



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, April 11, 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

Missionary Elders Stein Paulsen and Sam Stringfellow, from the Church of Jesus Christ of Latter Day Saints were present and Elder Paulsen gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Pledge to the American flag was led by Elder Stringfellow and the Pledge to the Texas flag was led by Fire Chief Brian Hurst.

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.

Brandon Davis thanked the City and the Liberty Community Development Corporation for their support and funding of the LISD Education Foundation, Liberty Freedom Ride 2017.

V. PRESENTATIONS / REPORTS**A. Information Item (ID # 3745)**

Project Updates - City Mgr. G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reviewed and updated the Council on various City projects and activities.

B. Information Item (ID # 3746)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that the next Shred-It and E-cycling Event would be held on Saturday, May 6, from 9 a.m. until Noon; taking place in the parking lot on the west side of the City Hall Administration Building.

C. Information Item (ID # 3747)

Planning & Zoning Commission Appointments - City Sec. D. Tidwell

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported that appointments to the Planning & Zoning Commission will be made at the May 6th Council Meeting. Ms. Tidwell reviewed member requirements and stated that those members whose terms expire are Shelli Ellerbe and Mark Campbell.

D. Information Item (ID # 3748)

Liberty Community Development Corporation Appointments - City Sec. D. Tidwell

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported that appointments to the Liberty Community Development Corporation will be made at the May 6th Council Meeting. Ms. Tidwell reviewed member requirements and stated that those members whose terms expire are David Arnold, Leslie Herndon, Mike McCarty and Mark Campbell.

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, March 14, 2017

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2017-16

Consider approval of a bid for Tax Resale Property described as Liberty Inner Blocks, Block 205, Lot PT 1 TR 1 (801 Washington).

COMMENTS - Current Meeting:

City Attorney Brandon Davis reviewed a powerpoint presentation on tax resale property located at 801 Washington. An offer of \$13,000.00 has been made, with total taxes owed to all taxing entities in the amount of \$23,851.88. If the bid is accepted, \$5,161.55 will be distributed to the City of Liberty.

After brief discussion, a motion was made to accept the bid of \$13,000.00 for the tax resale property described as Liberty Inner Blocks, Block 205, Lot PT 1 TR1.

ATTACHMENTS:

- Tax Property Info 801 Washington (PDF)
- IMG_1125 (JPG)
- IMG_1126 (JPG)
- IMG_1127 (JPG)
- IMG_1128 (JPG)

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

2. Council Action 2017-17

Consider a variance to Section 10.02.122 Table 5, Minimum Lot Requirements for Lots 4 and PT 5, Block 6, Cain Addition (1011 Milam Parcel 1).

COMMENTS - Current Meeting:

Public Works Director Tom Warner explained that the property owner desires to construct five Garden Apartments on property located at 1011 Milam Street (Lots 4 and PT 5, Block 6, Cain Addition). Subdivision regulations require the *corner lot* on townhouses or Garden Apartments

to be 35 feet wide and 100 feet deep, with this corner lot falling short at 34.62 ft. wide and 98.34 feet deep. The required setbacks will be maintained. After lengthy discussion, a motion was made to grant the variance request to the width and depth of 1011 Milam, *Parcel 1*, subject to the garden homes being constructed or the variance is revoked.

ATTACHMENTS:

- Agenda Form 1011 Milam Parcel 1 (DOCX)
- Variance Info - 1011 Milam (PDF)

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

3. Council Action 2017-18

Consider a variance to Section 10.02.122 Table 5, Minimum Lot requirements for Lots 4 and PT 5, Block 6, Cain Addition (1011 Milam Parcel 2).

COMMENTS - Current Meeting:

Public Works Director Tom Warner explained that the property owner desires to construct five Garden Apartments on property located at 1011 Milam Street (Lots 4 and PT 5, Block 6, Cain Addition). Subdivision regulations require *lots* on townhouses or Garden Apartments to be 20 feet wide and 100 feet deep, with this lot falling short on the depth at 98.34 feet deep. The required setbacks will be maintained. After lengthy discussion, a motion was made to grant the requested variance to the depth of 1011 Milam Street, *Parcel 2*, subject to the garden homes being constructed or the variance is revoked.

ATTACHMENTS:

- Agenda Form 1011 Milam Parcel 2 (DOCX)
- Variance Info - 1011 Milam (PDF)

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

4. Council Action 2017-19

Consider a variance to Section 10.02.122 Table 5, Minimum Lot Requirements for Lots 4 and PT 5, Block 6, Cain Addition (1011 Milam Parcel 3).

COMMENTS - Current Meeting:

Public Works Director Tom Warner explained that the property owner desires to construct five Garden Apartments on property located at 1011 Milam Street (Lots 4 and PT 5, Block 6, Cain Addition). Subdivision regulations require *lots* on townhouses or Garden Apartments to be 20 feet wide and 100 feet deep, with this lot falling short on the depth at 98.34 feet deep. The required setbacks will be maintained. After lengthy discussion, a motion was made to grant the variance request to the depth of 1011 Milam Street, *Parcel 3*, subject to the garden homes being constructed or the variance is revoked.

ATTACHMENTS:

- Agenda Form 1011 Milam Parcel 3 (DOCX)
- Variance Info - 1011 Milam (PDF)

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

5. Council Action 2017-21

Consider a variance to Section 10.02.122 Table 5, Minimum Lot Requirements for Lots 4 and PT 5, Block 6, Cain Addition (1011 Milam Parcel 4).

COMMENTS - Current Meeting:

Public Works Director Tom Warner explained that the property owner desires to construct five Garden Apartments on property located at 1011 Milam Street (Lots 4 and PT 5, Block 6, Cain Addition). Subdivision regulations require *lots* on townhouses or Garden Apartments to be 20 feet wide and 100 feet deep, with this lot falling short on the depth at 98.34 feet deep. The required setbacks will be maintained. After lengthy discussion, a motion was made to grant the variance request to the depth of 1011 Milam Street, *Parcel 4*, subject to the garden homes being constructed or the variance is revoked.

ATTACHMENTS:

- Agenda Form 1011 Milam Parcel 4 (DOCX)
- Variance Info - 1011 Milam (PDF)

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

6. Council Action 2017-20

Consider a variance to Section 10.02.122 Table 5, Minimum Lot Requirements for Lots 4 and PT 5, Block 6, Cain Addition (1011 Milam Parcel 5).

COMMENTS - Current Meeting:

Public Works Director Tom Warner explained that the property owner desires to construct five Garden Apartments on property located at 1011 Milam Street (Lots 4 and PT 5, Block 6, Cain Addition). Subdivision regulations require the *interior end lot* on townhouses or Garden Apartments to be 25 feet wide and 100 feet deep, with this interior end lot falling short on the depth at 98.34 feet deep. The required setbacks will be maintained. After lengthy discussion, a motion was made to grant the variance request to the depth of 1011 Milam Street, *Parcel 5*, subject to the garden homes being constructed or the variance is revoked.

ATTACHMENTS:

- Agenda form 1011 Milam Parcel 5 (DOCX)
- Variance Info - 1011 Milam (PDF)

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

7. Public Hearing (ID # 3755)

Public Hearing on the condemnation of the structure located at 611 Palmer Street.

COMMENTS - Current Meeting:

At 6:35 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 611 Palmer Street. City Attorney Brandon Davis questioned Public Works Director Tom Warner regarding the condition of the structure and whether or not the property constituted a public nuisance. The property was shown in a powerpoint presentation.

Mayor Pickett closed the Public Hearing at 6:41 p.m.

ATTACHMENTS:

- Agenda Form - 611 Palmer (DOCX)
- PH Info - 611 Palmer (PDF)

8. Council Action 2017-22

Consider an Order of Abatement for the structure located at 611 Palmer Street.

COMMENTS - Current Meeting:

A motion was made that this structure is found to be a public nuisance and to approve the Order of Abatement for the structure located at 611 Palmer Street.

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

9. Public Hearing (ID # 3757)

Public Hearing on the condemnation of the structure located at 608 Garrett Street.

COMMENTS - Current Meeting:

At 6:43 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 608 Garrett. City Attorney Brandon Davis questioned Public Works Director Tom Warner regarding the condition of the structure and whether or not the property constituted a public nuisance. The property was shown in a powerpoint presentation.

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

ATTACHMENTS:

- Agenda Form - 608 Garrett (DOCX)
- PH Info - 608 Garrett (PDF)

10. Council Action 2017-23

Consider an Order of Abatement for the structure located at 608 Garrett Street.

COMMENTS - Current Meeting:

After brief discussion regarding the condition of the structure located at 608 Garrett Street, a motion was made to allow the property owner 90 days to repair the structure, or the City is authorized to secure the demolition.

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

11. Public Hearing (ID # 3759)

Public Hearing on the condemnation of the structure located at 503 Franklin Street.

COMMENTS - Current Meeting:

This agenda item was passed on.

ATTACHMENTS:

- Agenda Form - 503 Franklin (DOCX)
- PH Info - 503 Franklin (PDF)
- 503 Franklin-Complete (JPG)

12. Council Action 2017-24

Consider an Order of Abatement for the structure located at 503 Franklin Street.

RESULT:	NO ACTION TAKEN
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13. Council Action 2017-27

Consider approval of an Agreement between the City and Water Control Improvement District #5 for the maintenance and operation of Main "A" and Main "B" pump stations.

COMMENTS - Current Meeting:

Brief discussion was held regarding the terms of the contract regarding the duties and responsibilities of each entity. A motion was made to approve the agreement between the City and Liberty County Water Improvement District #5 for the maintenance and operation of storm water pumping facilities located at Main "A" (Travis Park) and Main "B" (Bowie St.).

ATTACHMENTS:

- WCID Agreement (PDF)

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

14. Council Action 2017-28

Consider designation certain vehicles and equipment as surplus property, and take any action deemed necessary.

COMMENTS - Current Meeting:

A motion was made to approve certain designated equipment and vehicles as surplus property, to be sold in an online auction.

ATTACHMENTS:

- Surplus Property List (PDF)

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

B. Executive Session

1. Government Code 551.074 - Personnel Matters - Police Department
2. Government Code 551.072 - Deliberation Regarding Real Property - Easements

At 7:16 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:05 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2017-25

Consider and take action, if any, on personnel matters regarding the Police Department.

RESULT:	NO ACTION TAKEN
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2. Council Action 2017-26

Consider and take action, if any, on the deliberation regarding real property-easements.

COMMENTS - Current Meeting:

A motion was made to move forward to pursue the described easements as discussed in the Executive Session.

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

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

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:07 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary