



The City of Liberty City Council

Special Called Meeting

~ Agenda ~

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

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, October 1, 2019

12:00 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	Arrived
Mayor Carl Pickett	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mayor ProTem Diane Huddleston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Council Member Dennis Beasley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Council Member Libby Simonson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Council Member David Arnold	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Council Member Chipper Smith	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Council Member Neal Thornton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

II. 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.

III. REGULAR AGENDA

A. Regular Session

1. Council Action (ID # 4598)

Consider approval of the allocation of Cambridge Funds for Tropical Depression Imelda related expenses.

2. Council Action (ID # 4593)

Consider award of contract, as a result of Tropical Depression Imelda, for debris pickup.

3. Council Action (ID # 4594)

Consider award of contract, as a result of Tropical Depression Imelda, for debris monitoring.

4. Ordinance (ID # 4595)

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS ALLOWING FOR RECREATIONAL VEHICLE USAGE FOR THOSE CITIZENS AFFECTED BY TROPICAL DEPRESSION IMELDA; DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Ordinance (ID # 4596)

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS WAIVING BUILDING, PLUMBING, ELECTRICAL, AND HVAC PERMIT FEES FOR REPAIRS RELATED TO THE RECOVERY OF HOMES AND BUSINESSES AFTER TROPICAL DEPRESSION IMELDA; DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS; AND PROVIDING FOR AN EFFECTIVE DATE.

6. Ordinance (ID # 4597)

CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES, ARTICLE 13.04, DIVISION 2, REGULATING GARBAGE COLLECTION WITHIN THE CITY; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

IV. ADJOURNMENT

Motion To: Adjourn

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 26th day of September, 2019 at 5:00 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 _____, 2019.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 10/01/19 12:00 PM

Department: Administration
Category: Expenditures

COUNCIL ACTION (ID # 4598)

DOC ID: 4598

Department: Administration

Subject: Allocation of Cambridge Funds for Tropical Depression Imelda related expenses.

Background: The City is beginning to incur expenses associated with Tropical Storm Imelda. These expenses include employee overtime during the event; damages to the phone and internet equipment at the Fire and Library, and Police Departments and door control equipment at the Police Department; sinkholes at various locations and the cleanup of flood damage to the Public Works Service Center. Since the total expense for the aforementioned items and any future items is not known at this time, an allocation in the amount of \$250,000 would be considered appropriate.

Funding Source: Cambridge Funds

Staff Recommendation: Staff recommends approval of an allocation not to exceed \$250,000 from the Cambridge Fund for Tropical Depression Imelda expenses.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 10/01/19 12:00 PM

Department: Administration
Category: Solid Waste Issues

COUNCIL ACTION (ID # 4593)

DOC ID: 4593

Department: Public Works

Subject: Tropical Depression Imelda Debris Removal

Background: On September 30, 2019, request for proposals will be opened for debris removal as a result of Tropical Depression Imelda. The results of the proposal evaluations and a recommendation will be provided during the City Council meeting. The request for proposals was required to ensure compliance with FEMA regulations if a Presidential Disaster Declaration is issued.

Funding Source: Cambridge Funds

Staff Recommendation: To be provided during the City Council meeting.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 10/01/19 12:00 PM

Department: Administration
Category: Solid Waste Issues

COUNCIL ACTION (ID # 4594)

DOC ID: 4594

Department: Public Works

Subject: Tropical Depression Imelda Debris Removal Monitoring

Background: On September 30, 2019, request for proposals will be opened for debris removal monitoring as a result of Tropical Depression Imelda. The results of the proposal evaluations and a recommendation will be provided during the City Council meeting. The monitoring is required to comply with FEMA regulations if a Presidential Disaster Declaration is issued.

Funding Source: Cambridge Funds

Staff Recommendation: To be provided during the City Council meeting.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 10/01/19 12:00 PM

Department: Administration
Category: Miscellaneous Issues

ORDINANCE (ID # 4595)

DOC ID: 4595

Department: Inspections

Subject: Recreational Vehicle Usage due to Tropical Depression Imelda

Background: Over 100 residential homes received flood damage as a result of Tropical Depression Imelda. The proposed ordinance would allow those residents affected by the storm to place a recreational vehicle (RV) on their property and live in the RV until repairs are completed or March 31, 2020, whichever occurs first.

Funding Source: NA

Staff Recommendation: Staff recommends approval of the ordinance.

AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS ALLOWING FOR RECREATIONAL VEHICLE USAGE FOR THOSE CITIZENS AFFECTED BY TROPICAL DEPRESSION IMELDA; DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Council finds that the ravages of Tropical Depression Imelda, arising from its impact upon the property and inhabitants of the City of Liberty created widespread and severe damage, injury, and loss of life and property that now requires extraordinary measures to alleviate the suffering of the people and to protect and rehabilitate property; and

WHEREAS, the City Council recognizes that many homes and businesses located within the City were damaged or destroyed during Tropical Depression Imelda; and

WHEREAS, the City Council desires to help mitigate the costs associated with repairing these damaged structures by allowing citizens affected by Tropical Depression Imelda to park recreational vehicles in front of their residence and to reside in the recreational vehicles until March 31, 2020.

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

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. The City Council hereby finds that individuals suffering damages to their houses as a direct result of Tropical Depression Imelda may both park a recreational vehicle in front of their house, and/or reside in a recreational vehicle on their property until March 31, 2020. After March 31, 2020 these special exceptions shall elapse, and the City’s normal ordinances related to recreational vehicles shall take effect. The property owner must provide proof of damage related to Tropical Depression Imelda in order to receive said recreational vehicle exception. The recreational vehicle shall not be parked in any public street or right-of-way under this exception.

SECTION 3. 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 4. This Ordinance shall be and become effective from and after its adoption.

PASSED AND APPROVED ON THIS THE ____ DAY OF _____ 2019.

Carl Pickett, Mayor

ATTEST:

City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 10/01/19 12:00 PM

Department: Administration
Category: Rates and Fees

3.A.5

ORDINANCE (ID # 4596)

DOC ID: 4596

Department: Inspections

Subject: Waiver of building related permit fees due to Tropical Depression Imelda

Background: Over 260 structures received flood damage as a result of Tropical Depression Imelda. The proposed ordinance would allow those property owners affected by the storm to obtain the necessary building related permits at no charge. The permit fees would be waived until March 31, 2020.

Funding Source: NA

Staff Recommendation: Staff recommends approval of the ordinance.

AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS WAIVING BUILDING, PLUMBING, ELECTRICAL, AND HVAC PERMIT FEES FOR REPAIRS RELATED TO THE RECOVERY OF HOMES AND BUSINESSES AFTER TROPICAL DEPRESSION IMELDA; DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Council finds that the ravages of Tropical Depression Imelda, arising from its impact upon the property and inhabitants of the City of Liberty created widespread and severe damage, injury, and loss of life and property that now requires extraordinary measures to alleviate the suffering of the people and to protect and rehabilitate property; and

WHEREAS, the City Council recognizes that many homes and businesses located within the City were damaged or destroyed during Tropical Depression Imelda; and

WHEREAS, the City Council desires to help mitigate the costs associated with repairing these damaged structures by waiving certain building permit fees for repairs to homes and businesses related to damage caused by Tropical Depression Imelda.

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

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. The City Council hereby orders that all building, electrical, plumbing, and HVAC permit fees for repairs or construction directly related to recovery from Tropical Depression Imelda shall be waived through March 31, 2020. The property owner must provide proof of damage related to Tropical Depression Imelda in order to receive said fee waiver.

SECTION 3. 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 4. This Ordinance shall be and become effective from and after its adoption.

PASSED AND APPROVED ON THIS THE ____ DAY OF _____ 2019.

Carl Pickett, Mayor

ATTEST:

City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 10/01/19 12:00 PM

Department: Administration
Category: Garbage Issues

ORDINANCE (ID # 4597)

DOC ID: 4597

Department: Public Works

Subject: Garbage collection within the City

Background: Residents and businesses have begun the process of removing items that were damaged as a result of Tropical Depression Imelda. As the debris is placed at or near the street, individuals have begun to pilfer through the debris piles. This has resulted in debris piles being scattered across a larger area and making it more difficult to remove. The proposed ordinance would prohibit unauthorized persons for dumping garbage, rubbish or trash into a commercial garbage container belonging to or approved by the City, prohibit the pilfering or tampering with refuse, trash or recycling container and prohibiting, other than an employee of the City, to collect any materials having been designated for disposal that are on streets, thoroughfares, alleyways or public rights-of-way.

Funding Source: NA

Staff Recommendation: Staff recommends approval of the ordinance.

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, ARTICLE 13.04, DIVISION 2, REGULATING GARBAGE COLLECTION WITHIN THE CITY; 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 currently regulates garbage collection within the city limits; and

WHEREAS, the City Council recognizes the importance of maintaining a safe and healthy environment for the residents; and

WHEREAS, the City Council of the City of Liberty, Texas, finds it to be in the public interest to prevent people from interfering with garbage storage and collection.

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

Section 1: Article 13.04, Division 1, of the Code of Ordinances of the City of Liberty is amended to read as follows:

Division 1. Generally

Section 13.04.001 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ashes. The residue from the burning of wood, coal, coke or other combustible materials.

Commercial. Any business or manufacturing plant, building or structure which is not a residential customer as defined in this section.

Customer. The owner, tenant, lessee or occupant of any residence or business in the city.

Garbage. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Refuse. All putrescible and non-putrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

Residence. A house or building used as a dwelling occupied by not more than two (2) family units.

Rubbish. Non-putrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

Section 13.04.002 Unauthorized use of commercial container

It shall be unlawful for any unauthorized person to dump garbage, rubbish and trash into any commercial garbage container belonging to or approved by the city. These garbage containers are for the exclusive use by those parties that are paying for the container service.

Section 13.04.003 Pilfering or tampering with refuse, trash or recycling container or bin

No person, other than the owner, operator or other authorized representative thereof, or an employee or authorized representative of the City of Liberty, shall pilfer through or tamper with any refuse, trash or recycling materials placed out for garbage collection, or remove the contents of any refuse, trash or recycling container or bin, or remove any such refuse, trash or recycling container or bin from the location where same has been placed, or remove or scatter any such refuse, trash or recycling materials placed out for garbage collection.

Section 13.04.004 Unauthorized collection of recycling containers

It shall be unlawful for anyone, other than employees of the city or their duly authorized representatives, to collect any materials having been designated for recycling by the city that are located on streets, thoroughfares, alleyways or public rights-of-way within the city limits.

Section 13.04.005 Penalty for violation of sections 13.04.002 through 13.04.004

Any person, firm or corporation who shall violate any of the provisions of sections 13.04.002 through 13.04.004 shall be deemed guilty of a class "C" misdemeanor for each offense.

Section 2: 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 3: That this ordinance shall take effect from and after being published in the newspaper as required by Texas law.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of

Liberty, this _____ day of _____, 2019.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary