



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, September 11, 2012

6:00 PM

City Council Chambers

I. CALL TO ORDER

The Meeting was called to order on September 11, 2012 at the City Council Chambers, 1829 Sam Houston, Liberty, TX at 6:02 PM by Mayor Carl Pickett.

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Diane Huddleston	Councilperson	Present	
Dennis Beasley	Councilperson	Present	
Frank Jordan	Councilperson	Present	
Louie Potetz	Councilperson	Present	
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Brandon Davis	City Counsel	Present	

II. INVOCATION

The Invocation was given by Lt. Chip Fairchild, Liberty Police Department.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by James Hyant, Motorcycle Club Member.

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. Mayor Pickett stated that this was the 11th anniversary of 9/11, that we should all remember the significance of this day, and acknowledge the loss of approximately 3000 fellow citizens on that fateful day.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2504)

Various Project Updates - City Mgr. Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the status of various projects at the Municipal Airport, and other City-related projects including the Senior Citizens Program, street extension right-of-way, recent power outage, Downtown Task Force, and that a recent armed robbery suspect was arrested.

B. Information Item (ID # 2505)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that the next community shredding event, for sensitive documents, will take place on Saturday, October 20th from 9 a.m. until Noon.

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:	Frank Jordan, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold

A. Minutes Approval

1. Tuesday, August 14, 2012
2. Tuesday, August 28, 2012

B. Council Action 2012-91

Library Board Appointments

COMMENTS - Current Meeting:

The following appointments were made to the Liberty Municipal Library Board:

Susan LaCour, Pam Litton, Abby Cumbie, Mychal English, and Helen Lamberth for two-year terms. Beverly Davis was appointed to fill an unexpired term.

VII. REGULAR AGENDA**A. Regular Session****1. Council Action 2012-92**

Presentation by the Liberty Trivium Club in Support of Curbside Recycling, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mrs. Laurie Elliott addressed Council as a representative of the Liberty Trivium Club. Ms. Elliott distributed a copy of a petition regarding the need for recycling and the preservation of a healthy environment. Ms. Elliott further discussed issues and topics related to recycling and relaying, on behalf of the Trivium Club, the City's history of community service and beautification. City Manager Gary Broz and Waste Management representative, Terry Woodson reported on various recycling programs, statistics, and a possible recycling subscription program.

Ms. Woodson is to return to the October Council Meeting with detailed statistics and figures for the possible recycling subscription program.

ATTACHMENTS:

- Trivium Club Request (PDF)

RESULT: NO ACTION TAKEN

2. Council Action (ID # 2507)

Presentation by Lina Rodriguez Regarding Signage in the City of Liberty for Motorcycle Awareness, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Ms. Lina Rodriguez addressed Council regarding motorcycle awareness, as she lost her fiancé in a motorcycle accident earlier this year. Mr. Rodriguez stated the need for signage that would heighten awareness in sharing the road with motorcycles and keeping the roadways safe. Ms. Rodriguez further stated that her purpose was now to do what she could to help save other lives. After further discussion, Ms. Rodriguez was directed to meet with City Engineer Tom Warner regarding various signage and related costs. City Manager Gary Broz stated that he would see that Ms. Rodriguez request was honored and signage be placed in various locations within the City.

ATTACHMENTS:

- Lina Rodriguez Request (PDF)

3. Council Action 2012-93

Consider a Variance Request for Property Located at 1610 Wallisville Road, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Candice Motschman, Inspection Department, reported on a variance request by Ms. Etta Brooks for 1610 Wallisville Road. Ms. Motschman stated that Ms. Brooks would like to replace a FEMA issued manufactured home, with a new manufactured home. The property has multiple single family dwellings, which prohibits issuance of an additional permit for a dwelling. The City's Code of Ordinance allows only one single family dwelling per legally described lot. Ms. Motschman stated that this dwelling was previously owned by Ms. Brooks brother who received permission to keep the FEMA trailer as a permanent residence, from a previous interim city manager.

After lengthy discussion of the subdivision ordinance, cost to subdivide the property, the property being outside the no manufactured home zone, this being a unique situation as permission was granted to allow the FEMA manufactured home to remain as a permanent residence by previous management, without going through the proper channels, a motion was made to grant the variance request.

ATTACHMENTS:

- 1610 Wallisville Variance Request (PDF)

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

4. Council Action 2012-94

Consider a Variance Request for Property Located East of Fannin Street on Dr. Martin Luther King, Jr. Drive, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mayor Pickett called for joint discussion on agenda items number 4 and 5. Ms. Motschman, Inspection Department, reported on a variance request, by Mr. Houston Daniel, to encroach on setback lines where the old Chicken Shack Building and Noack Building sit at MLK and Fannin and MLK and San Jacinto. Ms. Motschman further reported that these buildings will be permanently set, restored to their historical appearance, remodeled on the inside, and landscaped with parking spaces provided.

After brief discussion, a motion was made to grant the variance for the Chicken Shack Building on the property located east of Fannin Street on Dr. Martin Luther King, Jr. Drive, with work to be completed within six months from the issuance date of the permit.

ATTACHMENTS:

- Fannin & MLK Daniel Variance Request (PDF)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Louie Potetz, Councilperson
SECONDER:	Frank Jordan, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold

5. Council Action 2012-95

Consider a Variance Request for Property Located at the Northeast Corner of San Jacinto and Dr. Martin Luther King, Jr. Drive, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

A motion was made to grant the variance for the Noack Building on property located at the northeast corner of San Jacinto and Dr. Martin Luther King, Jr. Drive, with work to be completed within six months from the issuance date of the permit.

ATTACHMENTS:

- San Jacinto and MLK variance request Daniel (PDF)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Louie Potetz, Councilperson
SECONDER:	Frank Jordan, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold

6. Resolution 2012-14

Consider a Resolution Appointing a Representative to the Sam Rayburn Municipal Power Agency Board of Directors.

COMMENTS - Current Meeting:

A motion was made re-appointing Mayor Pickett as a representative to the Sam Rayburn Municipal Power Agency Board of Directors.

At 7:23 p.m., Mayor Pickett called for a brief recess in the meeting. The meeting was reconvened by Mayor Pickett at 7:29 p.m.

RESULT:	APPROVED [6 TO 0]
MOVER:	Libby Simonson, Councilperson
SECONDER:	Diane Huddleston, Councilperson
AYES:	Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold
ABSTAIN:	Carl Pickett

7. Ordinance 2012-5

Consider an Ordinance Adopting the Budget for Fiscal Year 2012-2013.

COMMENTS - Current Meeting:

Mayor Pickett read the proposed budget ordinance into the record, in its entirety, which establishes \$31,989,658.00 as a total balanced budget for the new fiscal year operations. A motion was made to adopt the Ordinance setting and establishing the Fiscal Year 2012-2013 operating budget, as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Libby Simonson, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold

8. Council Action 2012-96

Consider Ratification of the Property Tax Revenue Increase Reflected in the FY 2012-2013 Budget.

COMMENTS - Current Meeting:

A motion was made to ratify the property tax revenue increase reflected in the FY 2012-2013 Budget.

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

9. Ordinance 2012-6

Consider an Ordinance Adopting the Tax Rate for FY 2012-2013.

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the Ordinance into the record as follows: "TAX RATE ADOPTION". A motion was made to adopt the Ordinance setting a tax rate of \$0.5900 per \$100 valuation.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Frank Jordan, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold

10. Ordinance 2012-7

Consider an Ordinance Regarding Tax Roll Approval and the Tax Levy.

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the Ordinance into the record as follows: "TAX ROLL APPROVAL AND TAX LEVY". A motion was made to approve the Ordinance approving the tax roll for 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Libby Simonson, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold

11. Council Action 2012-97

Consider Appointments to the 2013 Houston-Galveston Area Council General Assembly.

COMMENTS - Current Meeting:

A motion was made to appoint Councilperson Jordan as the City's delegate to the 2013 Houston-Galveston Area Council General Assembly. No alternate was appointed.

ATTACHMENTS:

- HGAC Gen Asssembly 2013 (PDF)

RESULT:	APPROVED [6 TO 0]
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Diane Huddleston, Councilperson
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Arnold
ABSTAIN:	Frank Jordan

12. Council Action 2012-98

Consider Approval of Amendment No. 8 To the Brazos Transit District Agreement with the City of Liberty, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mr. Broz reported on Amendment No. 8 to the agreement with the Brazos Transit District for bus service in the City of Liberty. Mr. Broz reported on ridership, the new bus schedule, and stated that this two-year agreement costs the City an annual expenditure of \$5200. A motion was made to approve Amendment No. 8.

ATTACHMENTS:

- Brazos Transit Amend. No. 8 (PDF)

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

13. Council Action (ID # 2518)

Consider Approval of a Process and Timeline for Appointment/Replacement of a Municipal Court Judge.

COMMENTS - Current Meeting:

Mr. Broz addressed Council regarding Municipal Court Judge Bobby Rader, who will soon be resigning to assume the duties of Liberty County Sheriff. A replacement will need to be made by January 1, 2013. Mr. Broz presented a proposed timeline for accepting resumes, conducting interviews, and final appointment. Council by consensus gave the City Manager approval to move forward with the process.

Mr. Broz reported that a noon meeting of the City Council will be held on Tuesday, September 25th for discussion and approval of bank depository services.

VIII. ADJOURNMENT**A. Motion To: Adjourn****COMMENTS - Current Meeting:**

There being no further business before the Council, Mayor Pickett adjourned the meeting at 7:52 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary