



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, March 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 # 3729)

Project Updates - City Mgr. G. Broz

B. Information Item (ID # 3730)

Recycling Report - Councilperson Huddleston

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, February 14, 2017
2. Tuesday, February 28, 2017

VII. REGULAR AGENDA

A. Regular Session

1. Information Item (ID # 3744)

Presentation by Don Prather in regard to raising awareness of the GRACE Initiative.

2. Ordinance 2017-7

Consider adoption of an Ordinance of the City of Liberty, Texas authorizing the Mayor to execute a Development Agreement to reduce the City of Liberty's Extraterritorial Jurisdiction by releasing approximately 481.83 acre tract of land out of the John A. Williams Survey, Abstract No. 119, Liberty County, Texas and an approximately 277.64 acre tract of land also out of the John A. Williams Survey, Abstract No. 119 of lands in Liberty County, Texas owned by the Mary Gary Corporation from the City of Liberty's Extraterritorial Jurisdiction, 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.

3. Resolution 2017-5

Consider a Resolution authorizing designated signators for contractual documents and on State of Texas Documents for requesting Texas Community Development Block Grant Funds.

4. Public Hearing (ID # 3733)

Public Hearing on the condemnation of the structure located at 124 Ohio Street.

- Agenda Item Dilapidated Structure 124 Ohio March 14 2017 (DOCX)
- conditions rendering building 2.15.17 (DOCX)
- Notice of Hearing (DOCX)
- SUMMARY - 124 Ohio (DOCX)
- DSC05439 (JPG)
- DSC05440 (JPG)
- DSC05441 (JPG)
- DSC05442 (JPG)
- DSC05443 (JPG)
- DSC05444 (JPG)
- Photo-124 Ohio #1 (JPG)
- Photo-124 Ohio #2 (JPG)

5. Council Action (ID # 3734)

Consider an Order of Abatement for the structure located at 124 Ohio Street.

6. Public Hearing (ID # 3735)

Public Hearing on the condemnation of the structure located at 601 Garrett Street.

- Agenda Item Dilapidated Structure 601 Garrett March 14 2017 (DOCX)
- conditions rendering building 2.15.17 (DOCX)
- Notice of Hearing (DOCX)
- SUMMARY - 601 Garrett (DOCX)
- DSC05418 (JPG)
- DSC05419 (JPG)
- DSC05420 (JPG)
- Photo-601 Garrett #1 (JPG)
- Photo-601 Garrett #2 (JPG)

7. Council Action (ID # 3736)

Consider an Order of Abatement for the structure located at 601 Garrett Street.

8. Public Hearing (ID # 3737)

Public Hearing on the condemnation of the structure located at 614 Franklin Street.

- Agenda Item Dilapidated Structure 614 Franklin March 14 2017 (DOCX)
- conditions rendering building 2.15.17 (DOCX)
- Notice of Hearing (2) (DOCX)
- SUMMARY - 614 Franklin (DOCX)
- DSC04798 (JPG)
- DSC04799 (JPG)
- DSC04800 (JPG)
- DSC05424 (JPG)
- DSC05425 (JPG)
- DSC05426 (JPG)
- DSC05427 (JPG)
- DSC05428 (JPG)
- Photo-614 Franklin (JPG)

9. Council Action (ID # 3738)

Consider an Order of Abatement for the structure located at 614 Franklin Street.

10. Council Action (ID # 3739)

Consider acceptance of the City Secretary's Certification of Unopposed Candidates.

- Cert of Unopposed Candidates (PDF)

11. Ordinance 2017-8

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, CANCELLING AN ELECTION PREVIOUSLY ORDERED TO BE HELD ON MAY 6, 2017; FOR THE ELECTION OF THREE COUNCILPERSONS; DECLARING UNOPPOSED CANDIDATES IN SAID ELECTION ELECTED TO OFFICE; RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS. CONSIDERE ADOPCIÓN DE UNA ORDENANZA DEL CONCEJO MUNICIPAL DE LA CIUDAD DE LA LIBERTY, TEXAS, CANCELANDO UNA ELECCIÓN PREVIAMENTE ORDENADA PARA EL DÍA 6 DE MAYO DEL

2017, PARA LA ELECCIÓN DE TRES CONCEJALES; DECLARANDO A LOS CANDIDATOS ELECTOS SIN OPOSICIÓN EN DICHA ELECCIÓN PARA EL CARGO; RESOLVIENDO LOS INCIDENTES Y OTRAS CUESTIONES RELACIONADAS; PROPORCIONANDO UNA CLÁUSULA DE NULIDAD, Y PROPORCIONANDO UNA FECHA DE VIGENCIA DEL MISMO; Y PRESCINDIENDO CON LOS REQUISITOS DE LA SECCIÓN 3.10 DE LA CARTA DE LA REGLA DE GOBIERNO QUE DICE QUE ESTA ORDENANZA SERÁ LEÍDA EN DOS DÍAS SEPERADOS .

12. Council Action (ID # 3741)

Consider award of contract to High Voltage, Inc. For Electric Distribution System Maintenance.

- Proposal Recap-Electric Dist Syst Maint (XLSX)

13. Resolution 2017-4

Consider a Resolution in opposition to revenue caps and imposition of a mandatory election.

B. Executive Session

Government Code §551.074 - Personnel Matters.

C. Reconvene into Regular Session

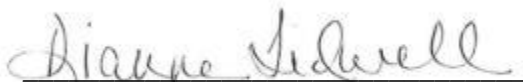
1. Council Action (ID # 3742)

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 March, 2017 at 4:00 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: 03/14/17 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 3729)

DOC ID: 3729



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.B

Meeting: 03/14/17 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 3730)

DOC ID: 3730



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, February 14, 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	
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 Fr. Ayo Efodigbue, Our Mother of Mercy Catholic Church, Ames, Texas.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Firefighters James Clymer and Jacob Cantu, 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. There were no comments from the audience.

Minutes Acceptance: Minutes of Feb 14, 2017 6:00 PM (Minutes Approval)

Councilperson Huddleston reported there would be a Shred-It Event to be held on Saturday, April 8. This community shred event will also include E-cycling.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 3710)

Fire Dept Presentation - Chief Hurst

COMMENTS - Current Meeting:

Fire Chief Brian Hurst addressed Council regarding information and statistics on the Liberty Fire Department activities for the previous year. Chief Hurst concluded by showing a Power Point photo presentation from the Fire Department entitled "A Look Back at 2016".

B. Information Item (ID # 3711)

Project Updates - City Mgr. G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on various City projects and activities which included comments regarding: 1) 1309 N. Main Street property which has been let for bid 2) Wastewater Project is 50% design complete, with bids to be let in June or July 3) plan for building curbside pickup working well 4) sales tax revenues are down 5) Letter writing campaign for Hwy. 146N working well, 6) work continues on the Library bid package 7) planning work continues on the 32nd Annual Liberty Jubilee 8) other City topics.

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

Minutes Acceptance: Minutes of Feb 14, 2017 6:00 PM (Minutes Approval)

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2017-7

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

COMMENTS - Current Meeting:

Mr. Mike Goins, Entergy representative, was present to address Council regarding a docketed item with the Louisiana Public Service Commission regarding issues relating to the Cambridge Project contracts. Lengthy discussion ensued regarding the various layers of contracts with SRMPA, Entergy, Vinton Public Power Authority, contract negotiations, and other related issues.

ATTACHMENTS:

- Agenda Item Request (PDF)

RESULT: NO ACTION TAKEN

2. Information Item (ID # 3713)

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

COMMENTS - Current Meeting:

Mr. Bruce Wright, Liberty ISD Education Foundation, made a presentation regarding their upcoming fundraiser, Liberty Freedom Ride 2017, to be held April 8. Mr. Wright reported that this fundraiser helps to provide classroom grants for teachers, and further reported on the Freedom Ride regarding various routes, support services, expected ridership, etc.

3. Council Action 2017-8

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.

COMMENTS - Current Meeting:

A motion was made to ratify the Liberty Community Development Corporation's expenditure of \$7500 toward sponsorship and funding of the Liberty ISD Education Foundation Liberty Freedom Ride 2017.

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

4. Ordinance 2017-5

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.

COMMENTS - Current Meeting:

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

"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."

A motion was made to adopt the Ordinance as presented.

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

B. WORK SESSION

1. Work Session (ID # 3716)

Discussion of a proposed Ordinance regulating tiny homes.

COMMENTS - Current Meeting:

City Attorney Brandon Davis led a discussion on the proposed regulation of tiny homes. Lengthy discussion was held regarding home size, location, wheels/skids vs. concrete slab/blocks, ancillary structure to an existing home, inside vs. outside city limits, possibly using the same locations as used with the "No Manufactured Home Zone", and other related issues. Consensus of the Council was to hold a public meeting in order for the citizens to comment and/or voice their concerns.

2. Work Session (ID # 3717)

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

COMMENTS - Current Meeting:

City Attorney Brandon Davis led a discussion regarding the proposed amendment to the City's mobile food vendor ordinance. There are vendors who claim to be mobile, but continually remain stationary in the same location. Discussed were location restrictions, number of days and hours allowed in the same location, how proposed restrictions would affect some local vendors that are important to the community, and other related issues. This topic will be further researched and brought before Council at a later date.

ATTACHMENTS:

- 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.

COMMENTS - Current Meeting:

City Attorney Brandon Davis led a discussion on a proposed amendment to the City's junk vehicle ordinance. Discussed were State Law requirements, notice requirements, lengthy process for removal, and how these vehicles are detrimental to the development of the City. This ordinance will be brought before the Council at a later date.

C. Executive Session

Government Code §551.087

Deliberation Regarding Economic Development Negotiation - Prospective Businesses.

At 7:50 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

D. Reconvene into Regular Session

At 8:36 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2017-9

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

RESULT:	NO ACTION TAKEN
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VIII. ADJOURNMENT**A. Motion To:** Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:37 p.m.

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Carl Pickett, Mayor

Minutes Acceptance: Minutes of Feb 14, 2017 6:00 PM (Minutes Approval)

ATTEST:

Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Feb 14, 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, February 28, 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	
Dennis Beasley	Councilperson	Present	
Louie Potetz	Councilperson	Present	
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Present	
Paul Glazener	Councilperson	Absent	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Brandon Davis	City Attorney	Present	

II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

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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. PRESENTATIONS / REPORTS

1. Information Item (ID # 3726)

Project Updates - City Mgr. G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported:

- 1) keep employee Terri Lunceford in your prayers due to the passing of her new grandbaby,
- 2) the Express Feeder has been approved for construction by the Sam Rayburn Municipal Power Agency, and

3) Entergy has been working on their transmission lines, causing the City to be put on a single feed from Dayton on March 6, 7, and 8.

2. Information Item (ID # 3727)

Finance Report - Finance Dir. N. Herrington

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on the City's financials from October 1, 2016 thru January 31, 2017. Ms. Herrington stated that revenues and expenditures in the General Fund are both \$2.7 million, sales tax and property tax collections are down, however, cash in bank for the General Fund is \$3.1 million. Ms. Herrington further reviewed the revenues and expenditures for the various remaining funds.

IV. REGULAR AGENDA

A. Regular Session

1. Ordinance 2017-6

Consider adoption of an Ordinance of the City of Liberty, Texas annexing a 224 acre (0.35 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 #13399 and #13305; providing that annexed territory bears pro rata part of taxes; adopting a Service Plan for the annexed properties; authorizing the Mayor to execute a Development Agreement for property identified by Liberty County Appraisal District Records as Property ID #13567 for the property 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 224 ACRE (0.35 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 #13399 AND #13305; PROVIDING THAT ANNEXED TERRITORY BEARS PRO RATA PART OF TAXES; ADOPTING A SERVICE PLAN FOR THE ANNEXED PROPERTIES; AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT FOR PROPERTY IDENTIFIED BY LIBERTY COUNTY APPRAISAL DISTRICT RECORDS AS PROPERTY ID #13567 FOR THE PROPERTY 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 the property owners, agreements, public hearings, and other related

Minutes Acceptance: Minutes of Feb 28, 2017 12:00 PM (Minutes Approval)

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 224 acre (0.35 square miles) tract of land, to include certain territory described by Liberty County Appraisal District Records as Property ID #13399 and #13305.

ATTACHMENTS:

- Ord Phase III-Exhibit 1-Prop Annexed (PDF)
- Ord Phase III-Exhibit 2-Service Plan (PDF)
- Ord-Phase III-Exhibit 3-Ag Dev Agrmnt (PDF)
- Ord-Phase III-Exhibit 4-Map Annexed & Not Annexed (PDF)

RESULT:	ADOPTED [5 TO 1]
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Libby Simonson, Councilperson
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold
NAYS:	Louie Potetz
ABSENT:	Paul Glazener

2. Resolution 2017-3

Consider a Resolution declaring the intention of the City of Liberty, Texas, to annex certain territory described as .8 square miles beginning at southeast corner of the Baylor University Tract recorded in the Official Public Records, Liberty County, Texas having coordinates of N:9988894.72, E:4053081.60; 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 hearings; 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 IVa Annexation. Mr. Pertile described the proposed annexation as five (5) properties, three (3) being ag exempt properties. Mr. Pertile further reviewed the process to include notification of property owners, annexation packets, agreements, and public hearing dates. This property is described as .8 square miles (512 acres) beginning at the Southeast Corner of the Baylor University Tract recorded in the Official Public Records, Liberty County, Texas having coordinates of N:9988894.72, E:4053081.60.

Public Hearings on the Phase IVa annexation are scheduled for Tuesday, April 11, 2017 at 6:00 p.m., and Tuesday, April 18, 2017 at 12:00 p.m.

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

ATTACHMENTS:

- Resolution of Intent-Exhibit A (PDF)

RESULT:	APPROVED [5 TO 1]
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold
NAYS:	Louie Potetz
ABSENT:	Paul Glazener

V. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 12:25 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Feb 28, 2017 12:00 PM (Minutes Approval)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.1

Meeting: 03/14/17 06:00 PM

Department: Administration
Category: Miscellaneous Issues

INFORMATION ITEM (ID # 3744)

DOC ID: 3744



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 03/14/17 06:00 PM

Department: Administration
Category: Miscellaneous Issues

7.A.2

ORDINANCE 2017-7

DOC ID: 3731 B

AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT TO REDUCE THE CITY OF LIBERTY'S EXTRATERRITORIAL JURISDICTION BY RELEASING APPROXIMATELY 481.83 ACRE TRACT OF LAND OUT OF THE JOHN A. WILLIAMS SURVEY, ABSTRACT NO. 119, LIBERTY COUNTY, TEXAS, AND AN APPROXIMATELY 277.64 ACRE TRACT OF LAND ALSO OUT OF THE JOHN A. WILLIAMS SURVEY, ABSTRACT NO. 119 OF LANDS IN LIBERTY COUNTY, TEXAS OWNED BY THE MARY GAY CORPORATION FROM THE CITY OF LIBERTY'S EXTRATERRITORIAL JURISDICTION; 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.

WHEREAS, Texas Local Government Code Section 212.172(b)(9) allows a home-rule municipality to enter into a Development Agreement with a property owner that includes any lawful terms the parties deem appropriate regarding land in the City's Extraterritorial Jurisdiction; and

WHEREAS, Texas Local Government Code Section 42.023 allows a home-rule municipality to consent to the reduction of its Extraterritorial Jurisdiction; and

WHEREAS, the City of Liberty and the Mary Gay Corporation desire to enter into a Development Agreement for the development and release of approximately 760 acres of land currently within the City of Liberty's Extraterritorial Jurisdiction said land being fully described in **EXHIBIT "1"** attached hereto and incorporated herein for all purposes.

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

Section 1. That all of the recitals and preambles hereinabove stated are found to be true and correct and are incorporated herein and made a part of this ordinance.

Section 2. The City Council hereby approves the Development Agreement with the Mary Gay Corporation, attached hereto as **EXHIBIT “2”** and incorporated herein for all purposes, entered into pursuant to Sections 42.023 and 212.172 of the Texas Local Government Code regarding the approximately 760 acres of land currently within the City of Liberty’s Extraterritorial Jurisdiction said land being fully described in **EXHIBIT “1”** attached hereto and incorporated herein for all purposes. The Mayor is hereby authorized to execute said Development Agreement.

Section 3. Upon the receipt of the written request from the Mary Gay Corporation, attached hereto as **EXHIBIT “3”** and incorporated herein for all purposes, and the execution of the Development Agreement the consents to and territory described in **EXHIBIT “1”** is released from the City of Liberty’s Extraterritorial Jurisdiction in accordance with the terms and conditions set forth in said Development Agreement.

Section 4. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such sections or part shall in no wise affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect.

Section 5. Should this ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of Liberty, such ineffectiveness of this ordinance as to any such part or parts of any such area shall not affect the effectiveness of this ordinance as to all of the remainder of the area. If there is included within the general description of territory set out in **EXHIBIT “1”** to be released by the City of Liberty any lands or area which are presently part of and included within the city limits of the City of Liberty, or which are presently part of and included within the limits of any other city or within the extraterritorial jurisdiction of any other city, or which are not within the City of Liberty's jurisdiction to release, the same is hereby excluded and excepted from the territory to be released as fully as if such excluded and excepted area were expressly described herein.

Section 6. 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 APPROVED in Liberty, Texas this ____ day of March, 2017.

CITY OF LIBERTY, TEXAS

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

STATE OF TEXAS §
 §
COUNTY OF LIBERTY §

This instrument was acknowledged before me on the ____ day of _____,
2017 by, Mayor Carl Pickett of the City of Liberty, Texas.

Notary Public, State of Texas

Notary's Printed Name

Commission Expires: _____

Please Return Recorded Copy to:

Dianne Tidwell, City Secretary
City of Liberty
1829 Sam Houston
Liberty, Texas 77575

EXHIBIT 1**METES AND BOUNDS of MARY GAY LANDS EAST OF 1409**

Being an approximately 481.83 acre tract of land and a 277.64 tract of land in the John A. Williams League, Abstract No. 119, Liberty County, Texas, both tracts lying east of the eastern right of way line of Farm to Market Road 1409, established by Right-of-Way Deed dated April 14, 1952, from Frank P. Morse to the State Highway Commission recorded at Volume 368, Page 534 of the Deed Records of Liberty County, Texas, said lands being more particularly described as follows:

1950 acres, more or less, in the John A. Williams League, Abstract No. 119, described as follows:

BEGINNING at an iron pin set at the Northeast corner of the John A. Williams League, a twenty inch cypress marked X bears N. 65 degrees E. 8 varas; and a fifteen inch hickory bears S. 52 degrees W. 12 varas;

THENCE west along the north line of said Williams League, 2932 varas to an iron pin set for Bryan's N. E. corner;

THENCE South along the East line of said Bryan's twenty acre tract 194 varas to his S. E. corner;

THENCE West along the Bryan's south line, 582 varas to said Bryan's Southwest corner;

THENCE North along Bryan's west line 194 varas to a point in the north line of said Williams League;

THENCE S. 89 degrees 35' West along the north line of said Williams League, 2309 varas to a railroad iron set for the northwest corner of said Williams League;

THENCE South along the West line of said Williams League, 2001 varas to the northwest corner of the Rudd land;

THENCE N. 89 degrees E. 5288 varas along Rudd's north line to a point on the West bank of the Trinity River;

THENCE up said river, with its meanderings to the place of beginning, the said subdivision being recorded in Book D, Page 337, of the deed records of Liberty County, Texas, being the same land described in deed dated October 25, 1907, from Colegate Moore Rudd to Mrs. Charcilla C. Morse, and recorded in Volume 23, Page 1, of the Deed Records of Liberty

County, Texas, to which deed and the records thereof, reference is here made for descriptive purposes only;

SAVE AND EXCEPT from said 1950 acre tract of land the following 6 tracts of land: (1) Tract A - the Harris Tract, being a 522 acre tract of land; (2) Tract B - the CIWA Canal Tract, being an 80.17 acre tract of land which bifurcated that portion of said 1454.19 acre tract lying east of F.M. 1409 into two parcels; (3) Tract C - the Louis Dreyfus Block Valve Site being a 0.25 acre tract of land; (4) Tract D - the Western Tract - being all of the lands belonging to The Mary Gay Corporation lying west of the eastern right of way line of F.M.1409, (5) Tract E - the Harris Boundary Line Adjustment Tract, and (6) Tract F - the 3.38 Acre Tract, each such save and except tracts being more particularly described as follows:

(1) Tract A - Harris Tract

Being 522 acres more particularly described as follows:

BEGINNING at the northeast corner of the said John A. Williams League, on the West bank of the Trinity River;

THENCE Westwardly with the north boundary line of said league, 3882 varas;

THENCE South a sufficient distance so that a line runs from thence and Eastwardly and parallel with the north line of said league, to the Trinity River, and from

THENCE up the Trinity River, to the place of beginning, will contain 522 acres of land.

(2) Tract B - CIWA Canal Tract

All that certain 80.17 acre tract of land in the J.A.Williams Survey, A-119, Liberty County, Texas:

BEGINNING at a 5/8" iron rod in the fenced and recognized north line of the above referred to 1,517 acre tract, same being the south line of the Peoples Lumber & Supply Co. 500 acre tract, and bearing South 86° 43' West, a distance of 1,904.6 feet from the common corner of said tracts on the West Bank of the Trinity River;

THENCE, South 86° 43' West, with the fenced and recognized common line of said 1,517 acre and 500 acre tracts, a distance of 813.7 feet to a 5/8" iron rod;

THENCE, South 66° 22' West, a distance of 733.2 feet to a 5/8" iron rod;

THENCE, North 75° 10' West, a distance of 316.7 feet to a 5/8" iron rod;

THENCE, South 35° 01' West, a distance of 257.6 feet to a 5/8" iron rod;

THENCE, South 66° 22' West, a distance of 3,609.6 feet to a 5/8" iron rod;

THENCE, South 65° 27' West, a distance of 1,993.6 feet to a 5/8" iron rod at the beginning of a curve to the left whose radius is 1,070.0 feet;

THENCE, in a Southwesterly direction along said curve, a distance of 591.8 feet to a 5/8" iron rod at the end of said curve (Chord bears South 50° 32' West, 584.3 feet) and at the beginning of a curve to the right whose radius is 730.0 feet;

THENCE, in a Southwesterly direction along said curve, a distance of 807.6 feet to a 5/8" iron rod at the end of said curve (Chord bears South 66° 22' West, 767.0 feet) and at the beginning of a curve to the left whose radius is 1,070 feet;

THENCE, in a Southwesterly direction along said curve, a distance of 591.8 feet to a 5/8" iron rod at the end of said curve (Chord bears South 82° 13' West, 584.3 feet);

THENCE, South 66° 22' West, a distance of 78.2 feet to a 5/8" iron rod;

THENCE, North 04° 37' West, a distance of 335.9 feet to a 5/8" iron rod in the East right-of-way line of F.M. Road No. 1409 same being in a curve to the right whose radius is 5,769.6 feet;

THENCE, in a southerly direction, with said right-of-way line and curve, a distance of 143.3 feet to the end of said curve;

THENCE, South 04° 06' West, continuing with said right-of-way line, a distance of 689.7 feet to the beginning of a curve to the left whose radius is 1,105.9 feet;

THENCE, in a southerly direction, continuing with said right-of-way line and curve, a distance of 42.8 feet to a 1-1/4" iron pipe in the South line of the Gay 1,517 acre tract and at the Northwest corner of Lot No. 1 of the West Lake Addition, Section "C";

THENCE, North 86° 27' East, with the common line of said Gay 1,517 acre tract and Lot No. 1, a distance of 25.0 feet to a 5/8" iron rod;

THENCE, North 00° 22' East, a distance of 39.5 feet to a 5/8" iron rod;

THENCE, North 40° 49' East, a distance of 197.6 feet to a 5/8" iron rod;

THENCE, North 66° 22' East, a distance of 156.1 feet to a 5/8" iron rod at the beginning of a curve to the right whose radius is 724.0 feet;

THENCE, in a Northeasterly direction along said curve, a distance of 400.5 feet to a 5/8" iron rod at the end of said curve (Chord bears North 82° 13' East, 395.4 feet) and at the beginning of a curve to the left whose radius is 1,076.0 feet;

THENCE, in a Northeasterly direction along said curve, a distance of 1,190.3 feet to a 5/8" iron rod at the end of said curve (Chord bears North 66° 22' East, 1,130.6 feet) and at the beginning of a curve to the right whose radius is 724.0 feet;

THENCE, in a Northeasterly direction along said curve a distance of 400.5 feet to a 5/8" iron rod at the end of said curve (Chord bears North 50° 32' East, 395.4 feet);

THENCE, North 66° 40' East, a distance of 1,993.4 feet to a 5/8" iron rod;

THENCE, North 66° 22' East, a distance of 3,609.6 feet to a 5/8" iron rod;

THENCE, South 82° 40' East, a distance of 256.6 feet to a 5/8" iron rod;

THENCE, North 31° 19' East, a distance of 302.9 feet to a 5/8" iron rod;

THENCE, North 66° 22' East, a distance of 1,496.0 feet to the place of beginning and containing 80.17 acres.

(3) Tract C - Louis Dreyfus Block Valve Site:

An approximately 0.25 acre tract of land and being a Block Valve Site more particularly described by metes and bounds as follows:

BEGINNING at a point, in a barbed wire fence, for the Southwest corner of this tract or parcel from whence the Southwest corner of said 1454.19 acre Mary Gay tract bears South 60° 11' West a distance of 6,235.0 feet;

THENCE North 03° 04' West, along a barbed wire fence, a distance of 50.0 feet to the Northwest corner of this tract or parcel:

THENCE North 81° 43' East a distance of 215.3 feet to a point for the Northeast corner of this tract or parcel:

THEHCE South 03° 04' East a distance of 50.0 feet to a point for the Southeast corner of this tract or parcel;

THENCE South 81° 43' West a distance of 215.3 feet to the POINT OF BEGINNING and containing 0.25 acres (10,718.51 square feet) of land.

(4) Tract D - Western Tract

All of those lands belonging to The Mary Gay Corporation lying west of the eastern right of way line of Farm to Market Road 1409, which right of way line was established by Right-of-Way Deed dated April 14, 1952, from Frank P. Morse to the State Highway Commission recorded at Volume 368, Page 534 of the Deed Records of Liberty County, Texas.

(5) Tract E - Harris Boundary Line Adjustment Tract

All lands lying north of that certain common boundary line established by that certain Boundary Line Agreement and Deed without Warranty between the Joe D. and Francis Harris Family Limited Partnership and The Mary Gay Corporation dated February 2, 2016, recorded at Clerk's File No. 2016001927.

(6) Tract F - The 3.38 Acre Tract

All that certain tract or parcel of land in the J. A. Williams Survey, A-119, Liberty County, Texas, containing 3.38 acres and being a portion of that same 1,517-acre tract conveyed by Mary Gay et al to The Mary Gay Trust in Deed dated December 26, 1964, and recorded in Volume 582, page 416, of the Deed Records of Liberty County, Texas, said 3.38 acres being more particularly described (with bearing referred to Texas Coordinate System, South Central Zone) by metes and bounds as follows:

BEGINNING at a 5/8-inch rod in the fenced and recognized common line of the above referred to 1,517-acre tract and the Peoples Lumber and Supply Company 500-acre tract and bearing South 86° 43' West a distance of 2,718.3 feet from the common corner of said tracts on the West bank of the Trinity River, said iron rod being the Northerly Northwest corner of an 80.17-acre tract conveyed to Coastal Industria Water Authority by the Mary Gay Trust in Deed dated March 5, 1970, and recorded in Volume 659, Page 251, of the Deed Records of Liberty County, Texas;

THENCE South 66° 22' West with a Northwesterly line of said 80.17 tract, a distance of 733.2 feet to a 5/8-inch iron rod;

THENCE North 75° 10' West, continuing with said line a distance of 316.7 feet to a 5/8-inch iron rod in Spring Creek;

THENCE North 08° 04' East with Spring Creek, a distance of 159.7 feet to a point in the common line of said 1,517-acre and 500-acre tracts;

THENCE North 86° 43' East with said common line a distance of 957.0 feet to the PLACE OF BEGINNING and containing 3.38 acres.

EXHIBIT 2
DEVELOPMENT AGREEMENT

EXHIBIT 3
WRITTEN REQUEST FOR RELEASE OF PROPERTY FROM ETJ



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 03/14/17 06:00 PM

Department: Administration
Category: Grant Issues

7.A.3

RESOLUTION 2017-5

DOC ID: 3732

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS AUTHORIZING DESIGNATED SIGNATORS FOR CONTRACTUAL DOCUMENTS AND ON STATE OF TEXAS DOCUMENTS FOR REQUESTING FUNDS.

WHEREAS, it is necessary to appoint persons to execute contractual documents and documents requesting funds from the Texas Department of Agriculture; and

WHEREAS, an original signed copy of the TxCDBG *Depository/Authorized Signatories Designation Form (Form A202)* is to be submitted with a copy of this resolution; and

WHEREAS, the City of Liberty acknowledges that in the event that an authorized signatory of the City changes (elections, illness, resignations, etc.) the City must provide TxCDBG with the following:

- A resolution stating who the new authorized signatory is (*not required if this original resolution names only the title and not the name of the signatory*); and
- A revised TxCDBG *Depository/Authorized Signatories Designation Form (Form A202)*.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, AS FOLLOWS:

That Mayor and City Manager be authorized to execute contractual documents between the Texas Department of Agriculture and the City for the Texas Community Development Block Grant Program.

The Mayor, City Manager, Finance Director and City Secretary be authorized to execute the State of Texas *Request for Payment Form and Purchase Voucher* documents required for requesting funds from the Texas Community Development Block Grant Program.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LIBERTY,
TEXAS ON THIS 14th DAY OF MARCH, 2017.**

Carl Pickett, Mayor

ATTEST:

Resolution 2017-5
Page 2

City Council Meeting

March 14, 2017

Dianne Tidwell, City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.4

Meeting: 03/14/17 06:00 PM

Department: Administration
Category: Public Hearing

PUBLIC HEARING (ID # 3733)

DOC ID: 3733

CITY OF LIBERTY

City Council Agenda Item Form

Council Meeting Date: March 14, 2017
Agenda Item No. VII.A.4
Agenda Wording: Public Hearing on the Condemnation of the Structure Located at 124 Ohio
Department: Public Works/Inspections
Subject: All buildings or structures which are unsafe, unsanitary or do not provide adequate egress or which constitute a fire hazard or are otherwise dangerous to human life or which in relation to existing use constitutes a hazard to safety or health are considered unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Liberty Code of Ordinance.
Background: The structure at 124 Ohio was damaged by a fire in January 2014. After the fire the home was secured but has since been broken into and is creating an unsafe environment for the surrounding residents. The building structure or portion thereof is in such a condition that it constitutes a public nuisance.
Fiscal Impact: If not demolished by the property owner, the City will incur the cost of demolition of the structure and will place a lien on the property for the demolition and associated costs.
Staff Recommendation: Staff recommends that the structure at 124 Ohio be declared a public nuisance and demolished within thirty (30) days. It is also recommended that if not demolished within the thirty (30) days, the City Manager or his designee is authorized to secure the demolition.
Purpose: To eliminate a hazard to public health, safety and welfare.

Attachment: Agenda Item Dilapidated Structure 124 Ohio March 14 2017 (3733 : PH - 124 Ohio Street)

Conditions Rendering Buildings/ Structure Hazardous and/or Dangerous

Owners Name: JONES HAROLD I

Mailing Address: 124 Ohio, Liberty, TX 77575

Property Description: LIBERTY INNER BLOCKS, BLOCK 102, LOT PT 3 4 TR 6

Street Address: 124 Ohio

UNSAFE BUILDINGS: All buildings or structures which are unsafe, unsanitary, or do not provide adequate egress, or which constitutes a fire hazard, or are otherwise dangerous to human life, or which constitutes a hazard to safety or health, are considered unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of Chapter 6 of the Liberty Code of Ordinances.

1. Lack of hot and cold water running to plumbing fixtures in bathroom and kitchen.
2. Improper sewage disposal system in bathroom and kitchen.
3. Lack of adequate heating facilities.
4. Lack of required ventilating equipment.
5. Lack of required electrical lighting.
6. Dampness of habitable rooms.
7. Infestation of insect, vermin and rodents.
8. General dilapidation and improper maintenance of all heating and plumbing facilities.
9. Lack of adequate garbage and rubbish storage and removal facilities.
10. Deteriorated and inadequate foundations.
11. Defective and deteriorated flooring and floor supports.
12. Members of wall, partitions and other vertical supports have split, lead, list and/or buckle due to defect deterioration.
13. Members of ceilings, roofs, ceiling and roof supports and other horizontal members have sagged, split and/or buckled due to defect and deterioration.
14. Hazardous wiring which is not connected and cannot be connected due to defective maintenance and deterioration.
15. Hazardous plumbing which is not connected and cannot be connected due to defective maintenance and deterioration.
16. Faulty weather protection.
17. Serious fire hazard.
18. Hazardous and unsanitary premises with and accumulation of junk, debris and garbage which constitutes a fire, health and safety hazard.
19. The building structure or portion thereof as a result of decay, deterioration or dilapidations has or is likely to fully or partially collapse.
20. The building structure or portion thereof is in such a condition that it constitutes a public nuisance.

Samantha Johnson

Code Enforcement Officer

Attachment: conditions rendering building 2.15.17 (3733 : PH - 124 Ohio Street)



February 9, 2017

James E. Braxton
124 Ohio
Liberty, TX 77575

James E. Braxton
2703 CR 190
Liberty, TX 77575

James E. Braxton
923 CR 133 N
Liberty, TX 77575

City of Liberty, Liberty County, Texas

You are hereby given notice that a hearing will be held before the Liberty City Council at **6:00 o'clock p.m. on March 14, 2017 at the Liberty City Hall, 1829 Sam Houston Street, Liberty, Texas 77575** to determine if the building located at 124 Ohio Liberty, Texas 77575 legal description being Liberty Inner Blocks, Block 102, Lot PT 3 and 4 TR 6, complies with the standards set out in Chapter 6 of the Liberty Code of Ordinances, or if the structure should be ordered repaired, vacated and repaired, or demolished.

All interested persons who desire to be heard or who oppose the proposed order to repair, vacate and repair, or demolish the above described structure, shall appear at the above mentioned City Council hearing and show cause, if any, why the building or structure, or any portion thereof, involved in these proceedings should not be ORDERED repaired, vacated and repaired, or demolished. Your failure to appear shall constitute a waiver of your right to oppose any ORDER of the City Council.

Attachment: Notice of Hearing (3733 : PH - 124 Ohio Street)

Proof and scope of work will be required to be presented at the hearing with a timeline for the proposed work, if applicable. Furthermore, IF an extension is granted by City Council, specific time schedules for the commencement and performance of the work shall be required.

Furthermore, the amount of cost of abating such nuisance or demolishing said structure, and all incidental expenses associated therewith, if undertaken by the City of Liberty, shall constitute special assessments against the property on which the structure is located and as such, shall constitute a lien on said property.

Respectfully,

Samantha Johnson
Code Enforcement Officer
City of Liberty

Address: 124 Ohio

Owners: Harold I. Jones (Deceased)

Mae Dee Jones

Perry Jones

James E. Braxton

Taxes Owed: \$6,850.52









7.A.4.h

Attachment: DSC05442 (3733 : PH - 124 Ohio Street)











The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.5

Meeting: 03/14/17 06:00 PM

Department: Administration
Category: Abatements

COUNCIL ACTION (ID # 3734)

DOC ID: 3734



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.6

Meeting: 03/14/17 06:00 PM

Department: Administration
Category: Public Hearing

PUBLIC HEARING (ID # 3735)

DOC ID: 3735

CITY OF LIBERTY

City Council Agenda Item Form

Council Meeting Date: March 14, 2017
Agenda Item No. VII.A.6
Agenda Wording: Public Hearing on the Condemnation of the Structure Located at 601 Garrett.
Department: Public Works/Inspections
Subject: All buildings or structures which are unsafe, unsanitary or do not provide adequate egress or which constitute a fire hazard or are otherwise dangerous to human life or which in relation to existing use constitutes a hazard to safety or health are considered unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Liberty Code of Ordinance.
Background: The structure at 601 Garrett is secured and the property is maintained on a regular basis. The building structure or portion thereof is in such a condition that it constitutes a public nuisance.
Fiscal Impact: If not demolished by the property owner, the City will incur the cost of demolition of the structure and will place a lien on the property for the demolition and associated costs.
Staff Recommendation: Staff recommends that the structure at 601 Garrett be declared a public nuisance and demolished within thirty (30) days. It is also recommended that if not demolished within the thirty (30) days, the City Manager or his designee is authorized to secure the demolition.
Purpose: To eliminate a hazard to public health, safety and welfare.

Attachment: Agenda Item Dilapidated Structure 601 Garrett March 14 2017 (3735 : PH - 601 Garrett Street)

Conditions Rendering Buildings/ Structure Hazardous and/or Dangerous

Owners Name: Adolph Pratt Jr.

Mailing Address: 603 Garrett, Liberty, TX 77575

Property Description: Garrett Block 4 Lot 8

Street Address: 601 Garrett

UNSAFE BUILDINGS: All buildings or structures which are unsafe, unsanitary, or do not provide adequate egress, or which constitutes a fire hazard, or are otherwise dangerous to human life, or which constitutes a hazard to safety or health, are considered unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of Chapter 6 of the Liberty Code of Ordinances.

1. Lack of hot and cold water running to plumbing fixtures in bathroom and kitchen.
2. Improper sewage disposal system in bathroom and kitchen.
3. Lack of adequate heating facilities.
4. Lack of required ventilating equipment.
5. Lack of required electrical lighting.
6. Dampness of habitable rooms.
7. Infestation of insect, vermin and rodents.
8. General dilapidation and improper maintenance of all heating and plumbing facilities.
9. Lack of adequate garbage and rubbish storage and removal facilities.
10. Deteriorated and inadequate foundations.
11. Defective and deteriorated flooring and floor supports.
12. Members of wall, partitions and other vertical supports have split, lead, list and/or buckle due to defect deterioration.
13. Members of ceilings, roofs, ceiling and roof supports and other horizontal members have sagged, split and/or buckled due to defect and deterioration.
14. Hazardous wiring which is not connected and cannot be connected due to defective maintenance and deterioration.
15. Hazardous plumbing which is not connected and cannot be connected due to defective maintenance and deterioration.
16. Faulty weather protection.
17. Serious fire hazard.
18. Hazardous and unsanitary premises with and accumulation of junk, debris and garbage which constitutes a fire, health and safety hazard.
19. The building structure or portion thereof as a result of decay, deterioration or dilapidations has or is likely to fully or partially collapse.
20. The building structure or portion thereof is in such a condition that it constitutes a public nuisance.

Samantha Johnson

Code Enforcement Officer

Attachment: conditions rendering building 2.15.17 (3735 : PH - 601 Garrett Street)



February 9, 2017

Adolph J. Pratt Jr.
603 Garrett
Liberty, TX 77575

Adolph J. Pratt Jr.
601 Garrett
Liberty, TX 77575

City of Liberty, Liberty County, Texas

You are hereby given notice that a hearing will be held before the Liberty City Council at **6:00 o'clock p.m. on March 14, 2017 at the Liberty City Hall, 1829 Sam Houston Street, Liberty, Texas 77575** to determine if the building located at 601 Garrett Liberty, Texas 77575 legal description being Garrett, Block 4, LOT 8, complies with the standards set out in Chapter 6 of the Liberty Code of Ordinances, or if the structure should be ordered repaired, vacated and repaired, or demolished.

All interested persons who desire to be heard or who oppose the proposed order to repair, vacate and repair, or demolish the above described structure, shall appear at the above mentioned City Council hearing and show cause, if any, why the building or structure, or any portion thereof, involved in these proceedings should not be ORDERED repaired, vacated and repaired, or demolished. Your failure to appear shall constitute a waiver of your right to oppose any ORDER of the City Council.

Attachment: Notice of Hearing (3735 : PH - 601 Garrett Street)

Proof and scope of work will be required to be presented at the hearing with a timeline for the proposed work, if applicable. Furthermore, IF an extension is granted by City Council, specific time schedules for the commencement and performance of the work shall be required.

Furthermore, the amount of cost of abating such nuisance or demolishing said structure, and all incidental expenses associated therewith, if undertaken by the City of Liberty, shall constitute special assessments against the property on which the structure is located and as such, shall constitute a lien on said property.

Respectfully,

Samantha Johnson
Code Enforcement Officer
City of Liberty

Address: 601 Garrett

Owners: Adolf Pratt

Taxes Owed: \$0







7.A.6.g

Attachment: DSC05420 (3735 : PH - 601 Garrett Street)



Attachment: Photo-601 Garrett #1 (3735 : PH - 601 Garrett Street)



Attachment: Photo-601 Garrett #2 (3735 : PH - 601 Garrett Street)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.7

Meeting: 03/14/17 06:00 PM

Department: Administration
Category: Abatements

COUNCIL ACTION (ID # 3736)

DOC ID: 3736



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.8

Meeting: 03/14/17 06:00 PM

Department: Administration
Category: Public Hearing

PUBLIC HEARING (ID # 3737)

DOC ID: 3737

CITY OF LIBERTY

City Council Agenda Item Form

Council Meeting Date: March 14, 2017
Agenda Item No. VII.A.8
Agenda Wording: Public Hearing on the Condemnation of the Structure Located at 614 Franklin
Department: Public Works/Inspections
Subject: All buildings or structures which are unsafe, unsanitary or do not provide adequate egress or which constitute a fire hazard or are otherwise dangerous to human life or which in relation to existing use constitutes a hazard to safety or health are considered unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Liberty Code of Ordinance.
Background: The structure at 614 Franklin is open and accessible. Since the building is not secured, there has been activity at and in the house creating an unsafe environment for the surrounding residents.
Fiscal Impact: If not demolished by the property owner, the City will incur the cost of demolition of the structure and will place a lien on the property for the demolition and associated costs.
Staff Recommendation: Staff recommends that the structure at 614 Franklin be declared a public nuisance and demolished within thirty (30) days. It is also recommended that if not demolished within the thirty (30) days, the City Manager or his designee is authorized to secure the demolition.
Purpose: To eliminate a hazard to public health, safety and welfare.

Attachment: Agenda Item Dilapidated Structure 614 Franklin March 14 2017 (3737 : PH - 614 Franklin Street)

Conditions Rendering Buildings/ Structure Hazardous and/or Dangerous

Owners Name: Theron Butler Sr., Tonya Renee Butler, Hazel Butler

Mailing Address: PO Box 7001, Liberty, TX 77575

Property Description: Garrett Block 4 lot 3

Street Address: 614 Franklin

UNSAFE BUILDINGS: All buildings or structures which are unsafe, unsanitary, or do not provide adequate egress, or which constitutes a fire hazard, or are otherwise dangerous to human life, or which constitutes a hazard to safety or health, are considered unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of Chapter 6 of the Liberty Code of Ordinances.

1. Lack of hot and cold water running to plumbing fixtures in bathroom and kitchen.
2. Improper sewage disposal system in bathroom and kitchen.
3. Lack of adequate heating facilities.
4. Lack of required ventilating equipment.
5. Lack of required electrical lighting.
6. Dampness of habitable rooms.
7. Infestation of insect, vermin and rodents.
8. General dilapidation and improper maintenance of all heating and plumbing facilities.
9. Lack of adequate garbage and rubbish storage and removal facilities.
10. Deteriorated and inadequate foundations.
11. Defective and deteriorated flooring and floor supports.
12. Members of wall, partitions and other vertical supports have split, lead, list and/or buckle due to defect deterioration.
13. Members of ceilings, roofs, ceiling and roof supports and other horizontal members have sagged, split and/or buckled due to defect and deterioration.
14. Hazardous wiring which is not connected and cannot be connected due to defective maintenance and deterioration.
15. Hazardous plumbing which is not connected and cannot be connected due to defective maintenance and deterioration.
16. Faulty weather protection.
17. Serious fire hazard.
18. Hazardous and unsanitary premises with and accumulation of junk, debris and garbage which constitutes a fire, health and safety hazard.
19. The building structure or portion thereof as a result of decay, deterioration or dilapidations has or is likely to fully or partially collapse.
20. The building structure or portion thereof is in such a condition that it constitutes a public nuisance.

Samantha Johnson

Code Enforcement Officer

Attachment: conditions rendering building 2.15.17 (3737 : PH - 614 Franklin Street)



February 9, 2017

Theron Butler Sr.
614 Franklin
Liberty, TX 77575

Hazel C. Butler
614 Franklin
Liberty, TX 77575

Tonya Renee Butler
Po Box 7001
Liberty, TX 77575

City of Liberty, Liberty County, Texas

You are hereby given notice that a hearing will be held before the Liberty City Council at **6:00 o'clock p.m. on March 14, 2017 at the Liberty City Hall, 1829 Sam Houston Street, Liberty, Texas 77575** to determine if the building located at 614 Franklin Liberty, Texas 77575 legal description being Garrett, Block 4, LOT 3, complies with the standards set out in Chapter 6 of the Liberty Code of Ordinances, or if the structure should be ordered repaired, vacated and repaired, or demolished.

All interested persons who desire to be heard or who oppose the proposed order to repair, vacate and repair, or demolish the above described structure, shall appear at the above mentioned City Council hearing and show cause, if any, why the building or structure, or any portion thereof, involved in these proceedings should not be ORDERED repaired, vacated and repaired, or demolished. Your failure to appear shall constitute a waiver of your right to oppose any ORDER of the City Council.

Attachment: Notice of Hearing (2) (3737 : PH - 614 Franklin Street)

Proof and scope of work will be required to be presented at the hearing with a timeline for the proposed work, if applicable. Furthermore, IF an extension is granted by City Council, specific time schedules for the commencement and performance of the work shall be required.

Furthermore, the amount of cost of abating such nuisance or demolishing said structure, and all incidental expenses associated therewith, if undertaken by the City of Liberty, shall constitute special assessments against the property on which the structure is located and as such, shall constitute a lien on said property.

Respectfully,

Samantha Johnson
Code Enforcement Officer
City of Liberty

Address: 614 Franklin

Owners: Theron Butler, Sr.
Hazel C. Butler
Tonya Renee Butler

Taxes Owed: \$11,325.70



7.A.8.e

Attachment: DSC04798 (3737 : PH - 614 Franklin Street)





7.A.8.g

Attachment: DSC04800 (3737 : PH - 614 Franklin Street)

Packet Pg. 66











7.A.8.m

Attachment: Photo-614 Franklin (3737 : PH - 614 Franklin Street)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.9

Meeting: 03/14/17 06:00 PM

Department: Administration
Category: Abatements

COUNCIL ACTION (ID # 3738)

DOC ID: 3738



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.10

Meeting: 03/14/17 06:00 PM

Department: Administration
Category: Election Issues

COUNCIL ACTION (ID # 3739)

DOC ID: 3739



**CERTIFICATION OF UNOPPOSED CANDIDATES FOR
THE CITY OF LIBERTY
CERTIFICACIÓN DE CANDIDATOS ÚNICOS
LA CIUDAD DE LIBERTY, TEXAS**

TO: Presiding Officer of Governing Body
AI: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 6, 2017.

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevara a cabo el 6 de mayo, 2017.

List offices and names of candidates:
Lista de cargos y nombres de los candidatos:

Office(s)**Candidate(s) Candidato(s)**Council Members (*Concejales*)

Dennis Beasley

Diane Huddleston

Libby Simonson

Signature (*Firma*)

Printed Name (*Nombre en letra de molde*)

Title (*Puesto*)

Date of Signing (*Fecha de firma*)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.11

Meeting: 03/14/17 06:00 PM

Department: Administration
Category: Electric Issues

ORDINANCE 2017-8

DOC ID: 3740 A

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, CANCELLING AN ELECTION PREVIOUSLY ORDERED TO BE HELD ON MAY 6, 2017; FOR THE ELECTION OF THREE COUNCILPERSONS; DECLARING UNOPPOSED CANDIDATES IN SAID ELECTION ELECTED TO OFFICE; RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

WHEREAS, on January 24, 2017, the City Council of the City of Liberty, Texas, adopted Ordinance 2017-4 ordering a general municipal election to be held on Saturday, May 6, 2017 for the purposes of electing three (3) Councilpersons; and

WHEREAS, the City Secretary, in accordance with Section 2.052, Texas Election Code, has certified in writing that no person has made a declaration of write-in candidacy, that there is no proposition on the ballot, and that each candidate whose name is to appear on the ballot is unopposed; and

WHEREAS, under these circumstances, Subchapter C, Chapter 2, Texas Election Code, authorizes the City Council to declare the candidates elected to office and cancel the election.

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

SECTION 1.

That the following candidates, who are unopposed in the May 6, 2017 General Election, are declared duly elected to office, and shall be issued certificates of election following the time the election would have been canvassed:

Dennis Beasley	Councilperson
Diane Huddleston	Councilperson
Libby Simonson	Councilperson

SECTION 2.

The General Election is cancelled, and the City Secretary is directed to cause a copy of this ordinance to be posted on Election Day at each polling place that would have been used in the election.

SECTION 3.

Severability clause. It is declared to be the intent of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance is declared invalid by the judgment or decree of a court of competent jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the City Council would have enacted them without the invalid portion.

SECTION 4.

Effective Date. That this ordinance shall be in full force and effect from and after its passage on the date shown below and it is so ordained.

SECTION 5.

Waiver of second reading. 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 days is hereby dispensed with.

Ordinance 2017-8

City Council Meeting

March 14, 2017

Page 3

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Liberty, this
14th day of March, 2017.

BY: _____
Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.12

Meeting: 03/14/17 06:00 PM

Department: Administration
Category: Proposals

COUNCIL ACTION (ID # 3741)

DOC ID: 3741

City of Liberty Request For Proposal No. 2017-01

3/8/2017

Electric Distribution System Maintenance

	T&D		Prime		High Voltage		Bright Star	
Foreman	71.35	107.02	61.00	91.50	59.00	74.00	58.00	87.00
Journeyman	67.33	100.99	57.00	85.50	56.00	70.00	55.00	82.50
Apprentice	62.31	93.46	52.00	78.00	48.00	60.00	45.00	67.50
Aerial Lift	37.00	37.00	40.00	40.00	35.00	35.00	40.00	40.00
Digger derrick	44.00	44.00	41.00	41.00	35.00	35.00	40.00	40.00
Backyard Unit	38.00	38.00	40.00	40.00	25.00	25.00	38.00	38.00
3/4 ton	<u>16.50</u>	<u>16.50</u>	<u>17.00</u>	<u>17.00</u>	<u>20.00</u>	<u>20.00</u>	<u>0.00</u>	<u>0.00</u>
	336.49	436.97	308.00	393.00	278.00	319.00	276.00	355.00

Attachment: Proposal Recap-Electric Dist Syst Maint (3741 : Elec Dist System Maintenance)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 03/14/17 06:00 PM

Department: Administration
Category: Miscellaneous Issues

7.A.13

RESOLUTION 2017-4

DOC ID: 3743 A

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LIBERTY, TEXAS, IN OPPOSITION TO REVENUE CAPS AND
IMPOSITION OF A MANDATORY ELECTION.**

WHEREAS, Texas cities lead the nation in population growth and seventy-four percent of Texas residents live in incorporated cities; and

WHEREAS, Texas cities receive virtually no financial assistance from the State but cities are required to generate and remit to the State over \$200 million annually to fund state programs; and

WHEREAS, bills have been introduced to cap the amount of property tax revenue cities can collect each year and require mandatory elections on an increase over four percent in a specious claim to reduce the property tax burden on homeowners and businesses; and

WHEREAS, currently, voters can petition for an election to roll back increases in Texas City property tax collections by more than eight percent over the previous year, and

WHEREAS, according to the state comptroller's survey of property tax rates in 963 cities in Texas, 56 percent of cities raised their property taxes by less than four percent from 2014 to 2015 and 27 percent of cities actually reduced their property taxes; and

WHEREAS, property owners in at least 547 Texas cities would have seen no reduction in their city property taxes if the four percent cap had been in effect; and

WHEREAS, while the savings to individual taxpayers are very small or even non-existent, a four percent cap could represent a loss in vital city services; and

WHEREAS, cities collect just 16 percent of the property taxes levied in Texas, and most of the property taxes paid by Texans (55 percent) go to school districts; and

WHEREAS, according to the comptroller's report, the total amount of property taxes collected by cities rose by 3.61 percent between 2014 and 2015, while school district tax collections rose by more than twice that rate or 7.72 percent; and

WHEREAS, school property taxes have been rising because the legislature continues to reduce the state's share of funding for schools, which forces districts to obtain more revenue from property taxes.

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

Section 1. The City of Liberty, Texas, is OPPOSED to legislative reduction of a revenue cap and/or any other action that would result in the legislative imposition of a revenue cap and legislative interference with local services; and

Section 2. Imposing a revenue cap on cities: (a) does not provide meaningful tax relief; (b) interferes with the city's ability to meet local needs; and (c) diverts attention from the real cause of higher property taxes, which is the legislature's failure to address the issue of school funding.

Section 3. The local voters should be the body that provides oversight of our actions in setting tax rates and adopting budgets and not the state legislature. Those are the people that we are ultimately accountable to and they have the power of the ballot box to vote out of office those officials who take actions that they do not agree with and vote into office those officials who they think will take actions that are appropriate for their own political entity.

Section 4. This resolution shall become effective from and after the date of its passage by the City Council.

PASSED, APPROVED, AND RESOLVED this 14th day of March 2017.

APPROVED:

Carl Pickett
Mayor

ATTEST:

Dianne Tidwell
City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.C.1

Meeting: 03/14/17 06:00 PM

Department: Administration
Category: Executive Session Items

COUNCIL ACTION (ID # 3742)

DOC ID: 3742