



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, May 10, 2016

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	
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Present	
Paul Glazener	Councilperson	Present	
Frank Jordan	Councilperson	Absent	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Brandon Davis	City Attorney	Present	

II. INVOCATION

The Invocation was given by Pastor Mike Glazener, Cornerstone Church, Liberty, Texas.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Mr. Michael Dorsett.

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 that there would be a Special Called Council Meeting on May 24th and reminded the Council of the upcoming Texas Municipal League Region 16 Meeting to be held in Liberty on May 26th.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 3500)

Project Updates - City Mgr. G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on numerous ongoing City projects including, but not limited to power outages, sinkhole repairs, site preparation for new playground equipment, water and wastewater improvement process moving along well, budget process in the beginning stages, and other City issues.

B. Information Item (ID # 3501)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that the next Shred-It Event will take place on Saturday, June 18th, from 9 a.m until Noon. This event will include electronic recycling and roll-off containers for paper, plastic and aluminum.

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

A. Minutes Approval

1. Tuesday, April 12, 2016
2. Tuesday, April 26, 2016

B. Council Action 2016-32

Consider the dates of March 24 & 25 for the 2017 Liberty Jubilee, and take any action deemed necessary.

VII. REGULAR AGENDA

A. Regular Session

1. Resolution 2016-2

Canvass Returns of the City of Liberty General Election held on May 7, 2016, and approve the Resolution declaring the results.

COMMENTS - Current Meeting:

Mayor Pickett referred to the proposed Resolution, canvassing the votes of the General Election held on May 7, 2016. As a result of the May 7th election cycle, the following individuals were elected to office:

Carl Pickett	Mayor
Paul Glazener	Council Member
David Arnold	Council Member
Louie Potetz	Council Member

City Manager Gary Broz read a letter from former Council Member Frank Jordan stating that it was an honor to serve the citizens of Liberty and wished the new members success in their endeavors.

A motion was made to approve the Resolution.

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

2. Information Item (ID # 3504)

Oath of Office to be administered to newly elected officials. - Judge Mike Little

COMMENTS - Current Meeting:

Municipal Court Judge Michael Little issued the Oath of Office to those individuals elected to office as a result of the May 7, 2016 General Election:

Carl Pickett	Mayor
Paul Glazener	Council Member
David Arnold	Council Member

Louie Potetz

Council Member

ATTACHMENTS:

- Oath of Office Form (DOC)

3. Council Action 2016-33

Elect a Mayor Pro-Tem.

COMMENTS - Current Meeting:

A motion was made to nominate and re-elect Diane Huddleston as Mayor Pro Tem.

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

4. Council Action 2016-34

Consider appointments to the Planning & Zoning Commission.

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported that the Planning & Zoning Commission is comprised of five members, appointed by City Council, to serve three-year terms. Those members whose terms expire are Larry Wagnon and Alternate Mike Page. Another individual, Mr. Ryan Daniel, has submitted his name for possible appointment to the Board. Ms. Tidwell also stated that there is a second alternate position that has been vacant for some time.

A motion was made to appoint the following members to the Planning and Zoning Commission:

Larry Wagnon	Board Member
Mike Page	Alternate Board Member
Ryan Daniel	Alternate Board Member

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

5. Council Action 2016-35

Consider appointments to the Liberty Community Development Corporation.

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported that the Liberty Community Development Corporation Board Members serve two-year terms and that 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 Dennis Beasley, Louie Potetz, Barbara Norwood and Mike McCarty.

A motion was made to reappoint the following members to the LCDC Board of Directors:

Dennis Beasley - Louie Potetz - Barbara Norwood - Mike McCarty.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Libby Simonson, Councilperson
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Arnold, Glazener

6. Public Hearing (ID # 3508)

Public Hearing on the Condemnation of the structure located at 1409 Cos Street.

COMMENTS - Current Meeting:

At 6:33 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 1409 Cost Street. Public Works Director Tom Warner reported that this structure was damaged by fire in August, 2015; the home is not secured and creates an unsafe environment for nearby residents. City Attorney Brandon Davis questioned Mr. Warner regarding the various issues with the property and the notification process whereby the owner is notified of the hearing. Also discussed were taxes, property value, possible 60-day time period for demolition by the owners, and other related information.

An interpreter was called, and upon his arrival, the Public Hearing was to be re-opened to allow further discussion and ensure the property owners were fully aware of the proceedings.

At 6:50 p.m., Mayor Pickett closed the Public Hearing.

At 7:09 p.m., Mayor Pickett reopened this Public Hearing for brief discussion, as the interpreter was present and spoke with the property owners.

At 7:13 p.m., Mayor Pickett, once again, closed the Public Hearing.

ATTACHMENTS:

- Agenda Item Form-Cos Street (DOCX)
- Cos Street Info (PDF)

7. Council Action 2016-36

Consider an Order of Abatement for the structure located at 1409 Cos Street.

COMMENTS - Current Meeting:

A motion was made to give the property owners 60 days in which to complete the demolition of the structure at 1409 Cost Street, and if not completed within the 60 days, the City is authorized to proceed with the demolition and place a lien on the property.

ATTACHMENTS:

- Order of Abatement 1409 Cos (DOC)

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

8. Public Hearing (ID # 3510)

Public Hearing on the condemnation of the structure located at 109 Mimosa Street.

COMMENTS - Current Meeting:

At 6:50 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 109 Mimosa Street. Public Works Director Tom Warner reported that this structure was damaged by fire in July, 2015; the home is not secured and creates an unsafe environment for nearby residents. Attorney Brandon Davis questioned Mr. Warner regarding the various issues with the property and the notification process whereby the owner is notified of the hearing. Also discussed were taxes, property value, fireplace and sun room, possible 90-day time period for partial demolition and rehabilitation by the owners, and other related information.

At 7:05 p.m., Mayor Pickett closed the Public Hearing.

ATTACHMENTS:

- Agenda Item Form-Mimosa St (DOCX)
- Mimosa Street Info (PDF)

9. Council Action 2016-37

Consider an Order of Abatement for the structure located at 109 Mimosa Street.

COMMENTS - Current Meeting:

A motion was made to give the property owners 90 days in which to complete the demolition of the structure at 109 Mimosa Street except for the fireplace and sun room, contingent upon a structural engineer's report, at 45 days, that it was safe to leave the fireplace and sun room intact. If not complete within the 90-day period, the City is authorized to proceed the demolition and place a lien on the property.

ATTACHMENTS:

- Order of Abatement 109 Mimosa (DOC)

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

10. Council Action 2016-38

Consider a variance to the Manufactured Homes and Manufactured Home Parks Ordinance, Section 3.08.032 Location and replacement restrictions, and take any action deemed necessary.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported that the variance request to the Manufactured Home Ordinance includes the placement of a 1999 manufactured home on property located at

1010 Minglewood Road. Mr. Warner stated that the Ordinance specifies that any new or replacement home located in the non-restricted area of the City must be no more than ten (10) model years of age older than the current model year and satisfy HUD-Code requirements. This request was also taken to the Planning & Zoning Commission, which voted to deny the variance.

After discussion, a motion was made to deny the variance request to the Manufactured Homes and Manufactured Home Parks Ordinance, Section 3.08.032.

ATTACHMENTS:

- Agenda Form-Variance Minglewood-Manuf. Home (DOCX)
- Minglewood MH-Info (PDF)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Libby Simonson, Councilperson
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Arnold, Glazener

11. Council Action 2016-39

Consider a request to abandon the unimproved sixty (60) foot Sharon Lane Right-of-Way from the north right-of-way line of Briar Drive to the north approximately 294.45 feet, and take any action deemed necessary.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported the City received a request to abandon the unimproved right-of-way of Sharon Lane, north of Briar Drive. Acceptance of the original Briargate Subdivision in 1969 included a 60-foot right-of-way on the north and south sides of Briar Drive. The section of Sharon Lane, south of Briar Drive, has over time been improved. The abandonment is requested for the purpose of residential construction. This item was taken to the Planning and Zoning Commission and the request approved.

A motion was made to approve the request to abandon the 294.45 of unimproved right-of-way of Sharon Lane, north of Briar Drive as presented.

ATTACHMENTS:

- Agenda Form-Sharon Lane ROW Abandonment (DOCX)
- Sharon Lane ROW Abandonment-Info (PDF)

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

12. Council Action 2016-40

Consider a bid for Tax Resale Property described as a mobile home on Lot 21, Sec 1, Richardson, Label #RAD 1060704 (Church St., SLOF).

COMMENTS - Current Meeting:

City Attorney Brandon Davis reported that an offer of \$2000.00 was made for tax resale property located in the South Liberty Oilfield. Total taxes owed are \$16,325.41 and of that

amount, \$268.40 will be distributed to the City. Mr. Davis stated that this sale consists of a mobile home only, not the property on which it is located.

After brief discussion, a motion was made to accept the bid of \$2000.00 for the tax resale property described as the Mobile Home on Lot 21, Sec 1, Richardson, Label #RAD 1060704.

ATTACHMENTS:

- Tax Sale Property-SLOF MH (PDF)

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

13. Council Action 2016-41

Consider a bid for Tax Resale Property described as Liberty Inner Blocks, Block 119, Lot PT 2 Track 3 (Sam Houston St.).

COMMENTS - Current Meeting:

City Attorney Brandon Davis reported that an offer of \$3,051.16 was made for tax resale property located on Sam Houston Street. Total taxes owed are \$2,359.76 and of that amount \$549.48 will be distributed to the City. Mr. Davis stated that the bid amount is a 100% offer, as it includes court costs and other related fees. The bidder is the previous property owner making an attempt to reclaim his property.

A motion was made to accept the offer of \$3,051.16 for the property described as Liberty Inner Blocks, Block 119, Lot PT 2 Track 3.

ATTACHMENTS:

- Tax Resale Property-Sam Houston (PDF)

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

14. Council Action 2016-42

Discussion on providing transformers for Liberty High School upgrades, and take any action deemed necessary.

COMMENTS - Current Meeting:

Lengthy discussion was held regarding transformers for Liberty High School upgrades and proposals submitted, including the size and number of transformers needed, cost, question regarding ownership of existing school transformer, and other related issues. The School District has requested assistance in furnishing this equipment. Consensus was that the current proposals be re-evaluated and this item be brought before Council at a later date.

At 7:42 p.m., Mayor Pickett recessed the meeting for a short break.

At 7:59 p.m., Mayor Pickett reconvened the meeting.

RESULT: NO ACTION TAKEN

15. Council Action 2016-43

Discussion regarding the City of Hardin and City of Ames wastewater flows, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz reviewed with Council the meter readings for both the City of Ames and City of Hardin's wastewater flows. Discussion was held regarding overages, sending a letter to Ames regarding daily threshold limits, the possible installation of a meter and valve at the manhole where the wastewater from Hardin is discharged into the City of Liberty's wastewater system, stress on the City of Liberty's Wastewater Treatment Plant and other related topics.

A motion was made to authorize the City Manager to send a letter to the City of Ames stating that the City of Liberty would be enforcing the daily threshold limits and inform both cities of the charge for the 6 million gallon monthly overage.

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

16. Council Action 2016-44

Consider ratifying agreement with Bureau Veritas for Plan Review Services, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz requested Council's ratification of the Agreement with Bureau Veritas. Mr. Broz stated that this company is endorsed by the Texas Municipal League and provides plan review and inspection services.

A motion was made to ratify the Agreement with Bureau Veritas.

ATTACHMENTS:

- Bureau Veritas Agreement (PDF)

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

17. Council Action 2016-45

Consider a vehicle purchase for the Liberty Fire Department, and take any action deemed necessary.

COMMENTS - Current Meeting:

This agenda item was passed on.

RESULT: NO ACTION TAKEN

18. Council Action 2016-46

Consider ratifying expenditures for emergency wastewater repairs on Lakeland Drive, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on emergency wastewater repairs on Lakeland Drive, behind Potetz Lumber Company. The sinkhole repairs are necessary as a result of the tremendous amount of recent rainfall and aging infrastructure. Lengthy discussion was held regarding two proposals received, various types of pipe, joint separation, use of the open-cut process or the more expensive pipe bursting process for repairs, and other related issues.

A motion was made to approve the open-cut method of repairs, by 5-T Utilities, on Lakeland Drive for a cost of \$36,750.00.

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

VIII. ADJOURNMENT**A. Motion To: Adjourn**

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:19 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary