



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, January 24, 2017

6:00 PM

City Council Chambers

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Diane Huddleston	Mayor Pro Tem	Present	
Dennis Beasley	Councilperson	Present	
Louie Potetz	Councilperson	Present	6:05 PM
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Absent	
Paul Glazener	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Brandon Davis	City Attorney	Present	

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.

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 asked that everyone keep Council Member Arnold in their prayers due to his father's passing.

III. PRESENTATIONS / REPORTS

1. Information Item (ID # 3699)

Project Updates - City Mgr. G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on various City projects and issues to include the rise of the Trinity River, recent Feeder #5 power outage, letter writing campaign for discretionary funds to make changes to increase safety on Hwy. 146N, new cell phone towers on Cook Road and Jefferson Drive, and other topics.

2. Information Item (ID # 3700)

LPSC / Cambridge - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported that there is a docketed item with the Louisiana Public Service Commission (LPSC) regarding issues relating to the Cambridge Project contracts. The Sam Rayburn Municipal Power Agency (Agency) has employed Louisiana attorneys to represent the Agency's position in wanting to keep the contracts in force and the Cambridge Project intact. Mayor Pickett stated the main argument the Agency is presenting is that the LPSC does not have jurisdiction over these contracts.

IV. REGULAR AGENDA**A. Regular Session****1. Public Hearing (ID # 3701)**

Public Hearing on the proposed annexation of 0.89 square miles beginning at the Northeast Corner of the Thomas N. Roche Tract as recorded in Clerk's File No. 2015010506, Official Public Records, Liberty County, Texas, same point being in the South Line of the Mary Gay Corporation Tract as recorded in Volume 1731 Page 864, Official Public Records, Liberty County, Texas having coordinates of N:9988900.15, E:4042886.89.

COMMENTS - Current Meeting:

At 6:15 p.m., the Public Hearing opened on the proposed annexation of 0.89 square miles into the City's boundaries. Mr. Art Pertile, Olson & Olson, LLP was present to expound upon the annexation process and the five (5) properties included in the 0.89 square miles. Mr. Pertile spoke to the property ownership, contacting the various property owners, the different agreements, three properties being government tax exempt properties, the Mary Gay property owners wishing to develop their property as residential and working with the City of Dayton for this property to be in the City of Dayton's ETJ not the City of Liberty's ETJ, service plan, voluntary annexations, and other related issues.

At 6:35 p.m., Mayor Pickett closed the Public Hearing.

ATTACHMENTS:

- PH Notice - Phase III Annexation (DOC)

2. Council Action 2017-4

Consider acceptance of the Annual Audit Report for Fiscal Year 2015-2016, as presented by Swaim, Brents and Associates.

COMMENTS - Current Meeting:

Ms. LeAnn Brents, Swaim, Brents and Associates, was present to report on the City's Annual Audit for Fiscal Year 2015-2016. Ms. Brents stated that the City's total combined net position has decreased approximately \$7 million dollars from the previous year, with revenues from electric services, water and wastewater and property tax collections also decreasing. Ms. Brents discussed capital assets, debt service, revenue sources, the City's pension plan, various funds, and other budget related topics. The audit resulted in an unqualified opinion.

After lengthy discussion of the audit document, a motion was made to accept the Annual Audit Report for Fiscal Year 2015-2016.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul Glazener, Councilperson
SECONDER:	Libby Simonson, Councilperson
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Glazener
ABSENT:	David Arnold

3. Council Action 2017-5

Consider a variance to Section 10.02.122 Table 5, Minimum Lot Requirements for Liberty Inner Block 107 Lot 3,4 TR 5 (104 Carter St.).

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported that a variance request has been made regarding minimum lot requirements for property located at 104 Carter Street. The requestor would like to place a manufactured home on two separate properties, which do not meet the current minimum lot size requirements of 60'x100'. These lots are located outside of the Manufactured Home Restricted Area, with lot sizes being 41.66'x131.66. The requestor is seeking approval prior to purchase of the property.

After lengthy discussion, a motion was made to approve the variance request.

At 7:30 p.m., Mayor Pickett recessed the meeting and reconvened the meeting at 7:38 p.m.

ATTACHMENTS:

- Agenda Form-Variance-Carter (DOCX)
- Carter Info (PDF)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Louie Potetz, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Glazener
ABSENT:	David Arnold

4. Council Action 2017-6

Consider a variance to Section 10.02.122 Table 5, Minimum Lot Requirements for Lots 3 and 12, Block 6 of the Garrett Subdivision (522 Garrett St).

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported that a variance request has been made regarding minimum lot requirements for property located at 522 Garrett Street (Lot 3 & 12, block 6, Garrett Subd.). The property is located outside the Manufactured Home Restricted Area and does not meet current minimum lot size requirements of 60'x100'. The requestor wishes to place manufactured homes on the lots, as they were platted in the 1940's as 50'x80' lots.

After lengthy discussion, a motion was made to approve the variance request.

ATTACHMENTS:

- Agenda Form-Variance-Garrett (DOCX)
- Garrett Info (PDF)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Louie Potetz, Councilperson
SECONDER:	Libby Simonson, Councilperson
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Glazener
ABSENT:	David Arnold

5. Resolution 2017-2

Consider a Resolution requesting action by the Texas Department of Transportation regarding safety and speed issues on State Highway 146 north of the Highway 146 Bypass in Liberty, Texas.

COMMENTS - Current Meeting:

City Management was directed, at the Council Meeting of January 10, 2017, after lengthy discussion with TxDOT officials and Liberty residents to compose a document for distribution to State and local officials, regarding the City's safety concerns with respect to traffic conditions on Hwy. 146N in Liberty. The Resolution addresses the numerous automobile accidents, speed limits, lack of turn lanes, traffic signals, and other related issues.

A motion was made to approve the Resolution as presented.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Louie Potetz, Councilperson
SECONDER:	Libby Simonson, Councilperson
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Glazener
ABSENT:	David Arnold

6. Ordinance 2017-4

Consider adoption of an Ordinance ordering a General Election to be held in the City of Liberty on Saturday, May 6, 2017 authorizing a Joint Election Agreement and Election Services Contract by and between the City of Liberty, Liberty Independent School District, any other contracting entities, and the Liberty County Clerk. Considere una aceptacion a la ordenanza que manda a una eleccion general que tendra lugar en la Ciudad de Liberty, el sabado 6 de mayo del 2017; que autoriza un Acuerdo de Elecciones Conjuntas y un Contrato de los

Servicios de Eleccion por y entre la Ciudad de Liberty, el Distrito Escolar Independiente de Liberty, cualquier otra entidad de contracción y la Oficina del Secretario del Condado de Liberty.

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 ORDERING A GENERAL MUNICIPAL ELECTION TO BE HELD ON THE 6TH DAY OF MAY, 2017 FOR THE PURPOSE OF ELECTING THREE COUNCILMEMBERS; AUTHORIZING A JOINT ELECTION AGREEMENT AND ELECTION SERVICES CONTRACT BY AND BETWEEN THE CITY OF LIBERTY, THE LIBERTY INDEPENDENT SCHOOL DISTRICT, ANY OTHER CONTRACTING ENTITIES AND THE LIBERTY COUNTY CLERK; PROVIDING FOR EARLY VOTING; PROVIDING FOR TWO TWELVE-HOUR DAYS OF EARLY VOTING; PROVIDING FOR PUBLICATION AND NOTICE OF ELECTION; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; 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.

A motion was made to adopt the Ordinance ordering the City's General Election for May 6, 2017.

ATTACHMENTS:

- Joint Election Agreement 2017 (DOCX)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Louie Potetz, Councilperson
SECONDER:	Paul Glazener, Councilperson
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Glazener
ABSENT:	David Arnold

V. WORK SESSION

1. Work Session (ID # 3707)

Discussion regarding bid sale package for property located at 1309 N. Main Street.

COMMENTS - Current Meeting:

Discussion was held regarding the sale of property owned by the City at 1309 North Main Street. This property was previously foreclosed on for taxes and the various taxing entities have executed Interlocal Agreements and deeded their ownership to the City of Liberty. The City demolished the structure, will place the property for sale, and any sale proceed funds over and above the entire cost of demolition will be pro-rated among the taxing entities.

Lengthy discussion included funds expended to date for structure demolition which is currently \$42,917.00, whether or not to plug the water well on the property, minimum bid

requirement, lot size, and other related topics.

At the conclusion of the discussion, it was Council consensus to require a minimum bid of \$65,000 and to leave the water well in its current status.

ATTACHMENTS:

- 1309 Main St. Pkg. (PDF)

2. Work Session (ID # 3708)

Discussion of a proposed Ordinance prohibiting the use of portable electronic devices when operating a motor vehicle.

COMMENTS - Current Meeting:

Discussion was held regarding the dangers of using wireless communication devices while operating a motor vehicle or bicycle. Discussed was driving and texting, use of bluetooth equipment, being legally parked prior to use of wireless devices, effects on emergency responders and government employees in the course of their duties, and other related issues.

This issue will come before Council at a later date.

ATTACHMENTS:

- cell phone ordinance (DOCX)

VI. ADJOURNMENT

Motion To: Adjourn

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