



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, December 13, 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	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Brandon Davis	City Attorney	Present	

II. INVOCATION

Mayor Pickett passed on the Invocation.

III. PLEDGE OF ALLEGIANCE

The pledge to the American and Texas flags was led by Coach Slack and Coach Slack, respectively.

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. Mr. Bill Killian, LT's Garbage Service reported on the City's new solid waste service to date and thanked Council and Management for the opportunity to serve the City.

The following comments were made by Council, Management and Staff:

Mayor Pickett reported on a Blood Drive to be held December 21 in the Liberty Center for DPS Trooper Chad Blackburn. Mayor Pickett also wished everyone a Merry Christmas and Happy New Year.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 3668)

Proclamation-Liberty High School Football Team-Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett read a Proclamation honoring the Liberty High School Football Team for their success on the field in reaching the Regional Semi-Finals for the first time in 53 years.

Coach Taylor thanked the Council for the proclamation and expressed appreciation for the support shown by the community.

B. Information Item (ID # 3664)

Project Updates - City Mgr. G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the status of current city projects:

- Success of the Annual Employee Christmas Dinner
- Water and Wastewater projects moving ahead
- Repair work continues on sinkholes
- Electric upgrades moving slowly, easement issues being addressed
- Should receive approximately \$1.2 million in FEMA funds
- Hardin and Ames wastewater flows
- New sinkhole at San Jacinto and Edgewood
- Other City projects.

C. Information Item (ID # 3665)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported on transformer installation, Agency lawsuit and SRMPA minutes.

D. Information Item (ID # 3666)

Charter Review Commission - City Sec. D. Tidwell

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported that appointments to the 2017 Charter Review Commission would take place at the January Council Meeting. Ms. Tidwell reviewed the Commission membership and previous 2015 Commission members.

E. Information Item (ID # 3667)

City Council Filing Period - City Sec. D. Tidwell

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported on the upcoming General Election for Council Members to be held May 6, 2017. Ms. Tidwell reported on those whose terms expire and the period for filing an application for a place on the ballot. Those dates are January 18 thru February 17, 2017. Ms. Tidwell also stated that candidate packets will soon be available in the City Secretary's Office and on the City's website.

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:	Dennis Beasley, Councilperson
SECONDER:	Paul Glazener, Councilperson
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Arnold, Glazener

A. Minutes Approval

1. Tuesday, November 08, 2016
2. Tuesday, November 15, 2016
3. Friday, November 18, 2016

VII. REGULAR AGENDA

A. Regular Session

1. Ordinance 2016-18

Consider adoption of an Ordinance of the City of Liberty, Texas annexing a 147.2 Acre (0.23 square miles) tract of land, providing for the extension of certain boundary limits of the City to include certain territory described by Liberty County Appraisal District Records as Property ID # 15145; 19047; 18848; and 18847; approving petitions for voluntary annexation by certain

owners in the territory to be annexed; authorizing Local Government Code Chapter 380 Agreements providing a tax refund to certain properties; providing that annexed territory bears pro rata part of taxes; adopting a Service Plan for the annexed properties; authorizing Development Agreements for certain properties to remain in the Extraterritorial Jurisdiction of the City; providing a savings clause; and dispensing with the requirement of Section 3.10 of the Home Rule Charter that all ordinances be read on two separate days.

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the Ordinance into the record as follows:

"CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS ANNEXING A 147.2 ACRE (0.23 SQUARE MILES) TRACT OF LAND, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY TO INCLUDE CERTAIN TERRITORY DESCRIBED BY LIBERTY COUNTY APPRAISAL DISTRICT RECORDS AS PROPERTY ID # 15145; 19047; 18848; AND 18847; APPROVING PETITIONS FOR VOLUNTARY ANNEXATION BY CERTAIN OWNERS IN THE TERRITORY TO BE ANNEXED; AUTHORIZING LOCAL GOVERNMENT CODE CHAPTER 380 AGREEMENTS PROVIDING A TAX REFUND TO CERTAIN PROPERTIES; PROVIDING THAT ANNEXED TERRITORY BEARS PRO RATA PART OF TAXES; ADOPTING A SERVICE PLAN FOR THE ANNEXED PROPERTIES; AUTHORIZING DEVELOPMENT AGREEMENTS FOR CERTAIN PROPERTIES TO REMAIN IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY; PROVIDING A SAVINGS CLAUSE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS."

Mr. Art Pertile, Olson & Olson, LLP was present to report on the annexation process to include notification of property owners, public hearings, and other related issues. Mr. Pertile described the property to be annexed, none of which include any residences.

A motion was made to adopt the Ordinance providing for the extension of certain boundaries of the City of Liberty, described as a 147.2 Acre (0.23 sq. miles) tract of land, to include certain territory described by Liberty County Appraisal District Records as Property ID # 15145; 19047; 18848; and 18847.

ATTACHMENTS:

- Exhibit 1-Phase II Ord Adoption (PDF)
- Exhibit 2 - Phase II Ord Adoption (PDF)
- Exhibit 3-Phase II Ord Adoption (PDF)
- Exhibit 4-Phase II Ord Adoption (PDF)
- Exhibit 5-Phase II Ord Adoption (PDF)

RESULT:	ADOPTED [6 TO 1]
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Glazener
NAYS:	Louie Potetz

2. Resolution 2016-9

Consider a Resolution declaring the intention of the City of Liberty, Texas, to annex certain territory described as 1.03 square miles beginning at the Southeast Corner of the Rayonier Texas Timberlands Acquisition LLC Tract recorded in the Official Public Records, Liberty County, Texas, having coordinates of N:9993970.39 E:4047961.98; setting the dates, times, and places for two public hearings at which all interested parties shall have an opportunity to be heard; providing for publication of notices of such public hearing; and directing preparation of a Municipal Service Plan for the territory proposed to be annexed.

COMMENTS - Current Meeting:

Mr. Art Pertile, Olson & Olson LLP was present to discuss the proposed Phase III Annexation. Mr. Pertile described the proposed annexation as five (5) properties, with two (2) being ag exempt properties. Mr. Pertile further reviewed the process to include notification of property owners and public hearings. This property is described as 1.03 square miles beginning at the Southeast Corner of the Rayonier Texas Timberlands Acquisition LLC Tract recorded in the Official Public Records, Liberty County, Texas, having coordinates of N:9993970.39, E:4047961.98.

A motion was made to approve the Resolution of Intent to annex the above-mentioned property.

ATTACHMENTS:

- Phase III Resolution - Tract 3 Metes & Bounds (PDF)

RESULT:	APPROVED [6 TO 1]
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Glazener
NAYS:	Louie Potetz

3. Ordinance 2016-19

Consider adoption of an Ordinance amending the Master Fee Schedule to include fees associated with refuse collection.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on various options and related costs for removing refuse from the right-of-way of a street or alley not previously collected through regular solid waste collection services. Reference for the City's authority to remove this type of debris is found in the City's Code of Ordinances, Section 13.04.050.

After lengthy discussion, a motion was made to amend the Master Fee Schedule Ordinance to include fees for this service as follows: Option #4 -\$10 Administrative Fee and a fee of \$25.00 per cubic yard; with this service to be provided by LT's Garbage Service on a case by case basis.

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

4. Council Action 2016-113

Consider award of a new pickup truck for the Street Department.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on proposals for a pickup for the Street Department. Mr. Broz reviewed the budgeted amount of \$23,500.00 and the quotes from the following:

Liberty-Dayton Chrysler - Dodge	\$22,400.00
BJ Ford	\$25,337.00
Turner Chevrolet - Crosby	\$36,230.00

After brief discussion, a motion was made to award the purchase of the vehicle from Liberty-Dayton Chrysler for a cost of \$22,400.00.

ATTACHMENTS:

- Vehicle Costs (PDF)

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

5. Council Action 2016-114

Consider award of a new pickup truck and cage for the Animal Control Department.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on a proposed vehicle purchase for the Animal Control Department. Proposals were received from Liberty-Dayton Chrysler in the amount of \$40,000 and BJ Ford in the amount of \$39,599.50.

After brief discussion of the \$39,000 budget for this vehicle and the extra space provided in the Dodge vehicle, a motion was made to award the purchase of the new vehicle to Liberty-Dayton Chrysler in the amount of \$40,000.

ATTACHMENTS:

- Vehicle Costs (PDF)

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

6. Council Action 2016-115

Consider award of a vehicle for the Police Department, CID Division.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the proposed purchase of a vehicle for the Police Department CID. Bids were received from Liberty-Dayton Chrysler for a 4D Sedan (Charger) in the amount of \$21,100.00 and a 4D Sedan (Fusion) from BJ Ford in the amount of 21,043.25, each to include a new \$3600 radio.

After brief discussion of these vehicles, a motion was made to approve the purchase of the Ford Fusion from BJ Ford, to include the \$3600 radio, in the amount of \$21,043.25.

ATTACHMENTS:

- Vehicle Costs (PDF)

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

7. Council Action 2016-116

Consider award of contract for the demolition of the apartment building located at 1309 N. Main Street.

COMMENTS - Current Meeting:

City Attorney Brandon Davis reported on the proposed demolition of the apartment building located at 1309 N. Main Street. Mr. Davis stated that this property was taken for taxes and the various taxing entities have signed Interlocal Agreements and deeded their ownership to the City of Liberty. The City will demolish the structure, place the property for sale, and any remaining funds over and above the entire cost of demolition will be pro-rated among the taxing entities. Mr. Davis reported that the Central Appraisal District value for this property (not to include the structure) is \$69,530.00.

After discussion of the property and related issues, a motion was made to approve the low bid for the demolition from Scarberry Demolition, Inc., La Marque, Texas and a property appraisal prior to sale of the property.

ATTACHMENTS:

- Demolition Quotes (PDF)

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

8. Council Action 2016-117

Consider award of contract for a new splash pad at the Liberty Municipal Park.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported on proposals received for rehabilitation of the splash pad and additional features at the Liberty Municipal Park. Lengthy discussion was held regarding the proposals from Kraftsman, Fun Abounds, and Heart Land Play, to include the various options and costs for restoration.

A motion was made to approve Proposal No. 2 (replace filtration system & restoration of existing spray features and enlarge splash pad and install new spray features) from Fun Abounds in the amount of \$307,862.00.

ATTACHMENTS:

- Splash Pad Proposals (PDF)

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

9. Council Action 2016-119

Discussion regarding chairs and tables in the Liberty Center, and take any action deemed necessary.

COMMENTS - Current Meeting:

Management and Council discussed the need for new chairs and tables for the Liberty Center. Topics of discussion and direction to management included contacting vendors for recommendation for sturdy and long lasting chairs, prices for round tables (of which the City currently has none) and other related topics.

RESULT:	NO ACTION TAKEN
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10. Council Action 2016-120

Consider appointments to the 2016-2019 Airport Advisory Board.

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported on the Airport Advisory Board, membership requirements and the current Board Members. After brief discussion, a motion was made to reappoint the following members to the 2016-2019 Airport Advisory Board:

Bill Sjolander, Dale Clawson, Mike McCarty, Chet Tims, Dennis Beasley and Darrell Taylor.

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

11. Council Action 2016-121

Consider appointments to the 2016-2019 Community Development Advisory Board.

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported on the Community Development Advisory Board, membership requirements and current Board Members. After brief discussion, a motion was made to appoint the following members to the 2016-2019 Community Development Advisory Board:

Frank Jordan, Donny Smith, Howard Brister, Jaime Carter, Holly Hargis, Martha Goodwin, and Paul Glazener.

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

B. WORK SESSION**1. Work Session (ID # 3680)**

Discussion of the Sign Ordinance.

COMMENTS - Current Meeting:

City Attorney Brandon Davis led a discussion regarding the City's Sign Ordinance and recent rulings from the U.S. Supreme Court that rendered a determination that a city ordinance that causes a city employee to read a sign to decide how the ordinance applies to that sign, is an inappropriate ordinance.

Mr. Davis reviewed the ordinance with changes to be made subject to the rulings and other necessary changes. This ordinance will be brought before Council at the January meeting.

2. Work Session (ID # 3681)

Discussion of tiny homes and building regulations.

COMMENTS - Current Meeting:

Public Works Director led a discussion of tiny homes, building regulations, and placement/location of these homes. Mr. Warner stated that the general size of these homes is approximately 400 square feet. Most cities regulate these homes by use of zoning laws, however the City of Liberty, with no zoning, must find an alternate way to regulate these homes. Mr. Warner continued by stating that some cities are promoting tiny home communities. Lengthy discussion ensued, with this item to be placed on a future meeting agenda.

C. Executive Session

Government Code §551.071

Private Consultation with Attorney on all subjects or matters authorized by law:

1. Pending and/or Contemplated Litigation - Engineering Contract.

At 8:20 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

D. Reconvene into Regular Session

At 8:45 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2016-118

Consider and take action, if any, on the items as discussed in the Executive Session.

COMMENTS - Current Meeting:

A motion was made to authorize the City Manager to handle the issues as discussed in the Executive Session.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Libby Simonson, Councilperson
SECONDER:	Paul Glazener, 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 8:46 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary