



The City of Liberty
City Council
Regular Meeting
~ Agenda ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, February 14, 2017

6:00 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	Arrived
Mayor Carl Pickett	☐	☐	☐	
Mayor Pro Tem Diane Huddleston	☐	☐	☐	
Councilperson Dennis Beasley	☐	☐	☐	
Councilperson Louie Potetz	☐	☐	☐	
Councilperson Libby Simonson	☐	☐	☐	
Councilperson David Arnold	☐	☐	☐	
Councilperson Paul Glazener	☐	☐	☐	

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

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.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 3710)

Fire Dept Presentation - Chief Hurst

B. Information Item (ID # 3711)

Project Updates - City Mgr. G. Broz

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.

A. Minutes Approval

1. Tuesday, January 10, 2017
2. Tuesday, January 24, 2017
3. Tuesday, January 31, 2017

VII. REGULAR AGENDA

A. Regular Session

1. Council Action (ID # 3712)

Discussion with Mr. Mike Goins, Entergy, regarding Sam Rayburn Municipal Power Agency electrical matters, and take any action deemed necessary.

- Agenda Item Request (PDF)

2. Information Item (ID # 3713)

Presentation by Mr. Bruce Wright regarding the Liberty ISD Education Foundation Liberty Freedom Ride 2017.

3. Council Action (ID # 3714)

Consider ratifying the Liberty Community Development Corporation's expenditure of \$7500.00 toward sponsorship and funding of the Liberty ISD Education Foundation Liberty Freedom Ride 2017, and take any action deemed necessary.

4. Ordinance (ID # 3715)

Consider adoption of an Ordinance authorizing participation with other Entergy service area cities in matters concerning Entergy Texas, Inc. at the Public Utility Commission of Texas and the Federal Energy Regulatory Commission in 2017.

B. WORK SESSION

1. Work Session (ID # 3716)

Discussion of a proposed Ordinance regulating tiny homes.

2. Work Session (ID # 3717)

Discussion of a proposed Ordinance amending Article 4.09 of the Code of Ordinances regulating mobile food vendors.

- ORD - Mobile Food Vendor Amendment (DOCX)

3. Work Session (ID # 3718)

Discussion of a proposed Ordinance amending Article 8.05 of the Code of Ordinances regulating junk vehicles.

C. Executive Session

Government Code §551.087

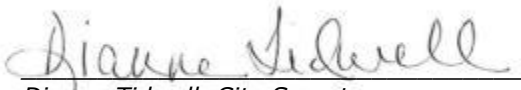
Deliberation Regarding Economic Development Negotiation - Prospective Businesses.

D. Reconvene into Regular Session**1. Council Action (ID # 3719)**

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

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

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 10th day of February, 2017 at 4:30 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 _____, 2017.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.A

Meeting: 02/14/17 06:00 PM

Department: Administration
Category: Presentations

INFORMATION ITEM (ID # 3710)

DOC ID: 3710



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.B

Meeting: 02/14/17 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 3711)

DOC ID: 3711



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, January 10, 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	Absent	
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

The Invocation was given by Pastor Robert Searles, Mt. Rose Missionary Baptist Church.

III. PLEDGE OF ALLEGIANCE

The pledge to the American and Texas flags was led by Liberty Resident, Mr. Michael English.

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 there are two upcoming Council Meetings scheduled for January 24 and

Minutes Acceptance: Minutes of Jan 10, 2017 6:00 PM (Minutes Approval)

January 31st which are primarily in regard to annexation issues.

At this time, Public Works Director Tom Warner made a presentation on the Water/Wastewater Department's new self-propelled video camera for inspecting sanitary sewer lines for tap locations, line failures and blockages. The camera was demonstrated for the Council, who approved the purchase of this camera on November 8, 2016 for a cost of \$41,944.00.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 3683)

LISD Video Presentation - Mayor Pickett

COMMENTS - Current Meeting:

Dr. Cody Abshier, Liberty ISD Superintendent, presented a YouTube video on the merits and qualities of Liberty High School entitled "Path to Excellence".

B. Information Item (ID # 3684)

Project Updates - City Mgr. G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on various City projects and the status of each to include: 1) electric upgrades continuing to move forward 2) continuing to have sinkhole issues, most recently at Travis & Adams 3) Leonard Apartments on Main Street have been demolished and preparing a bid package for sale of the property 4) Texas Water Development Board Water Project moving forward 5) public hearings to begin soon on mile 3 of the proposed annexation of property 6) other related projects.

C. Information Item (ID # 3685)

Election Update - City Sec. D. Tidwell

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported that the period for signing an application for a place on the City's General Election ballot will begin January 18th and continue through February 17th. Candidate packets are ready for pick up, with this information also 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, Beasley, Potetz, Simonson, Arnold, Glazener
ABSENT:	Diane Huddleston

A. Minutes Approval

1. Tuesday, December 13, 2016

VII. REGULAR AGENDA

A. Regular Session

1. Resolution 2017-1

Consider approval of a Resolution adopting certain civil rights and equal opportunity policies to ensure compliance with state and federal policies.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that this Resolution requires passage due to the City receiving Texas Community Development Block Grant funding through the Texas Department of Agriculture. The Resolution states that the City will comply with all federal rules and regulations governing citizen participation and civil rights procedures.

A motion was made to approve the Resolution as presented.

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

2. Information Item (ID # 3694)

Proclamation declaring January as Fair Housing Month.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that this Proclamation proclaims January, 2017 as Fair Housing Month in support of national Fair Housing laws. Mayor Pickett read the Proclamation in its entirety.

ATTACHMENTS:

- Proclamation-Fair Housing Month (DOC)

3. Ordinance 2017-1

Consider adoption of an Ordinance amending the Code of Ordinances, Article 3.09 regarding the regulation of temporary signs, abandoned signs, electronic signs and signs in the Downtown District.

COMMENTS - Current Meeting:

City Attorney Brandon Davis stated that this topic was previously discussed in a Work Session. This Ordinance amends the current Sign Ordinance in regard to temporary signs, abandoned signs, electronic signs and signs in the City's downtown district.

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

"AN ORDINANCE AMENDING THE CODE OF ORDINANCES, ARTICLE 3.09, REGARDING THE REGULATION OF TEMPORARY SIGNS, ABANDONED SIGNS, ELECTRONIC SIGNS, AND SIGNS IN THE DOWNTOWN DISTRICT; 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."

After brief discussion, a motion was made to adopt the Ordinance as presented.

ATTACHMENTS:

- Sign Ordinance-Mark-up (DOCX)

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

4. Council Action 2017-1

Discussion with Texas Department of Transportation Officials regarding concerns with Hwy. 146N, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that there are major concerns regarding hazards of the roadway, and citizen's safety, on Hwy. 146 north of the Bypass. Mr. Broz reported that numerous vehicle accidents have occurred, visibility is limited in certain situations and the speed limit seems to be excessive in that vicinity. Discussed was the area from the North Main Baptist Church to the Stripes business located at Hwy. 146N and the Bypass.

Numerous citizens spoke to these issues, with possible solutions involving a turn lane, a lower speed limit, placement of a caution light, and other suggestions, with responses provided by TxDOT Area Engineer Omar DeLeon. After lengthy discussion by all the parties, consensus of the Council was to formalize a Resolution that TxDOT make changes that create a safer environment for motorists traveling on State Hwy. 146 north of the Bypass. This Resolution will be brought before Council on January 24th.

RESULT: NO ACTION TAKEN

5. Ordinance 2017-2

Consider adoption of an Ordinance amending the Fiscal Year 2016-2017 Budget.

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 AMENDING THE CITY'S BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2016 AND ENDING ON SEPTEMBER 30, 2017; PROVIDING FOR AN INCREASE IN REVENUES AND EXPENDITURES IN THE CAPITAL OUTLAY BUDGET; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED AND ADOPTED; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS.

Finance Director Naomi Herrington reported that this budget amendment for capital outlay expenditures includes the following:

- Backhoe - Water Department
- Splash Pad - Park
- Radios - Police Department
- Ambulance - Fire Department

These items total \$587,095 and are to be paid with Cambridge Funds.

A motion was made to adopt the Ordinance as presented.

ATTACHMENTS:

- Exhibit A Budget Amendment (PDF)

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

6. Ordinance 2017-3

Consider adoption of an Ordinance vacating and abandoning a portion of Vera Lane between Lee Street and Still Forest Drive.

COMMENTS - Current Meeting:

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

Minutes Acceptance: Minutes of Jan 10, 2017 6:00 PM (Minutes Approval)

"AUTHORIZING THE VACATING AND ABANDONMENT OF A PORTION OF VERA LANE; AND 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."

Public Works Director Tom Warner reported a request has been made to abandon the unimproved right-of-way of Vera Lane between Lee and Still Forest Drive. The City has no plans to construct a street on this right-of-way. The property owner is proposing to sell Lot 3, and due to the shape of the property a home would not be able to be built and meet the City's various setback requirements. The abandonment would provide the additional area needed to construct a home and meet the setback requirements.

After brief discussion, a motion was made to adopt the Ordinance.

ATTACHMENTS:

- Agenda Form-Vera Lane (DOCX)
- Vera Lane Map (PDF)

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

7. Council Action 2017-2

Consider approval of the Preliminary Plat of the Holly Manor Subdivision, and take any action deemed necessary.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported on a preliminary plat for the Holly Manor Subdivision presented by Merrick Homes. The proposed development does not include any infrastructure improvements, with utilities being connected to existing utility facilities on Holly Street. Numerous citizens spoke regarding their concerns with the water service, drainage and other related issues.

After lengthy discussion, a motion was made to approve the Preliminary Plat of the Holly Manor Subdivision.

ATTACHMENTS:

- Agenda Form-Holly Manor (DOCX)

RESULT: APPROVED [4 TO 2]
MOVER: David Arnold, Councilperson
SECONDER: Dennis Beasley, Councilperson
AYES: Carl Pickett, Dennis Beasley, David Arnold, Paul Glazener
NAYS: Louie Potetz, Libby Simonson
ABSENT: Diane Huddleston

8. Council Action 2017-3

Consider appointments to the 2017 Charter Review Commission.

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reviewed the Charter Review Commission's duties and reported that appointments to the Charter Review Commission include five City of Liberty residents. After brief discussion, a motion was made to appoint Jaime Carter, Victor Barranco, Marsha LaFour, Paul Glazener and Courtney Daniel.

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

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.

.

 Carl Pickett, Mayor

ATTEST:

 Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Jan 10, 2017 6:00 PM (Minutes Approval)



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

Minutes Acceptance: Minutes of Jan 24, 2017 6:00 PM (Minutes Approval)

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 7, 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.

.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Jan 24, 2017 6:00 PM (Minutes Approval)



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 31, 2017

12:00 PM

City Council Chambers

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Diane Huddleston	Mayor Pro Tem	Present	12:03 PM
Dennis Beasley	Councilperson	Present	
Louie Potetz	Councilperson	Present	
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Present	12:07 PM
Paul Glazener	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	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.

III. REGULAR AGENDA

A. Regular Session

1. Public Hearing (ID # 3709)

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 12:02 p.m., Mayor Pickett opened the second Public Hearing on the annexation of property into the city' boundaries. Mr. Art Pertile, Olson & Olson, LLP was present to report on Phase III which began as 0.89 square mile area, now reduced to two properties for a total of .35 square miles (224 acres). Mr. Pertile reported that U.S. Fish & Wildlife Service is owner of both properties, therefore are governmental tax exempt properties.

Mr. Pertile reviewed a map of the proposed areas within the 0.89 square miles, ownership being the U.S. Fish & Wildlife Service, Coastal Water Authority, Baylor University and the Mary Gay Corporation. Mr. Pertile explained the various agreement types, service plan and schedule for completing the Phase III annexation. Discussion was also held regarding the city's adoption of an official map every three years to reflect the city limits and the City's extraterritorial jurisdiction.

There were no comments from the audience. At 12:20 p.m., Mayor Pickett closed the Public Hearing.

ATTACHMENTS:

- PH Notices - Phase III (DOC)

IV. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 12:21 p.m.

.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Jan 31, 2017 12:00 PM (Minutes Approval)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.1

Meeting: 02/14/17 06:00 PM

Department: Administration
Category: Electric

COUNCIL ACTION (ID # 3712)

DOC ID: 3712

January 24, 2017

TO: Gary Broz

FROM: Libby Simonson

Paul Glaezner

We are respectfully requesting that Mike Goin with Entergy be placed on the Agenda for the next Regular City Council Meeting, on Tuesday, February 14, 2017.

Thank you,






The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.2

Meeting: 02/14/17 06:00 PM

Department: Administration
Category: Presentations

INFORMATION ITEM (ID # 3713)

DOC ID: 3713



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.3

Meeting: 02/14/17 06:00 PM

Department: Administration
Category: Expenditures

COUNCIL ACTION (ID # 3714)

DOC ID: 3714



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.4

Meeting: 02/14/17 06:00 PM

Department: Administration
Category: Electric Issues

ORDINANCE (ID # 3715)

DOC ID: 3715 A

AN ORDINANCE OF THE CITY COUNCIL OF LIBERTY, TEXAS, AUTHORIZING PARTICIPATION WITH OTHER ENTERGY SERVICE AREA CITIES IN MATTERS CONCERNING ENTERGY TEXAS, INC. AT THE PUBLIC UTILITY COMMISSION OF TEXAS AND THE FEDERAL ENERGY REGULATORY COMMISSION IN 2017; DECLARING 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, Entergy Texas, Inc.'s ("ETI") implementation of customer choice has ceased due to Senate Bill 1492 and ETI will continue to be regulated under traditional cost-of-service regulation;

WHEREAS, changes to the Public Utility Regulatory Act addressing rates and rate proceedings will have a direct impact on ETI and customer bills during 2017 and into the future;

WHEREAS, ETI is scheduled to litigate requests in various proceedings before the Public Utility Commission of Texas, before municipalities, or before the Federal Energy Regulatory Commission in 2017 related to ETI's continued integration with the Midwest Independent System Operator ("MISO"), ETI's exit from the Entergy System Agreement (effective August 31, 2016), various fuel cost refunds or surcharges and reconciliations, and for any type of base rate proceedings or cost adjustments, such as a new base rate increase request, transmission cost recovery rider, a distribution cost recovery rider, energy efficiency cost recovery factor, or hurricane restoration cost or offset true-ups;

WHEREAS, ETI is scheduled to file fuel factor proceedings at the Public Utility Commission in February and August 2017, and to file other fuel proceedings to refund or surcharge fuel charges;

WHEREAS, ETI is scheduled to file a proceeding to recover costs incurred in association with its Energy Efficiency Plan as well as reconcile past costs;

WHEREAS, Cities have the statutory right to set fair and reasonable rates for both the Company and customers within Cities;

WHEREAS, Cities have exclusive original jurisdiction over rates, operations, and services of an electric utility in areas in the municipality pursuant to *Tex. Util. Code* § 33.001;

WHEREAS, Cities have standing in each case before the Public Utility Commission of Texas that relates to an electric utility providing service in the municipality pursuant to *Tex. Util. Code* § 33.025, and standing before each Federal Energy Regulatory Commission case in which the City may be affected pursuant to 18 C.F.R. § 385.214;

WHEREAS, Cities are entitled to reimbursement by the utility of their reasonable rate case expenses to participate in cases that are deemed rate proceedings pursuant to *Tex. Util. Code* § 33.023.

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

SECTION 1. The City of Liberty shall participate with other Cities to intervene in ETI's various rate filings related to the various fuel cost surcharges and reconciliations, any interim or incremental surcharge proceedings or surcharge adjustments, and for any base rate adjustment proceedings or cost of service adjustments on file with the Public Utility Commission of Texas or with municipalities in 2017 and seek appropriate regulatory scrutiny in any case on file at the Federal Energy Regulatory Commission affecting the City and its residents.

The City of Liberty shall participate with other Cities to intervene in fuel or fuel related proceedings at the Public Utility Commission and the Federal Energy Regulatory Commission on file in 2017 concerning ETI's rates charged to Texas customers.

All such actions shall be taken pursuant to the direction of the Cities' Steering Committee. Cities' Steering Committee shall have authority to retain rate consultants and lawyers. Cities' Steering Committee shall direct the actions of Cities' representatives in the above proceedings. The Steering Committee is directed to obtain reimbursement from ETI of all reasonable expenses associated with participation in said proceedings.

SECTION 2. This Ordinance shall be effective from and after the date of its passage.

SECTION 3. That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty that all ordinances be read on two separate days is hereby dispensed with.

PASSED by _____ vote of the City Council of the City of Liberty, Texas, this 14th day of February 2017.

THE CITY OF LIBERTY, TEXAS

By: _____

ATTEST:

City Secretary

APPROVED AS TO FORM:

Brandon Davis, City Atty.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.B.1

Meeting: 02/14/17 06:00 PM

Department: Administration
Category: Miscellaneous

WORK SESSION (ID # 3716)

DOC ID: 3716



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.B.2

Meeting: 02/14/17 06:00 PM

Department: Administration
Category: Miscellaneous

WORK SESSION (ID # 3717)

DOC ID: 3717

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS AMENDING ARTICLE 4.09 OF THE CODE OF ORDINANCES; REGULATING MOBILE FOOD VENDORS; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; 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, food trucks and other mobile food establishments are a vibrant and growing part of the City's food culture; and

WHEREAS, mobile food establishments present particular needs and concerns with regard to public health and welfare; and

WHEREAS, council desires to establish regulations to both allow mobile food establishments to operate and flourish within the City's Corporate Limits and to protect the morals, health, safety and welfare of the community.

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

Section 1: Article 4.09 of the Code of Ordinances of the City of Liberty is amended to read as follows:

Article 4.09. Division 2. Mobile Food Vendors

Article 4.09.031. Definitions

- (a) **Charitable Organization** shall mean an entity that the United States Internal Revenue Service recognizes to be a charitable organization or a church.
- (b) **City** shall mean the City of Liberty, Texas.
- (c) **Edible goods** shall include, but are not limited to:
 - a. Prepackaged food including, but not limited to, candy, beverages, and ice cream.
 - b. Prepared food which is prepared off-location for sale in the mobile food unit.
 - c. On-site prepared food which is prepared in the mobile food unit.
- (d) **Food service establishment** shall mean businesses that sell edible goods and have been inspected and approved by the state of Texas, including commercial kitchens and commissaries, and shall specifically exclude accessory or self-serve retail food sales.

- (e) **Mobile** shall mean the state of being in active, but not necessarily continuous, movement.
- (f) **Mobile food vendors** shall mean any business which sells edible goods from a non-permanent (i.e. mobile) location within the City of Liberty. The term shall include, but not be limited to:
 - a. **Mobile food trucks:** A self-contained motorized unit selling items defined as edible goods.
 - b. **Concessions carts:** Mobile vending units that must be moved by non-motorized means.
 - c. **Concession Trailers:** A vending unit which is pulled by a motorized unit and has no power to move on its own.
- (g) **Non-refrigerated** shall mean edible goods that are not required to be kept at a temperature below forty-one (41) degrees Fahrenheit according to the federal Food and Drug Administration and the Texas Food Establishment Rules.
- (h) **Open to the Public Function** shall mean any function open to the public as where fifteen (15) or more vendors gather to sell or trade goods.
- (i) **Sell** shall mean the act of exchanging a good for payment or in return for a donation.
- (j) **Stationary location** shall mean the position of the mobile food vendor when addressing the public for the purpose of sales and not in motion.
- (k) **Tax-exempt organization sponsored events** shall mean an open to the public function where a tax exempt (charitable, religious, educational or philanthropic) organization is the Host.

Section 4.09.032. Permit and Application

- (a) *Permit Application.* No person shall act as a Mobile Food Vendor in the City without a permit issued by the City. Every permit, including those from the City of Liberty and from the State of Texas, shall be displayed at all times in a conspicuous place where it can be read by the general public on the Mobile Food Vendor's Truck, Concession Cart, or Concession Trailer. A person shall make application for a permit to the City on forms furnished by the City and shall provide the following information:

- a. Name, legal name of business or entity, business address, and telephone number of the applicant.
 - b. A valid identification issued by any government that includes a photograph of the applicant;
 - c. The state, county, town or city in which the applicant permanently resides.
 - d. The applicant's date of birth, height, weight, color of hair, color of eyes, social security number and driver's license number, if existent.
 - e. Whether the applicant has ever been convicted of any felony or a misdemeanor involving theft, fraud, bribery, sexual offense or perjury.
 - f. A signed affidavit under oath with photo identification that each individual applicant:
 - i. Has no unpaid civil judgments against him or her in any state or U.S. possession which arise from a business activity which would have been covered by this section if in effect at the time in the jurisdiction where such judgments are of record.
 - ii. A statement of all convictions in any state, the United States or U.S. possession within the last ten (10) years.
 - g. The trade name under which the applicant conducts business.
 - h. Type of business organization or corporation as defined by state law;
 - i. If applicable, Copy of Chapter or Articles of Incorporation and current listing of directors, partners, or principals;
 - j. Sales tax number with a copy of sales tax permits;
 - k. Signed permission from all private property owners where the Mobile Food Vending unit will be stationed;
 - l. Name, phone number, and photocopy of the applicant's driver's license;
 - m. The year, make, model, and color of the mobile food truck, concessions cart, or concession trailer;
 - n. Contact name and phone number for mobile food vending unit while en route;
 - o. Description of attached signage;
 - p. A photograph of the exterior and interior of the mobile food truck, concessions cart, or concession trailer;
 - q. Proof of motor vehicle insurance, current inspection and current registration;
 - r. Copy of permits to do business in Texas for foreign companies;
 - s. Description of product being sold;
 - t. A copy of a valid registration certificate issued by the state of Texas for the mobile food truck, concessions cart, or concession trailer;
 - u. In addition, the applicant shall authorize the Liberty Police Department to perform a criminal background check on the applicant
- (b) *Fees.* The application fee for a mobile food vendor permit shall be set out in the master fee schedule. Each mobile food vendor unit shall be permitted separately.

(c) *Permit Decisions.* The City will evaluate the data furnished by the applicant and may require additional information. Within thirty (30) days of receipt of a completed permit application, the City will determine whether or not to issue a Mobile Food Vendor permit. The City may deny an application for a permit for any of the following grounds:

- a. An applicant is found to have an unpaid civil judgment(s) against him/her which relates to the duties and responsibilities of the permitted occupation which shall be determined by the nature and the amount of the judgment, the relationship of the judgment to the purpose of the permit and the extent that the permit would allow someone to engage in further activity that would lead to unsatisfied civil judgments;
- b. An applicant has been convicted of a crime which directly relates to the duties and responsibilities of the licensed occupation which shall be determined by the nature and seriousness of the crime, the relationship of the crime to the purpose of the permit and the extent that the permit would allow someone to engage in further criminal activity;
- c. Failure to provide all of the information required by the City;
- d. The applicant's past record of ordinance violations;
- e. Safety record of the applicant or any driver, based on such things as civil and criminal lawsuits and violations of environmental laws and ordinances;
- f. Providing false, misleading or inaccurate information to the City.

(d) *Permit.*

- a. Permits shall be issued for one (1) year terms.
- b. Permits are required to be renewed prior to the expiration date.
- c. A new permit application is required to be submitted within fifteen (15) days of the following, whereupon the previous permit will be voided and the previous permit canceled:
 - i. When ownership of the operating entity is changed; or
 - ii. The City determines that operations or management methods are no longer adequately described by the existing permit application.
- d. Permits are not transferrable.

(e) *Suspension or Revocation of Permit.*

- a. A permit may be revoked upon conviction of any offense committed by an individual operating as a mobile food vendor in the City of Liberty while engaged in the permitted business, or if a final conviction occurs or is found to have existed at the time of application, or if civil judgments, as set forth above, are placed or found of record against an applicant. A permit may be suspended in the event of pending charges of a crime, as set forth above, upon a magistrate's determination of probable cause in connection with such charges.

- b. A permit may be revoked for non-conformity to the application location specifications or requirements as well as to non-conformity to an approved location plan or diagram.
 - c. Any employee working for an applicant permitted as an employer under this section above may be denied the right to solicit under such permit, or such rights may be suspended or terminated, under the same circumstances and procedures which apply to the holder of the permit. Revocation or suspension of an employer's permit terminates all employee permits.
 - d. A permit may be suspended or revoked for not complying with the requirements of this section, or any other ordinances or laws.
- (f) *Appeals.* If a City Official revokes, suspends or denies a mobile food vendor permit, the holder or applicant of the permit which has been revoked, suspended, or denied shall have the right to appeal a determination made by the City Planner to the City Manager by submitting a written appeal to the City Secretary, with a copy to the City Planner, not more than five (5) days after receiving notice of the suspension or denial of permit. The City Manager or his or her designee will hear the appeal and issue a written finding not more than twenty (20) days after the notice was delivered to the City Secretary. The City Manager's determination is final.

Section 4.09.033. Location Restrictions.

(a) Distance Regulations.

- a. No Mobile Food Vendor shall conduct business within three hundred (300) feet of any church, school building, or residence.
- b. A Mobile Food Vendor may not be located within one hundred (100) feet of the property line of an open and operating fixed-location Food Service Establishment. This buffer may be reduced upon receiving written permission from said Establishments.

(b) Stationary Restrictions. A Mobile Food Vendor shall not conduct sales at a stationary location:

- a. For a duration of no more than five (5) consecutive days at a location.
- b. For a duration exceeding eight (8) hours per location per day.
- c. On any public street located in the City of Liberty, Texas.
- d. In congested areas where the operation impedes vehicular or pedestrian traffic or where it impedes access to the entrance of any adjacent building or driveway.
- e. In a designated bike lane.

(c) Location Restrictions.

- a. No Mobile Food Vendor shall locate on any private property without written permission to do so and must comply if asked to leave by the property owner or City official. A copy of the written permission to

operate in a specific location, signed by the private property owner, shall be kept within the mobile vending unit at all times.

- b. A mobile food vendor may not be located within twenty (20) feet of another mobile food vendor unless they are within a mobile food court and located in accordance with the approved mobile food court site plan.
- c. No person shall distribute, deposit, place, throw, scatter or cast any commercial handbill in or upon any motor vehicle without permission of the owner.
- d. No person shall distribute, deposit, place, throw, scatter or cast any commercial handbill upon any premises if requested by the property owner or City official not to do so, or if there is placed near or at the entrance thereof a sign bearing the words “no advertisement”.

Section 4.09.034. Mobile Food Vendor Requirements.

- (a) Each unit shall be equipped with a trash receptacle with lid to prevent windblown litter and shall be disposed of in accordance with the City’s Solid Waste Ordinance. All solid waste and recyclables shall be bagged. Receptacles shall not be overfilled to prevent complete lid closure. All disturbed areas must be cleaned following each stop at a minimum of twenty (20) feet of the sales location.
- (b) With the exception of the required trash receptacles, mobile food vendors shall not provide freestanding fixtures (e.g. tables, chairs, tents, and canopies).
- (c) Continuous music or repetitive sounds shall not project from the mobile unit.
- (d) A five-foot (5) clear space shall be maintained around the mobile food vendor.
- (e) If liquid waste results from food processing of a Mobile Food Vendor’s Truck, Concession Cart, or Concession Trailer, the waste shall be contained in a permanently installed retention tank located on the vending unit.
- (f) Liquid Waste, solid waste, and recyclables shall be removed from a Mobile Food Vendor’s Truck, Concession Cart, or Concession Trailer at a disposal site approved by the City or by a City permitted waste transporter. Removal of waste shall be in a manner that a public health hazard or nuisance is not created.
- (g) Liquid waste from a Mobile Food Vendor shall be characterized as food service waste and shall meet the waste removal, manifesting, disposal and treatment requirements of the City’s Sewer Use Ordinance prior to discharge into the City publically owned treatment works.
- (h) Waste generated from washing or maintenance of Mobile Vending Units shall be done in a manner to prevent release on public or private property.

- (i) The Mobile Food Vendor will be subject to inspection by the City upon permit application and may be subject to random inspection and upon reissuance of the permit.
- (j) No sales are allowed within public parks.
- (k) Mobile Food Vendor's Truck, Concession Cart, or Concession Trailer shall be self-sufficient for water and sewer utilities. Use of water and wastewater hoses to provide utility service to Mobile Vending unit is prohibited. Extension cords may be used for electrical service if the equipment and connection(s) used between the Vending Unit and supplying source pose no threat to public safety (i.e. personal injury or fire).
- (l) All signage used by the Mobile Food Vendor, including signage painted directly on the mobile food vending unit, shall meet the standards and requirements of the City's sign ordinance.
- (m) Mobile food vendors shall maintain the following fire prevention devices:
 - a. All mobile food vendors selling food cooked in the mobile food vendor unit shall keep at least one class ABC fire extinguisher with a minimum 3A40BC rating, with visible current inspection (tagged), fully charged, and located within thirty (30) feet of the cooking equipment;
 - b. All mobile food vendor units producing grease-laden vapors (grills, fryers, etc.) shall keep, in addition to the extinguisher required in subsection (1), a Class K rated portable fire extinguisher, with visible current inspection (tagged), fully charged, and located within thirty (30) feet of cooking equipment;
 - c. All mobile food vendor units producing grease-laden particles within the mobile unit shall install an extinguishing vent hood (Type 1 or other, if approved by the City of Liberty Fire Marshal or designee), which must be tested in the presence of the Liberty Fire Marshal or designee before a permit may be issued; and
 - d. All mobile food vendor units using compressed gas (LP/propane cylinders, etc.) shall keep gas containers secured outside of the passenger area of the Vending Unit. Compressed gas cylinders shall be secured by one or more restraints to a fixed object or nested and secured by one or more restraints and cannot be located closer than ten (10) feet from any trash or combustible material. All valves, hoses, and connections used shall be rated for use with petroleum gas.

Section 4.09.035. Enforcement.

- (a) It shall be unlawful for an individual to sell edible goods while displaying a valid permit issued by the City of Liberty in the name of another individual, organization, or entity outside of an employment relationship.

- (b) It shall be unlawful for any individual directly or through an agent or employee to sell goods within the corporate limits of the City after the expiration of the permit issued by the City of Liberty under this section.
- (c) It shall be unlawful for an individual directly or through an agent or employee to misrepresent on the permit affidavit any acts that are regulated under this Section.
- (d) It shall be unlawful for any individual directly or through his agents or employees to represent that the issuance of a permit by the City of Liberty constitutes the City's endorsement or approval of the product for sale.
- (e) It shall be unlawful to operate a Mobile Food Vendor operation that is not in compliance with the Texas Food Establishment rules as amended from time to time.
- (f) Any person convicted of a violation of any provision of this subsection shall be guilty of a Class C misdemeanor punishable by a fine not to exceed \$2,000.00 per occurrence.

Section 4.09.036. Open to the Public Function Permitting.

Any individual or business hosting an open to the public function shall apply for a master mobile food vendor permit for the event. In addition to the items previously listed, the master permit application should also include an estimate of the number of mobile food vendors involved. The Master Permit holder will be responsible for all mobile food vendors and sells done under that permit. The Master Permit shall be present at the event and all mobile food vendors should know who holds it. During the event the Master Permit holder must maintain an accurate list of the mobile food vendors participating in the event. The Master Permit holder shall give the City access to the list of mobile food vendors at any time. The applicant applying for a master permit as the host of an open to the public function must comply with this ordinance, and pay a fee of \$200.00. The host of an open to the public function does not have to pay additional fees for each mobile food vendor at the event.

Section 4.09.37. Exemptions.

A permit under this section is not required in the following instances:

- (a) The sale of milk, dairy products, bakery products, raw vegetables, raw poultry, raw eggs and other farm and garden products which have been raised or produced by the vendor and that are being sold in an unrefined state.
- (b) Daily deliveries of milk, water and bakery products;

- (c) Charitable organizations as defined herein shall not be required to obtain a permit under this ordinance.
- (d) Vendors at a tax exempt organization sponsored events shall not be required to obtain a permit under this ordinance.

Section 4.09.038. Separate license required to operate in city parks and on other city property

The license issued pursuant to section 4.09.032 does not permit a mobile food vendor to operate in a city park or on other city property. Only charitable organizations shall be permitted to operate in city parks and on other city property. Said charitable organizations must first obtain a license issued by the City Manager or his designee before operating in a city park or on other city property. Charitable Organizations are not exempt from having to obtain a license under this section. The application for this license must contain:

- (1) The full legal name, date of birth, and residence address of the applicant.
- (2) A valid identification issued by any government that includes a photograph of the applicant.
- (3) The year, make, model, and color of the mobile food truck, concessions cart, or concession trailer.
- (4) A copy of a valid registration certificate issued by the state for the mobile food truck, concessions cart, or concession trailer.
- (5) Any conviction of the applicant or vendor for any felony or misdemeanor at any time if the offense involved sexual misconduct of any type or if the offense required registration as a sex offender under the laws of the state or of any other state, commonwealth, or possession of the United States.
- (6) Proof of valid insurance for the mobile food truck, concessions cart, or concession trailer.
- (7) Proof from the IRS of being a charitable organization.

Licenses under this section are issued for individual dates and must not interfere with any function when the park or places within the park are being rented unless the applicant can supply the city with written documentation stating that the person or organization with the rental agreement gives them permission to be there.

Section 2: This Ordinance shall take effect from and after its final passage and publication as required by law.

Section 3. 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 City Council of the City of
Liberty, this _____ day of _____, 2017.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.B.3

Meeting: 02/14/17 06:00 PM

Department: Administration
Category: Miscellaneous

WORK SESSION (ID # 3718)

DOC ID: 3718



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.D.1

Meeting: 02/14/17 06:00 PM

Department: Administration
Category: Executive Session Items

COUNCIL ACTION (ID # 3719)

DOC ID: 3719