trains travel through the City of Liberty every day creating a delay and noise nuisance for the citizens of Liberty; and

WHEREAS, the City Council of the City of Liberty believes it to be in the citizen's best interest to charge a toll for every railcar crossing over a city owned crossing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

SECTION 1.

The Code of Ordinances of the City of Liberty, Texas, be, and the same is hereby amended by adding the following section:

Article 12.10 Railroads

12.10.001 Railroad Toll

All railroad companies shall be charged and shall be responsible for paying a fee of ONE DOLLAR ($1.00) per railcar for every city owned crossing that is crossed by said railcar. These crossings shall include those located at Tennessee St., Alabama St., Louisiana St., Bowie St., Crockett St., Austin St., Milam St., Travis St., Main St., Fannin St., San Jacinto St., and Independence St.

SECTION 2.

That all Ordinances of the City in conflict with the provisions of this Ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provision of this Ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not effect the validity of this Ordinance as a whole or any part of provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not effect the validity of the Liberty Code of Ordinances as a whole.

SECTION 4.

Railroad companies shall be invoiced daily, weekly, or monthly, at the discretion of the City Finance Director, and such invoices shall be payable 30 days after the invoice is issued. Failure to pay invoices by the date due shall cause an immediate penalty of 10% of the invoice. If the invoice is not paid within 60 days, interest shall accrue on the amount owing at a rate of the lower of 10% or year or the highest interest charge allowed by law.

SECTION 5.

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two days is hereby dispensed with.

SECTION 6.

This Ordinance shall be in full force and effect from and after the date of its passage.

Passed and approved this _____ day of _____, 2013, by a majority vote of

the Liberty City Council.

_____

Carl Pickett, Mayor

Attest:

_____

Dianne Tidwell, City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 04/09/13 06:00 PM

Department: Administration
Category: Executive Session Items

COUNCIL ACTION (ID # 2684)

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