



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, May 14, 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 # 2701)

Project Updates - City Mgr. G. Broz

B. Information Item (ID # 2702)

Recycling Report - Councilperson Huddleston

C. Information Item (ID # 2703)

Proclamation - Motorcycle Safety Awareness Month

- Motorcycle Safety Month 2013 (DOC)

D. Information Item (ID # 2704)

Proclamation and Welcome - Sister City, Naracoorte, South Australia

- Naracoorte Day-2013 (DOC)

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, April 09, 2013

B. Council Action (ID # 2705)

Consider Approval of March 28 & 29 as Dates for the 2014 Liberty Jubilee.

VII. REGULAR AGENDA**A. Regular Session****1. Information Item (ID # 2706)**

Oath of Office to be Administered to Newly Elected Officials.

- Oath of Office Form (DOC)

2. Council Action (ID # 2707)

Elect a Mayor Pro Tem.

3. Council Action (ID # 2708)

Consider and Take Action, If Any, on Appointments to the Liberty Community Development Corporation Board of Directors.

4. Council Action (ID # 2709)

Consider and Take Action, If Any, on Appointments to the Planning and Zoning Commission.

5. Resolution (ID # 2710)

Consider a Resolution Making an Appointment to Fill an Unexpired Term on the Sam Rayburn Municipal Power Agency Board of Directors.

6. Council Action (ID # 2711)

Consider Additional Funding for the Purchase of a Digger Truck through the Texas Local Government Purchasing Cooperative (BuyBoard), for the Electric Department.

7. Information Item (ID # 2712)

Discussion of a Proposed Ordinance Prohibiting Texting and Cell Phone Usage, While Operating a Motor Vehicle in the City of Liberty.

8. Information Item (ID # 2713)

Discussion of a No Smoking in Public Buildings Ordinance for the City of Liberty.

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 10th day of May, 2013 at 4:00 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

5.A

Meeting: 05/14/13 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2701)

DOC ID: 2701



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.B

Meeting: 05/14/13 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2702)

DOC ID: 2702



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.C

Meeting: 05/14/13 06:00 PM

Department: Administration
Category: Proclamations

INFORMATION ITEM (ID # 2703)

DOC ID: 2703



P R O C L A M A T I O N

WHEREAS, today's society is finding more citizens involved in motorcycling on the roads of our country; and

WHEREAS, motorcyclists are roughly unprotected and much more likely to be injured or killed in a crash than other vehicle drivers; and

WHEREAS, campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle related risks, injuries, and most of all fatalities, through a comprehensive approach to motorcycle safety; and

WHEREAS, it is the responsibility of all who put themselves behind the wheel to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country; and

WHEREAS, the City of Liberty is urging everyone in our community to become aware of the inherent danger involved in operating a motorcycle and give the operator the respect on the road that they deserve.

NOW, THEREFORE, BE IT KNOWN, that I, Carl Pickett, Mayor of the City of Liberty do hereby proclaim the month of May, 2013 as:

“MOTORCYCLE SAFETY AWARENESS MONTH”

in the City of Liberty, encouraging all motor vehicle operators to join in the effort to keep our roadways safe.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Liberty, Texas to be affixed on this 14th day of May, 2013.

Carl Pickett, Mayor
City of Liberty

ATTEST:

Dianne Tidwell, City Secretary
City of Liberty



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.D

Meeting: 05/14/13 06:00 PM

Department: Administration
Category: Proclamations

INFORMATION ITEM (ID # 2704)

DOC ID: 2704



PROCLAMATION

WHEREAS, The State of Texas and the State of South Australia celebrated their 150th year of statehood in 1986; and,

WHEREAS, the City of Liberty and the City of Naracoorte were paired as sister cities, sharing similar demographics and town size; and,

WHEREAS, The City of Liberty welcomed Naracoorte City Councilor Graeme Brighton, and his son Rick, at the first Liberty Jubilee in 1986; with Mr. Brighton having returned for subsequent visits with his wife Gloria and son David, with the City of Naracoorte's special representative Jenny Scott Nosworthy also visiting; and,

WHEREAS, The City of Naracoorte has welcomed Liberty visitors with cordial hospitality during these many years of friendship; and,

WHEREAS, sister city relationships foster dialogue in addressing issues ranging from cultural to technical, from municipal to medical, from environmental to educational and beyond; and

WHEREAS, it is the desire of the City of Liberty to revere and renew the sister city alliance between these two cities, which create opportunities to learn and experience other cultures through long-term relationships.

NOW, THEREFORE, BE IT KNOWN that I, Carl Pickett, Mayor of the City of Liberty, do hereby proclaim Wednesday, May, 15, 2013 as:

"NARACOORTE DAY"

in the City of Liberty, Texas extending the title of honorary citizens to David Brighton, Michelle Brewer and John Attwood, entrusting them to deliver greetings and special affection to the citizens of Naracoorte, South Australia with all honors and bonds of friendship attached hereto.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Liberty, Texas, to be affixed on this the 14th day of May, 2013.

Carl Pickett
Mayor
City of Liberty

ATTEST:

Dianne Tidwell
City Secretary
City of Liberty



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

Minutes Acceptance: Minutes of Apr 9, 2013 7:00 PM (Minutes Approval)

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.

Minutes Acceptance: Minutes of Apr 9, 2013 7:00 PM (Minutes Approval)

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 properly 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

Minutes Acceptance: Minutes of Apr 9, 2013 7:00 PM (Minutes Approval)

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
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13. Resolution 2013-6

Minutes Acceptance: Minutes of Apr 9, 2013 7:00 PM (Minutes Approval)

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
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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
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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
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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:

Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Apr 9, 2013 7:00 PM (Minutes Approval)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

6.B

Meeting: 05/14/13 06:00 PM

Department: Administration
Category: Jubilee

COUNCIL ACTION (ID # 2705)

DOC ID: 2705



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.1

Meeting: 05/14/13 06:00 PM

Department: Administration
Category: Oaths

INFORMATION ITEM (ID # 2706)

DOC ID: 2706

In the name and by the authority of

The City of Liberty
and
The State of Texas

OATH OF OFFICE

I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Council Member for the City of Liberty, Texas and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

Affiant

SWORN TO and subscribed before me by affiant on this 14th
day of May, 2012.

Signature of Person Administering Oath

Michael Little
Printed Name

(seal)

Judge
Title



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.2

Meeting: 05/14/13 06:00 PM

Department: Administration
Category: Election Issues

COUNCIL ACTION (ID # 2707)

DOC ID: 2707

EXPLANATION:

City Charter Section 3.04 - The City Council, at its first meeting after election of council members, shall elect one of its' members mayor pro tem, and he/she shall perform all duties of the Mayor in the absence or disability of the Mayor.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.3

Meeting: 05/14/13 06:00 PM

Department: Administration
Category: Board Appointments

COUNCIL ACTION (ID # 2708)

DOC ID: 2708

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.

Those members whose terms expire are: David Arnold, Leslie Herndon, and Robert Ward. Councilperson Arnold and Ms. Leslie Herndon have agreed to serve again, if appointed. Mr. Ward is not available for re-appointment.

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



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.4

Meeting: 05/14/13 06:00 PM

Department: Administration
Category: Board Appointments

COUNCIL ACTION (ID # 2709)

DOC ID: 2709

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. Mr. Wagnon is willing to serve again, if re-appointed. Mr. Damek is not available for re-appointment.

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



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.5

Meeting: 05/14/13 06:00 PM

Department: Administration
Category: SRMPA Appointments

RESOLUTION (ID # 2710)

DOC ID: 2710 A

EXPLANATION:

Each SRMPA member city is allowed two representatives to the Board of Directors. The City of Liberty representatives are Mayor Carl Pickett and Mr. Bruce Halstead. However, Mr. Halstead has tendered his resignation and his unexpired term will need to be filled. This unexpired term will end September, 2013.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, APPOINTING A REPRESENTATIVE TO THE SAM RAYBURN MUNICIPAL POWER AGENCY BOARD OF DIRECTORS

WHEREAS, on October 31, 1979, the City of Liberty, Texas, enacted the concurrent ordinance, establishing Sam Rayburn Municipal Power Agency with the City of Jasper, Texas and the City of Livingston, Texas; and,

WHEREAS, said concurrent ordinance provides that each of the three (3) cities involved in the Sam Rayburn Municipal Power Agency, each appoint Directors to serve with the Agency for a period of two (2) years; and

WHEREAS, City of Liberty representative Bruce Halsted has tendered his resignation to the Sam Rayburn Municipal Power Agency Board of Directors, effective April 22, 2013.

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

That _____ be appointed to serve as Director for the Agency for the City of Liberty, Texas, for the duration of the unexpired term, said term ending September, 2013.

PASSED AND APPROVED THIS 14TH DAY OF MAY, 2013.

Carl Pickett
Mayor

Resolution (ID # 2710)

City Council Meeting

May 14, 2013

Page 2

ATTEST:

Dianne Tidwell
City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.6

Meeting: 05/14/13 06:00 PM

Department: Administration
Category: Expenditures

COUNCIL ACTION (ID # 2711)

DOC ID: 2711

EXPLANATION:

The Fiscal Year 2013 budget included funds for the purchase of a digger truck in the Electric Department. The new truck would replace a 1993 model that is no longer in working condition.

Several dealers that provide these types of vehicles through either Buy Board and/or HGAC Purchasing Cooperatives were contacted and requested to provide quotes. A vendor was selected that was providing a vehicle with a new cab/chassis and a completely refurbished digger unit. The cost of this vehicle was \$145,000.

During the preparation of the requisition for the truck, the vendor is required to provide a quote through the agency that received their bid. In this case it was the HGAC. It was determined during this process that HGAC considers this to be a used vehicle. Since it is considered to be a used vehicle, it cannot be sold through HGAC.

After contacting several additional dealers, two quotes were received for the digger truck. Both of the trucks specified by these dealers are new units. The dealers quoted Freightliner cab/chassis trucks with either an Altec or Terex digger unit. The quotes are for a \$170,546 and 177,509, respectively.

After reviewing each quote, it is recommended that the Freightliner truck with an Altec digger unit be purchased by the City through Buy Board. In order to purchase this truck additional funding in the amount of \$25,546 will be required.

Tom Warner, PWD



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.7

Meeting: 05/14/13 06:00 PM

Department: Administration
Category: Miscellaneous Issues

INFORMATION ITEM (ID # 2712)

DOC ID: 2712



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.8

Meeting: 05/14/13 06:00 PM

Department: Administration
Category: Miscellaneous Issues

INFORMATION ITEM (ID # 2713)

DOC ID: 2713