



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, March 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	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	

II. INVOCATION

The Invocation was given by Pastor Revlon Belle, Lily of the Valley Baptist Church.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Police Chief Tom Claunch.

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Public Comment is reserved for members of the public who would like to address the City Council regarding agenda and non-agenda items. Please be aware that, under Texas Law, the Council may not deliberate or take any action during Citizen's comments for items not on the agenda. In some situations, City Staff may be able to respond to the public comment with a factual statement or clarification. The City Council may have the item placed on a future agenda for action or refer the item to Management and Staff for study or conclusion.

Mayor Pickett welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council. Mayor Pickett reported on the following:

1. Council Member sign-up sheet for the Jubilee Information Booth is available

2. Expressed appreciation to City Staff for work on Liberty Jubilee
3. Sam Houston Regional Library and Research Center conducting Open House on Saturday
4. SRMPA business regarding settlement offer from Vinton Public Power Association in regard to the Cambridge Project.

Pastor Revlon Belle, Lily of the Valley Baptist Church, addressed the Council requesting the City review the structures located at 3810 and 3006 SLOF Road, for possible demolition.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 3729)

Project Updates - City Mgr. G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on various City projects and activities including:

- 1) Jubilee plans continuing
- 2) Splash Pad Project moving along well
- 3) Received delivery of new ambulance remount last week
- 4) continuing work on plans for Animal Shelter upgrades
- 5) sales tax revenues 4% below budgeted amount
- 6) budgeting process to begin soon for new fiscal year
- 7) numerous other projects.

B. Information Item (ID # 3730)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

City Manager Gary Broz reported that an upcoming Shred-It and E-cycle Event will be held on Saturday, May 6th from 9:00 a.m. until Noon. The trucks will be located in the parking lot on the west side of City Hall.

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

VII. REGULAR AGENDA

A. Regular Session

1. 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.

COMMENTS - Current Meeting:

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

"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."

Mr. Art Pertile, Olson & Olson, LLP was present to address the Council and reported that the Ordinance releases a tract of land owned by the Mary Gary Corporation from the City of Liberty's ETJ, and thereby reduces the City's existing ETJ.

After further discussion, a motion was made to adopt the Ordinance reducing the City of Liberty's ExtraTerritorial Jurisdiction.

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

2. 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.

COMMENTS - Current Meeting:

A motion was made to approve the Resolution authorizing signators for contractual documents and State of Texas documents for requesting Texas Community Development Block Grant Funds.

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

3. Public Hearing (ID # 3733)

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

COMMENTS - Current Meeting:

At 6:32 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 124 Ohio Street. City Manager Gary Broz asked Public Works Director Tom Warner numerous questions regarding the condition of the structure which had been damaged by fire in January, 2014, and whether or not the property constituted a public nuisance. Mr. Darren Edwards addressed the Council regarding this structure and his disagreement with the conditions, stating that the structure was worthy of rehabilitation.

At 6:47 p.m., Mayor Pickett closed the Public Hearing.

ATTACHMENTS:

- 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)

4. Council Action 2017-10

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

COMMENTS - Current Meeting:

A motion was made to allow sixty (60) days for the repair/rehabilitation of the structure, including compliance with all required City Codes, or the City is authorized to secure the demolition.

RESULT:	APPROVED [5 TO 0]
MOVER:	Paul Glazener, Councilperson
SECONDER:	Libby Simonson, Councilperson
AYES:	Beasley, Potetz, Simonson, Arnold, Glazener
ABSTAIN:	Carl Pickett
ABSENT:	Diane Huddleston

5. Public Hearing (ID # 3735)

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

COMMENTS - Current Meeting:

At 6:50 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 601 Garrett Street. City Manager Gary Broz asked Public Works Director Tom Warner numerous questions regarding the condition of the structure and whether or not the property constituted a public nuisance. Mr. Daniel Pratt spoke to the conditions of the structure and maintenance of the property. An asbestos survey was also discussed.

At 7:02 p.m., Mayor Pickett closed the Public Hearing.

ATTACHMENTS:

- 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)

6. Council Action 2017-11

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

COMMENTS - Current Meeting:

A motion was made to allow sixty (60) days for the repair of the structure located at 601 Garrett, to include an asbestos survey, or the City is authorized to secure the demolition.

RESULT:	APPROVED [5 TO 0]
MOVER:	Libby Simonson, Councilperson
SECONDER:	Paul Glazener, Councilperson
AYES:	Beasley, Potetz, Simonson, Arnold, Glazener
ABSTAIN:	Carl Pickett
ABSENT:	Diane Huddleston

7. Public Hearing (ID # 3737)

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

COMMENTS - Current Meeting:

At 7:03 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 614 Franklin Street. City Manager Gary Broz asked Public Works Director Tom Warner numerous questions regarding the current condition of the structure and if the property constituted a public nuisance.

Mayor Pickett closed the Public Hearing at 7:10.

ATTACHMENTS:

- 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)

8. Council Action 2017-12

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

COMMENTS - Current Meeting:

A motion was made to approve the Order of Abatement for the structure located at 614 Franklin Street.

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

9. Council Action 2017-13

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

COMMENTS - Current Meeting:

With only three individuals filing for the three open places on the City Council, a motion was made to accept the City Secretary's Certification of Unopposed Candidates for the May 6, 2017 General Election.

ATTACHMENTS:

- Cert of Unopposed Candidates (PDF)

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

10. 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 .

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, 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."

This Ordinance cancels the City's May 6, 2017 General Election and declares the unopposed candidates elected. Those individuals declared elected are: Dennis Beasley, Diane Huddleston and Libby Simonson.

A motion was made to adopt the Ordinance as presented.

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

11. Council Action 2017-14

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

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the City had sought proposals for electric distribution system maintenance. The City received three proposals and after review of the various rates for personnel and equipment, High Voltage, Inc. was the most cost effective proposer and is recommended by Management.

A motion was made to approve the proposal for electric distribution system maintenance to High Voltage, Inc.

ATTACHMENTS:

- Proposal Recap-Electric Dist Syst Maint (XLSX)

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

12. Information Item (ID # 3744)

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

COMMENTS - Current Meeting:

Liberty Church of Christ Pastor Don Prather made a presentation to Council regarding the G.R.A.C.E. Initiative of South Liberty County (Meals on Wheels Program). Pastor Prather reported that there are currently 22 volunteers serving 54 meals per day in Liberty, on three routes Monday - Friday. After further information communicated about the program, Pastor Prather stated that the Board has requested that the City place GRACE Initiative in its budget, and that GRACE President and Treasurer will contact the City Manager.

13. Resolution 2017-4

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

COMMENTS - Current Meeting:

Discussion was held regarding the impact of SB 2 and the impact of revenue caps on cities. Mayor Pickett requested an addition to the Resolution regarding local oversight in setting tax rates and adopting budgets and not the State Legislature.

A motion was made to approve the Resolution, as amended.

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

B. Executive Session

Government Code §551.074 - Personnel Matters.

At 7:38 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:19 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

Councilperson Simonson left the meeting at 8:19 p.m.

1. Council Action 2017-15

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

COMMENTS - Current Meeting:

A motion was made to authorize City Staff to move forward with the accounts receivable collection process for the City of Liberty EMS Services.

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

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

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:21 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary