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, April 9, 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	Absent	
Louie Potetz	Councilperson	Present	
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Randy Gunter	City Attorney	Present	

II. INVOCATION

The Invocation was given by Pastor Steve Bean, First Baptist Church, Liberty, Texas.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Officer Leo Cardenas, Liberty Police Department.

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 the Relay for Life event held on Friday, April 5th was a huge success, raising over $100,000. Mayor Pickett expressed his appreciation to the volunteers and those that participated in this project. Briefly discussed was a calendar for the upcoming budget process and conflict of interest forms.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2666)

Project Updates - City Mgr. Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on a handout of current City projects and their status, and also taking questions on those projects not mentioned.

Discussed were the Boomerang Substation, Right-of-Ways for the Street Extension Project, new Police Department facility to be bid soon, and meetings regarding a centralized dispatch with other law enforcement entities.

B. Information Item (ID # 2667)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that the next "Shred-It" Day will be held on Saturday, April 27th in the parking lot, on the west side of the City Hall building. This event is for the shredding of sensitive documents and will take place from 9:00 a.m. until Noon.

C. Information Item (ID # 2668)

LCDC Appointments

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported that appointments to the Liberty Community Development Corporation Board of Directors will be made at the May Council Meeting. Ms. Tidwell further explained the qualifications for these positions and stated that those members whose terms expire are Councilperson Arnold, Robert Ward, and Leslie Herndon.

D. Information Item (ID # 2669)

P & Z Appointments

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported that appointments to the Planning and Zoning Commission will be made at the May Council Meeting. Ms. Tidwell reported the qualifications for Board Members and stated those members whose terms expire are Larry Wagnon and Alternate Paul Damek.

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, Potetz, Simonson, Arnold
ABSENT:	Frank Jordan

A. Minutes Approval

1. Tuesday, March 12, 2013

2. Tuesday, March 26, 2013

B. Council Action 2013-31

Consider Adoption of the Updated City of Liberty Investment Policy.

COMMENTS - Current Meeting:

Agenda Item VI. B. regarding the Investment Policy was passed on and no action taken.

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.

COMMENTS - Current Meeting:

Mr. Jesse Donatto, 701 Lamar Street, was present to address Council regarding his concerns with the City's manufactured home ordinance. Mr. Donatto's concern was that there have been changes in State Law regarding permits and related regulations for manufactured homes since the City's most recent Code Book adoption, and that the City's ordinance is more restrictive than State Law. After brief discussion of the issues, management was directed to bring an amended ordinance to Council for approval in the near future.

2. Public Hearing (ID # 2671)

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

COMMENTS - Current Meeting:

At 6:32 p.m., Mayor Pickett opened the Public Hearing on information and education regarding Fair Housing Laws. Mr. J. Rice, Public Management, explained the purpose of the Fair Housing Act is to protect individuals from discrimination from the landlord or seller when renting or purchasing housing. Mr. Rice further explained that the discrimination also applies to other housing-related transactions, such as advertising, mortgage lending, and homeowner's insurance. Mr. Rice stated that the Community Development Block Grant Funds Program (U.S. Dept. Of Housing and Urban Development) contributes to affordable housing initiatives and expanding housing opportunities in communities. Additional information regarding fair housing laws was discussed to include protected classes of individuals, types of dwellings, limited exceptions, and other related topics.

At 6:48 p.m., Mayor Pickett closed the Public Hearing.

ATTACHMENTS:

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

3. Resolution 2013-5

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

COMMENTS - Current Meeting:

Motion was made to approve the Resolution adopting Fair Housing Policies which complement the Texas Fair Housing Activity Statement in providing citizens with fair and equal treatment, under the Fair Housing Laws.

ATTACHMENTS:

- 2013 Fair Housing Policies (DOCX)

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

4. Information Item (ID # 2673)

Proclamation of April as Fair Housing Month.

COMMENTS - Current Meeting:

Mayor Pickett read, into the record in its entirety, the Proclamation proclaiming April as Fair Housing Month.

ATTACHMENTS:

- 2013 Fair Housing Proclamation (DOC)

5. Public Hearing (ID # 2674)

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

COMMENTS - Current Meeting:

At 6:50 p.m., Mayor Pickett opened the public hearing on the condemnation of the structure located at 1123 Trinity Street. 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 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 6:56 p.m.

ATTACHMENTS:

- PH 1123 Trinity (PDF)

6. Council Action 2013-32

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

COMMENTS - Current Meeting:

Motion was made to approve the Order of Abatement as recommended, for the structure located at 1123 Trinity 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, if the demolition is not completed within the allotted time period, the City will move forward with demolition proceedings.

ATTACHMENTS:

- Order of Abatement 1123 Trinity (DOC)

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

7. Council Action 2013-34

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

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the City's Solid Waste Collection Agreement with Waste Management (WM) was for a term of three years with two (1) one-year renewals. Mr. Broz stated that is time to consider exercising the option for additional one-year periods or bidding new contracts. WM is increasing the collection fee by $1.30 per household per month, raising the consumer monthly cost from $15.86 to $17.16. Terry Woodson, Waste Management was present to discuss the agreement and explained that the price escalation is due to the high cost of grinding brush. Following further discussion, a motion was made to approve the agreement extension for a two-year renewal period, with the increased rate of $1.30 per month to be passed to the consumer.

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

8. Council Action 2013-33

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

COMMENTS - Current Meeting:

Terry Woodson, Waste Management discussed a proposed Curbside Subscription Recycling Program. Residents of the community will be able to subscribe to this service separately from the solid waste collection services offered by the City. This recycling service is to be provided twice monthly, at a cost of $13.00 per month. Personal containers may be used, with a sticker supplied by WM designating that particular item as a recycling container. Materials collected will be plastic, glass, cardboard, paper board, aluminum and steel cans, juice boxes and milk cartons. In order for this program to begin, 500 homes from the cities of Liberty and Dayton combined must subscribe to this service.

Motion was made to approve the terms for subscription recycling in the City of Liberty.

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

9. Council Action 2013-35

Consider Award of Proposal for Emergency Generator Maintenance.

COMMENTS - Current Meeting:

Mr. Tom Warner, City Engineer/Public Works Director, reported on the recent proposal opening for labor, materials and other reasonable necessities for work in connection with the maintenance of emergency generators for the City of Liberty. Mr. Warner stated that this was the second time that the City had requested proposals for this service. The proposal had previously been put out to four local companies, with three not responding, and one submittal of a "no bid".

Those emergency generator sites are:

- Public Works Service Ctr. - N. Main Street (Portable Gen.)
- City Hall - Sam Houston Street
- Fire Dept. - Lakeland Drive
- Wallisville Lift Station - FM 563
- Washington Lift Station - Washington Street
- Bowie Lift Station - Bowie Street
- Wastewater Treatment Plant - FM 3361
- North Water Plant - N. Main Street
- Monta Water Plant - Monta Street

Discussion was held regarding there being only one proposal, the proposed annual fee of $23,634.27, contract extension option for two additional years at the same cost, there being 34 different items to be checked on a quarterly and/or annual basis, and other related topics. A motion was made to award the proposal to Waukesha-Pearce Industries as presented.

ATTACHMENTS:

- Proposal-Emergency Generator Maint (PDF)

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

10. Council Action 2013-36

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

COMMENTS - Current Meeting:

Mr. Warner reported on property in the City's name located at the end of Melonson Street, described as Lot No. 11, Johnson Subdivision, Liberty, Texas. The appraised value, and minimum bid, for this property was $2400.00. One bid was received from the adjacent property owner, Sandra Lee Diaz for $2511.00.

Motion was made to accept the bid from Ms. Diaz of $2511.00, for the property described as Lot No. 11, Johnson Subdivision.

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

11. Council Action 2013-37

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

COMMENTS - Current Meeting:

Mr. Warner reported on needed repairs at the City's Public Works Service Center. Repairs are necessary to the mechanic's office, adjacent to the service center bays. Two quotes were received for repair issues that include loose brick, water intrusion, and other problems.

Motion was made to approve the lowest quote of $13,268.00 from Arnold Construction, for repairs to the Public Works Service Center.

ATTACHMENTS:

- Bid Tab Service Ctr. Maint (PDF)

RESULT:	**APPROVED [4 TO 0]**
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Libby Simonson, Councilperson
AYES:	Carl Pickett, Dennis Beasley, Louie Potetz, Libby Simonson
ABSTAIN:	Diane Huddleston, David Arnold
ABSENT:	Frank Jordan

12. Council Action 2013-38

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

COMMENTS - Current Meeting:

This agenda item was passed on.

RESULT:	**NO ACTION TAKEN**

13. Resolution 2013-6

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.

COMMENTS - Current Meeting:

Mr. Warner reported on property in the City's name described as 0.5050 Acres, Outer Block No. 55, Liberty, Texas (South Liberty Oilfield). A motion was made to approve the sale, and issue a quitclaim deed for this property to Mr. David Haywood, for $500.00.

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

14. Council Action 2013-39

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

COMMENTS - Current Meeting:

City Manager Gary Broz reviewed the increase to the municipal access line rates, due to inflation, and stated that in 2012 the City chose less than the maximum allowable CPI-adjusted rates. Mr. Broz reported that Staff recommendation is that no action be taken, so that the rates remain at the 2012 level, with no increase.

After brief discussion, no action was taken on this agenda item.

ATTACHMENTS:

- 2013 CPI Telecommunications (PDF)

RESULT:	**NO ACTION TAKEN**

15. Resolution (ID # 2687)

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

COMMENTS - Current Meeting:

City Attorney Randy Gunter reported that he was awaiting clarification, from a real estate attorney, on several documents from the 1800's on whether or not the City ever authorized the railroad to cross through the City. Mr. Gunter explained that the land was acquired through a land grant, to the City, rather than development of privately owned land. Mr. Gunter went on to further explain that this means the City owns the land under the crossing and streets, not just the street right-of-ways, which is a very unique and rare situation. Therefore, the City is seeking very specialized advice about the ownership and any rights that might be granted to the City.

Mr. Gunter's recommendation was that this item be passed on.

RESULT:	**NO ACTION TAKEN**

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.

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; 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."

Mayor Pickett voiced concerns regarding adoption of this ordinance and possible action filed in federal court by Union Pacific. Mayor Pickett also remarked that he would like to see a possible effective date of six months from the date of adoption. City Attorney Randy Gunter stated that he would provide alternate language from which the Council could choose.

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.

This agenda item was passed on; no Executive Session was held.

C. Reconvene into Regular Session

1. Council Action 2013-40

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

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 7:58 p.m.

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary