



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, May 8, 2018

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	
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Present	
Paul Glazener	Councilperson	Present	
Chipper Smith	Councilperson	Present	
Louie Potetz	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, Texas.

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 from the audience.

Mayor Pickett expressed congratulations to the Liberty High School UIL Literary Criticism Team for winning State.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 4090)

Project Updates - City Mgr. G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on various City related projects including:

- Sewer project on McGuire Road
- Main A and Main B projects moving ahead
- City crews working on improvements to the road, drainage and ditches at the golf course
- Rotary Club continuing work on Canfield and Browning Pocket Parks
- Budget process to begin soon
- Contractor continuing work on electric upgrades, currently working in the Missouri and Oklahoma Street area
- Numerous other projects.

B. Information Item (ID # 4091)

Finance Report - Finance Dir. N. Herrington

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on the City's financial status through March 31, 2018. Ms. Herrington reported that sales tax revenues are on target with budgeted amounts, and that property tax and EMS collections have exceeded the budgeted amounts. Ms. Herrington continued by stating that the claim on cash in the General Fund is \$2,966,000, and further reviewed the other funds and their status.

C. Information Item (ID # 4092)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that a Shred Event, to include e-Cycling, will be held on Saturday, May 12th in the City Hall Parking Lot from 9:00 a.m. until Noon.

D. Information Item (ID # 4093)

Department Spotlight - Airport

COMMENTS - Current Meeting:

City Manager Gary Broz reviewed a powerpoint presentation on the activities at the Liberty Municipal Airport.

E. Information Item (ID # 4094)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

Councilperson Simonson expressed concern regarding the lack of solid waste pickup in some areas by the City's contractor.

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 [6 TO 1]
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Paul Glazener, Councilperson
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Glazener
NAYS:	Louie Potetz

A. Minutes Approval

1. Tuesday, April 10, 2018
2. Tuesday, April 17, 2018
3. Tuesday, May 01, 2018

VII. REGULAR AGENDA**A. Regular Session****1. Ordinance 2018-10**

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD ON MAY 5, 2018; FOR THE PURPOSE OF ELECTING A MAYOR AND THREE COUNCIL MEMBERS TO THE LIBERTY CITY COUNCIL; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS.

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the Ordinance into the record and discussed with Council the Ordinance canvassing the returns of the City's General Election held on Saturday, May 5, 2018. The results are as follows:

GENERAL ELECTION**CANVASS OF ELECTION RESULTS**

MAYORAL CANDIDATES	EARLY VOTING TOTAL	ELECTION DAY TOTAL	GRAND TOTAL
Carl Pickett	233	124	357
COUNCILMEMBER CANDIDATES	EARLY VOTING TOTAL	ELECTION DAY TOTAL	GRAND TOTAL
Courtney Daniel	63	53	116
David W. Arnold	151	70	221
Paul Glazener	170	101	271
J.L. "Chipper" Smith	249	102	351

After review by the Council, a motion was made to adopt the Ordinance canvassing the election and declaring the following individuals elected to office:

Carl Pickett

Mayor

David W. Arnold

Council Member

Paul Glazener

Council Member

Chipper Smith

Council Member

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

2. Information Item (ID # 4096)

Oath of Office to be administered to newly elected Council Members - Judge Little

COMMENTS - Current Meeting:

The Oath of Office was administered to Mayor Pickett and newly elected Council Members Arnold, Glazener and Smith by Municipal Court Judge Mike Little.

3. Council Action 2018-30

City Council to elect a Mayor Pro Tem.

COMMENTS - Current Meeting:

A motion was made to re-elect Councilperson Huddleston as Mayor Pro Tem.

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

4. Ordinance 2018-11

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD ON MAY 5, 2018; FOR THE PURPOSE OF VOTER CONSIDERATION OF PROPOSITIONS AMENDING THE HOME RULE CHARTER; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS.

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the Ordinance into the record and reported on the Ordinance canvassing the returns of the City's Special Election, held on Saturday, May 5, 2018, for voter approval or disapproval of proposed amendments to the City's Home Rule Charter. The proposed amendments on the ballot and the returns are as follows, with each of the seven amendments passing:

SPECIAL ELECTION**CANVASS OF ELECTION RESULTS**

PROPOSITIONS	NUMBER OF VOTES RECEIVED	
	FOR	AGAINST
Prop. A - Section 1.02. Boundaries	354	43
Shall this section of the City Charter be amended so as to better describe the current and future boundaries of the City?		
.		
Prop. B -Section 4.06. Public Health Authority	250	127
Shall this section of the City Charter relating		

to the appointment of a Public Health
Authority be removed from the City Charter?

**Prop. C - Section 5.07. Conducting and
canvassing elections.**

354

45

Shall this section of the City Charter
regarding elections be amended to better
follow state law?

**Prop. D - Section 8.02(b). Department of city
planning and zoning.**

349

43

Shall this section of the City charter regarding
the Department of City Planning and Zoning
be amended, to create term limits for planning
and zoning commission members?

**Prop. E - Section 9.04. Notice of Public hearing
on budget.**

376

13

Shall this section of the City Charter regarding
notice requirements for the budget be amended,
to better follow state budgetary laws?

**Prop. F - Section 9.18. Taxes; when due and
payable.**

333

52

Shall this section of the City Charter regarding
taxes be amended, to align the property tax
due date with state law?

**Prop. G - Section 13.13(a). Charter Review
Commission.**

356

32

Shall this section of the City Charter regarding
the Charter Review Commission be amended,
to establish term limits for charter review
commission members?

After review by the council, a motion was made to adopt the Ordinance approving the
canvass and returns of the Special Election.

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

5. Ordinance 2018-12

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, ORDERING THE ADOPTION OF THE CHARTER AMENDMENTS APPROVED BY THE VOTERS OF THE CITY OF LIBERTY, TEXAS IN A SPECIAL ELECTION HELD ON MAY 5, 2018; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the Ordinance into the record. City Secretary Dianne Tidwell explained that this Ordinance explicitly orders the adoption of the Charter Amendments, approved by the voters, and that the amendments will be certified and sent to the Secretary of State for placement in the Book of Charters and Amendments.

A motion was made to adopt the Ordinance, as presented.

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

6. Resolution 2018-3

CONSIDER APPROVAL OF A RESOLUTION DECLARING THE INTENTION OF THE CITY OF LIBERTY, TEXAS, TO ANNEX CERTAIN TERRITORY DESCRIBED AS .71 SQUARE MILES BEGINNING AT THE SOUTHEAST CORNER OF 2018 ANNEXATION TRACT 8, AND DESCRIBED AS PROPERTY ID NUMBERS 19347, 19371, 19280, 19452, 19369, 19349, 201314, 109682, 19436, 19344, 19340, 19443, 109686, 115545, 113289, 19442, 147492, IN LIBERTY COUNTY, TEXAS; 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, addressed the Council regarding the City's proposed Annexation Phase 9. Mr. Pertile reviewed a map of Annexation Phases 1-8, properties involved in Phase 9 described as .71 square miles, and reviewed the public hearing dates of June 12 and June 19, 2018. A motion was made to approve the Resolution as presented.

ATTACHMENTS:

- Annexation Phase 9 map (PDF)

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

7. Council Action 2018-37

Consider appointments to the Liberty Community Development Corporation.

COMMENTS - Current Meeting:

Mayor Pickett called for nominations for appointment to the Liberty Community Development Corporation (LCDC), from those individuals that made application for service on the LCDC. Council Members nominated eight individuals and from the list of those nominated, each Council Member was allowed four votes, as there were four positions to fill on the Board. By voice vote, each Council Member cast their votes for the individuals of their choice. The four individuals with the greatest number of votes were David Arnold, Dennis Beasley, Barbara Norwood, and Michael Page.

A motion was made to appoint David Arnold, Dennis Beasley, Barbara Norwood and Michael Page to the Liberty Community Development Corporation.

RESULT:	APPROVED [5 TO 2]
MOVER:	Diane Huddleston, Mayor Pro Tem
SECONDER:	Chipper Smith, Councilperson
AYES:	Pickett, Huddleston, Beasley, Arnold, Smith
NAYS:	Libby Simonson, Paul Glazener

8. Council Action 2018-36

Consider an appointment to the Liberty Community Development Corporation to fill Walden David's unexpired term.

COMMENTS - Current Meeting:

Mayor Pickett called for nominations to fill Mr. Walden David's unexpired term, of one year, on the Liberty Community Development Corporation, from those individuals that made application for service on this Board, but were not appointed a regular position in the previous agenda item. A motion was made to appoint Courtney Daniel to the unexpired term on the LCDC, term ending June, 2019.

RESULT:	APPROVED [6 TO 1]
MOVER:	David Arnold, Councilperson
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Pickett, Huddleston, Beasley, Arnold, Glazener, Smith
NAYS:	Libby Simonson

9. Council Action 2018-31

Consider appointments to the City's Planning and Zoning Commission.

COMMENTS - Current Meeting:

Mayor Pickett called for nominations for appointment to the City's Planning and Zoning

Commission, from those individuals that made application for service on the Planning and Zoning Commission. Following nominations, a motion was made to appoint Kim Anderson and Emily Cook to the Planning and Zoning Commission.

RESULT:	APPROVED [6 TO 1]
MOVER:	Diane Huddleston, Mayor Pro Tem
SECONDER:	David Arnold, Councilperson
AYES:	Pickett, Huddleston, Beasley, Arnold, Glazener, Smith
NAYS:	Libby Simonson

10. Council Action 2018-32

Consider award of a proposal for a Water, Wastewater and Electric Rate Study.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on a proposed water, wastewater and electric rate study, with a proposal received from Freese Nichols. FN and NewGen Strategy & Solutions have teamed together, under one proposed contract to complete the study as follows:

Water and Wastewater Rate Study and Model Training	\$47,000
Electric Rate Study and Model Training	\$52,000

This study is being undertaken to ensure that the City's rates will cover the investment made for the numerous costly infrastructure improvements being made. After further discussion, a motion was made to approve the study, at a cost of \$99,000.

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

B. Executive Session

Government Code §551.071 - Consultation with Attorney.

1. Contemplated / Pending Litigation - Wastewater Issues.

Government Code §551.074 - Personnel Matters.

2. Discussion of the appointment of an Interim City Manager.

3. Discussion of a search process for a new City Manager.

At 7:26 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:09 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2018-33

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

RESULT: NO ACTION TAKEN

2. Council Action 2018-34

Consider the appointment of an Interim City Manager, as discussed in the Executive Session.

COMMENTS - Current Meeting:

A motion was made to hire Mr. Larry Shaw, through the Texas First Group, for services as Interim City Manager.

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

3. Council Action 2018-35

Consider the approval of a search process for a new City Manager, as discussed in the Executive Session.

COMMENTS - Current Meeting:

A motion was made to contract with the Texas First Group to assist with the process in the search for a new City Manager.

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

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

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:10 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary