



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

Thursday, November 14, 2013

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	Arrival
Mayor Carl Pickett	☐	☐	☐	
Councilperson Diane Huddleston	☐	☐	☐	
Councilperson Dennis Beasley	☐	☐	☐	
Councilperson Frank Jordan	☐	☐	☐	
Councilperson Louie Potetz	☐	☐	☐	
Councilperson Libby Simonson	☐	☐	☐	
Councilperson David Arnold	☐	☐	☐	

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. Ordinance (ID # 2870)

Consider adoption of an Ordinance canvassing the returns and declaring the results of the Special Election held on November 5, 2013, to legalize the sale of alcoholic beverages including mixed beverages.

- Unofficial Tab with Nos. (PDF)

IV. ADJOURNMENT

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 8th day of November, 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

3.A.1

Meeting: 11/14/13 12:00 PM

Department: Administration
Category: Election

ORDINANCE (ID # 2870)

DOC ID: 2870

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD ON NOVEMBER 5, 2013, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY ONE (1) PROPOSITION; "THE LEGAL SALE OF ALL ALCOHOLIC BEVERAGES, INCLUDING MIXED BEVERAGES"; PROVIDING A SEVERABILITY CLAUSE; 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.

WHEREAS, on August 13, 2013, the City Council of the City of Liberty, Texas adopted Ordinance No. 2013-7, which ordered a Special Election to be held on November 5, 2013 for the purpose of submitting to the qualified voters of the City one (1) proposition; "the legal sale of all alcoholic beverages, including mixed beverages"; and

WHEREAS, the Special Election of November 5, 2013 was held jointly between the City of Liberty and Liberty County, with said election being conducted by the Liberty County Clerk's Office.

WHEREAS, said election was duly ordered and notice thereof given in accordance with State of Texas Election Law; that said election was held in the manner prescribed by law; and that due returns of said election have been made by the proper office.

WHEREAS, the City Secretary, as custodian of the election records, presented the returns of said election to the City Council, acting in its capacity as the Canvassing Authority for the Special Election.

WHEREAS, the returns of the Special Election have been considered by the City Council/Canvassing Authority, with the returns of said election as follows:

The legal sale of all alcoholic beverages, including mixed beverages.	
FOR - 381	AGAINST - 203

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

Section 1. - Incorporation of Premises

That the above and foregoing premises are true and correct and are incorporated into the body of this Ordinance and made a part hereof for all purposes.

Section 2. - Confirmation of Vote Tabulations

That the results of the Special Election, as canvassed and tabulated above reflect the expressed desires of the resident qualified voters of the City.

Section 3. - Severability Clause

That if any section, subsection, sentence, clause, or phrase of this ordinance should for any reason be held to be unconstitutional or invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of this ordinance, and to such end the various portions and provisions of this ordinance are declared to be severable; and the City Council of the City of Liberty, Texas, declares it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 4. - Effective Date

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

Section 5. - Dispense of Second Reading

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 separate days is hereby dispensed with.

PASSED AND ADOPTED at a regular meeting of the Liberty City Council on this the 12th day of November, 2013.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary



**TABULATION SHEET
UN-OFFICIAL CANVASS OF ELECTION RESULTS**

**CITY OF LIBERTY SPECIAL ELECTION
NOVEMBER 5, 2013**

PROPOSITION – “The legal sale of all alcoholic beverages, including mixed beverages.”

	EV TOTAL	ED TOTAL	GRAND TOTAL
FOR - PROPOSITION	194	187	381
AGAINST - PROPOSITION	72	131	203

Local Option Legalization Election – The proposition is adopted if there is at least one vote cast in favor of the proposition than the number of votes cast against it (simple majority). If there is a tie-vote, the proposition fails.

This is an *Unofficial Tabulation* of the election results. The *Official Canvass* of the Election will be conducted Thursday, November 14, 2013, at a Special Called Meeting of the City Council at Noon.