



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, August 8, 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	Absent	
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 Rev. Josh Hale, First United Methodist Church, Liberty.

III. PLEDGE OF ALLEGIANCE

The pledge to the American and Texas flags was led by Police Chief Tom Claunch and Fire Chief Brian Hurst, 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.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 3863)

Project Updates - City Mgr. G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the status of numerous city projects and activities including the water/wastewater projects, electric upgrades, Cities of Ames and Hardin meter readings, Airport Project, Splash Pad, meeting with Senator Nichols and Rep. Bailes on several current bills in session, and other topics.

B. Information Item (ID # 3880)

Sam Rayburn Municipal Power Agency-Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency (SRMPA), reported that the most recent, and the upcoming, meetings of the Agency. Mayor Pickett reported the lawsuit with the Agency's formal Legal Counsel, Ralph Gillis is moving slowly; attempts are being made to attach assets that Mr. Gillis may have in the State of Massachusetts.

City Manager Gary Broz, SRMPA Board Member stated that the installation of the transformer for the SRMPA Substation is scheduled for November/December, 2017 and the express feeder project is waiting on pole delivery.

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:	Libby Simonson, Councilperson
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Glazener
ABSENT:	David Arnold

A. Minutes Approval

1. Tuesday, July 11, 2017
2. Wednesday, July 12, 2017
3. Thursday, July 27, 2017
4. **Council Action 2017-67**

Consider the dates of March 23rd and 24th for the 2018 Liberty Jubilee.

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2017-68

Mr. Larry Brown to address the Council regarding repair of the structure located at 608 Garrett Street, and take any action deemed necessary.

COMMENTS - Current Meeting:

Mr. Brown was in attendance at the April 11 and July 11, 2017 Council Meetings in which he requested time, and subsequent additional time, to complete repairs on the structure at 608 Garrett Street. Mr. Brown is, once again, asking for extra time to get the structure of discussion in compliance with all code requirements. After lengthy discussion concerning the necessary repairs to the home, the length of time needed and other related issues, a motion was made by Councilperson Huddleston to allow Mr. Brown 90 days to comply with code requirements. The motion died for lack of a second.

A motion was made by Councilperson Simonson, seconded by Councilperson Glazener to amend the original Order of Abatement and to demolish the structure within thirty (30) days. Councilpersons Simonson and Glazener voting AYE, Mayor Pickett and Councilpersons Huddleston, Beasley, and Potetz voting NAY. Motion was defeated 4-2.

A motion was made by Councilperson Huddleston, seconded by Councilperson Beasley to give Mr. Brown ninety (90) days to weather-in the structure, said repairs to be approved by the City's Building Official, or the City is authorized to secure the demolition within 30 days; however if Mr. Brown completes the directive within the allotted time, he will be given another ninety (90) days to complete the structure.

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

2. Council Action 2017-69

Consider an Interlocal Agreement between the City of Liberty and the Liberty County Historical Commission regarding negotiations for access and usage of the Branch Cemetery property.

COMMENTS - Current Meeting:

City Attorney Brandon Davis reported that the Liberty County Historical Commission will be responsible for all legal fees related to the negotiations for access and usage of the Branch Cemetery property. Mr. Davis stated that the Commission will escrow \$10,000 with the City of Liberty who will hire the attorney. A motion was made to approve the Interlocal

Agreement.

ATTACHMENTS:

- Interlocal Agreement-Historical Commission (DOCX)

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

3. Council Action 2017-71

Consider hiring C. Bruce Stratton, Attorney, to conduct negotiations with adjoining property owners for access and usage of the Branch Cemetery property.

COMMENTS - Current Meeting:

A motion was made to hire Mr. C. Bruce Stratton, Attorney, to conduct negotiations with the adjoining property owners to the Branch Cemetery for access and usage of the property.

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

4. Public Hearing (ID # 3865)

Public Hearing on the condemnation of the structure located at 3002 Neyland.

COMMENTS - Current Meeting:

At 6:52 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 3002 Neyland. City Attorney Brandon Davis questioned Public Works Director Tom Warner regarding the condition of the structure, if the structure meet building code requirements and whether or not the property posed a safety and health hazard to the public. The condition of the property was shown in a powerpoint presentation.

At 7:05 p.m., Mayor Pickett closed the Public Hearing.

ATTACHMENTS:

- Agenda Item Dilapidated Structure 3002 Neyland August 8 2017 (DOCX)
- Formal Demand Letter for Dilapidation and hearing notice 6.29.17 (DOCX)
- DSC05329 (JPG)
- DSC05330 (JPG)
- IMG_3103 (JPG)
- IMG_3104 (JPG)
- IMG_3105 (JPG)
- IMG_3106 (JPG)
- IMG_3489 (JPG)
- IMG_3490 (JPG)
- IMG_3491 (JPG)
- IMG_3492 (JPG)

- IMG_3493 (JPG)
- IMG_3494 (JPG)

5. Council Action 2017-72

Consider an Order of Abatement for the structure located at 3002 Neyland.

COMMENTS - Current Meeting:

A motion was made that the structure located at 3002 Neyland is found to be a public nuisance, and that the property owner be given 90 days to remove the structure, or the City is authorized to secure the demolition.

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

6. Public Hearing (ID # 3867)

Public Hearing on the condemnation of the structure located at 138 McManus.

COMMENTS - Current Meeting:

At 7:08 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 138 McManus. City Attorney Brandon Davis questioned Public Works Director Tom Warner regarding the condition of the structure, if the structure meets building code requirements and whether or not the property posed a safety and health hazard to the public. The condition of the property was shown in a powerpoint presentation.

At 7:10 p.m., Mayor Pickett closed the Public Hearing.

ATTACHMENTS:

- Agenda Item Dilapidated Structure 138 McManus August 8 2017 (DOCX)
- Formal Demand Letter for Dilapidation and hearing notice 6.29.17 (DOCX)
- DSC05040 (JPG)
- DSC05041 (JPG)
- IMG_3088 (JPG)
- IMG_3485 (JPG)
- IMG_3486 (JPG)

7. Council Action 2017-73

Consider an Order of Abatement for the structure located at 138 McManus.

COMMENTS - Current Meeting:

A motion was made that the structure located at 138 McManus is found to be a public nuisance, and that the property owner be given 60 days to remove the structure, or the City is authorized to secure the demolition.

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

8. Public Hearing (ID # 3869)

Public Hearing on the condemnation of the structure located at 109 John.

COMMENTS - Current Meeting:

At 7:11 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 109 John. City Attorney Brandon Davis questioned Public Works Director Tom Warner regarding the condition of the structures, a house and a shed, if the structures meet building code requirements and whether or not the property posed a safety and health hazard to the public. The condition of the property was shown in a powerpoint presentation. Only the shed is being required to be removed.

Mayor Pickett closed the Public Hearing at 7:16 p.m.

ATTACHMENTS:

- Agenda Item Dilapidated Structure 109 John August 8 2017 (DOCX)
- Formal Demand Letter for Dilapidation and hearing notice 6.29.17 (DOCX)
- DSC05408 (JPG)
- DSC05409 (JPG)
- DSC05410 (JPG)
- DSC05411 (JPG)
- DSC05412 (JPG)
- DSC05413 (JPG)
- DSC05414 (JPG)
- IMG_3100 (JPG)
- IMG_3101 (JPG)
- IMG_3102 (JPG)
- IMG_3487 (JPG)
- IMG_3488 (JPG)
- DSC05414 (JPG)

9. Council Action 2017-74

Consider an Order of Abatement for the structure located at 109 John.

COMMENTS - Current Meeting:

A motion was made that the shed located on the property at 109 John Street is found to be a public nuisance, and that the property owner be given 90 days to remove the structure, or the City is authorized to secure the demolition.

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

10. Public Hearing (ID # 3871)

Public Hearing on the condemnation of the structure located at 205 Chesson.

COMMENTS - Current Meeting:

At 7:18 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the front porch of a structure located at 205 Chesson. City Attorney Brandon Davis questioned Public Works Director Tom Warner regarding the condition of the structure and the porch, if the structure meets building code requirements and whether or not the property posed a safety and health hazard to the public. The structure and the porch was shown in a powerpoint presentation.

Mayor Pickett closed the Public Hearing at 7:21 p.m.

ATTACHMENTS:

- Agenda Item Dilapidated Structure 205 Chesson August 8 2017 (DOCX)
- Formal Demand Letter for Dilapidation and hearing notice 7.17.17 (added name) (DOCX)
- IMG_3091 (JPG)
- IMG_3092 (JPG)
- IMG_3093 (JPG)
- IMG_3094 (JPG)
- IMG_3095 (JPG)
- IMG_3480 (JPG)
- IMG_3481 (JPG)
- IMG_3482 (JPG)

11. Council Action 2017-75

Consider an Order of Abatement for the structure located at 205 Chesson.

COMMENTS - Current Meeting:

A motion was made that the front porch of the structure located at 205 Chesson is found to be a public nuisance, and that the property owner be given 60 days to remove the porch from 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, Glazener
ABSENT:	David Arnold

12. Information Item (ID # 3887)

Report on the status of the dilapidated structure located at 419 Minglewood.

COMMENTS - Current Meeting:

Brief discussion was held, and photos shown, that the property owner had removed the structure, requiring no action from the City.

ATTACHMENTS:

- Agenda Item Dilapidated Structure 419 Minglewood August 8 2017 (DOCX)
- Formal Demand Letter for Dilapidation and hearing notice 6.29.17 (DOCX)
- IMG_3096 (JPG)
- IMG_3097 (JPG)
- IMG_3098 (JPG)
- IMG_3099 (JPG)
- IMG_3483 (JPG)

13. Ordinance 2017-13

Consider adoption of an Ordinance lengthening the school speed limit zone on Panther Lane.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS AMENDING A SCHOOL ZONE ON PANTHER LANE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE."

Public Works Director Tom Warner reported that the Liberty Independent School District has requested the school speed limit zone on Panther Lane be extended closer to Jefferson Drive. The school zone begins approximately fifty feet north of the driveway to the shopping center, and the school desires that the zone be lengthened to the south side of the driveway. Mr. Warner stated that the recommendation is to relocate the school speed limit zone on Panther Lane, with the current beginning point from 540 feet north of Jefferson Drive, to 230 feet north of Jefferson Drive.

A motion was made to approve the extension of the school speed limit zone as presented.

ATTACHMENTS:

- Agenda Form-Panther Lane Speed Zone (DOCX)

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

14. Council Action 2017-76

Consider a variance to Section 3.08.116, Occupancy of Recreational Vehicle Outside of Park, and take any action deemed necessary.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported on an RV parked in the front of a residence at 1837 N. San Jacinto Street. The City's Code of Ordinances requires the placement of a recreational

vehicle be placed on the side or rear yard area. A variance to this requirements has been requested by the property owner to allow the RV to remain in the front of this property due to space constraints. A motion was made to deny the variance request.

ATTACHMENTS:

- Agenda Form Varaince Occupancy of RV Outside of Park 1837 N San Jacinto (DOCX)
- Variance Info - 1837 N San Jacinto (PDF)

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

15. Council Action 2017-77

Consider a variance to Section 10.02.122 Table 5, Minimum Lot Requirements-Side Yard Setback for 114 Valley Drive, and take any action deemed necessary.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported on a variance request to the Code of Ordinances regarding side yard setbacks for single-family residential lots. The property owner desires to construct an RV carport extending into the required 7.5' setback. A motion was made to approve the variance at 114 Valley Drive.

ATTACHMENTS:

- Agenda Form- Varaince Side Yard Setback 104 Valley (DOCX)
- Variance Info - 114 Valley Drive (PDF)

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

16. Council Action 2017-78

Consider setting the date, time and location for a Public Hearing on the proposed budget for Fiscal Year 2017-2018.

COMMENTS - Current Meeting:

A motion was made to set the Public Hearing on the FY 2017-2018 Proposed Budget for Tuesday, August 22, 2017 at 6:00 p.m., in the City Council Chambers.

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

17. Council Action 2017-79

Consider approval of the proposed tax rate for Fiscal Year 2017-2018.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the proposed tax rate of \$0.0061 per \$100 valuation of real property, for Fiscal Year 2017-2018. A motion was made to approve the proposed tax rate.

Mayor Pickett called for a short break at 7:40 p.m. The meeting was reconvened at 7:45 p.m.

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

18. Council Action 2017-80

Consider setting the date, time and location for public hearings on the proposed tax rate for Fiscal Year 2017-2018.

COMMENTS - Current Meeting:

A motion was made to set the Public Hearings on the FY 2017-2018 Proposed Tax Rate for Tuesday, August 22 and Tuesday, August 29, 2017, each at 6:00 p.m., in the City Council Chambers.

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

19. Council Action 2017-81

Consider award of proposal for Employee Life and Dependent Life Insurance.

COMMENTS - Current Meeting:

City Manager Gary Broz reviewed the quotes for Employee Life and Dependent Life Insurance from various companies, reporting that management recommends changing to Principal Financial Group, effective October 1, 2017. After brief discussion, a motion was made to approve the change to Principal Financial Group.

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

20. Council Action 2017-82

Consider award of lease for a new vehicle for the City Manager.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on two quotes from local vehicle dealerships for a lease vehicle. After brief discussion of the cost, a motion was made to approve the 36-month lease of a vehicle for the City Manager, through Liberty-Dayton Chrysler for \$517.90 per month.

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

21. Council Action (ID # 3888)

Consider removal of Liberty Community Development Corporation Board Member Mike McCarty.

COMMENTS - Current Meeting:

Mayor Carl Pickett called for the removal of Mike McCarty from the Liberty Community Development Corporation Board of Directors, due to Mr. McCarty's recent conviction of moral turpitude in his duties as Liberty County Commissioner. The vote resulted in a tie, no action was taken.

ATTACHMENTS:

- Removal Request (PDF)

RESULT:	DEFEATED [3 TO 3]
MOVER:	Carl Pickett, Mayor
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Carl Pickett, Diane Huddleston, Louie Potetz
NAYS:	Dennis Beasley, Libby Simonson, Paul Glazener
ABSENT:	David Arnold

B. Executive Session

Consultation with Attorney - Gov. Code §551.071

(B) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act.

At 8:02 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:30 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2017-70

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

RESULT: NO ACTION TAKEN

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

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:30 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary