



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, May 22, 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	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Brandon Davis	City Attorney	Present	

II. 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.

III. PRESENTATIONS / REPORTS

1. Information Item (ID # 4112)

Project Updates - City Mgr. G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the TxDOT contractor working on the Main Street rehab, two new sinkholes on Marshall and Cos Streets, and June meetings of the City Council.

Police Chief Tom Claunch reported on the health status of Sgt. Frank Longoria and future

plans for a fundraiser to be held on June 23rd.

2. Information Item (ID # 4113)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

Mayor Pickett thanked Police Chief Tom Claunch and Public Works Director Tom Warner for conducting Coffee with the Mayor, in his absence.

IV. REGULAR AGENDA

A. Regular Session

1. Council Action 2018-38

Consider renaming the Browning Street Park to the Magnolia Park, and take any action deemed necessary.

COMMENTS - Current Meeting:

Mr. Stephen Dugger addressed the Council reporting on the Browning Street Park Improvement Project and the proposed change of name. Mr. Dugger stated that the park actually faces Magnolia Street, not Browning Street. Proposed names for the park are Magnolia Park or Freedom Park. After brief discussion of the numerous park improvements, a motion was made to approve naming the park to "Magnolia Park".

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

2. Council Action 2018-39

Consider a proposal, from LT's Garbage Service, for cart usage on major roadways, and take any action deemed necessary.

COMMENTS - Current Meeting:

Mr. Bill Killion, LT's Garbage Service, addressed the Council regarding a four month Pilot Program whereby residents of several areas of the city would receive 96-gallon carts, to be emptied by an automated truck. Mr. Killion spoke of the program details including the areas to be serviced (south of Hwy. 90/ Wallisville Road to city limits and Hwy. 146, north of the Bypass), project launching mid-July or first of August, and other pertinent subject matter.

A motion was made to approve the Pilot Program.

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

3. Information Item (ID # 4116)

Discussion of various proposed fees for the Liberty Municipal Golf Course.

COMMENTS - Current Meeting:

There was no discussion, as this agenda item was passed on and will be presented at a later date.

4. Ordinance (ID # 4117)

CONSIDER AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS PROVIDING FOR THE AMENDMENT OF THE MASTER FEE SCHEDULE FOR ALL RATES AND FEES CHARGED BY THE CITY OF LIBERTY; PROVIDING FOR VARIOUS FEES RELATED TO THE LIBERTY MUNICIPAL GOLF COURSE; PROVIDING THAT ALL RATES OR SCHEDULES OF RATES CONFLICTING HEREWITH ARE AMENDED; 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:

This agenda item was passed on and will be presented at a later date.

RESULT:	NO ACTION TAKEN
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5. Council Action 2018-40

Consider authorizing the buy-out of the lease on the City Manager's vehicle, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that he was willing to buy out the lease on his current City vehicle, which would free the Council to lease or purchase a new vehicle for his successor. A motion was made to approve the buy-out, by the City Manager, of his current City vehicle.

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

6. Council Action 2018-41

Consider, and take any action deemed necessary, regarding a City lien on property located in Forest Hills Subdivision.

COMMENTS - Current Meeting:

City Attorney Brandon Davis reported that Mr. & Mrs. Dyson were in the process of selling property in the Forest Hills Subdivision, which during the title searched revealed six unpaid mowing liens, attached to the property in the late 90s. The liens were in the amount of \$668,

with the required 10% interest, increases the amount owed to \$4,492.00. These liens were placed on the property prior to their ownership and even the prior property owners. After brief discussion of the issue, a motion was made to waive the interest, with payment to be made to the City in the amount of \$668.00.

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

7. Ordinance 2018-13

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS AUTHORIZING THE SUSPENSION OF THE EFFECTIVE DATE FOR AN ADDITIONAL NINETY (90) DAYS BEYOND THE JUNE 19, 2018, EFFECTIVE DATE PROPOSED BY ENTERGY TEXAS, INC., IN CONNECTION WITH ITS RATE INCREASE APPLICATION ENTITLED "APPLICATION OF ENTERGY TEXAS, INC. FOR AUTHORITY TO CHANGE RATES", FILED ON MAY 15, 2018; AUTHORIZING PARTICIPATION WITH THE ENTERGY TEXAS, INC. SERVICE AREA CITIES STEERING COMMITTEE HIRING OF EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS, REQUIRING REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT, AND 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.

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 AUTHORIZING THE SUSPENSION OF THE EFFECTIVE DATE FOR AN ADDITIONAL NINETY (90) DAYS BEYOND THE JUNE 19, 2018, EFFECTIVE DATE PROPOSED BY ENTERGY TEXAS, INC., IN CONNECTION WITH ITS RATE INCREASE APPLICATION ENTITLED "APPLICATION OF ENTERGY TEXAS, INC. FOR AUTHORITY TO CHANGE RATES", FILED ON MAY 15, 2018; AUTHORIZING PARTICIPATION WITH THE ENTERGY TEXAS, INC. SERVICE AREA CITIES STEERING COMMITTEE HIRING OF EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS, REQUIRING REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT, AND 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.

City Manager Gary Broz reported that the attorneys representing the cities involved recommend suspending the proposed rate increase to permit further review of Entergy's request, in an effort to keep stable or reduced rates for the customer. This delays the effective date of the rates until September 17, 2018.

A motion was made to approve the Ordinance.

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

8. Council Action 2018-42

Consider approval of a minor plat of Liberty Inner Block 26 Lot PT 2 TR 2 & 6, located on the southwest corner of the Austin and Trinity intersection.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported on a request from the Joe D. and Frances S. Harris Family Limited Partnership to increase the number of lots from two to three, on the southwest corner of Austin and Trinity Streets. After discussion of the minor plat process and the division of one lot into two, to include rearranging lot lines, a motion was made to approve the minor plat of Liberty Inner Block 26 Lot PT 2 TR 2 & 6 (southwest corner of Austin and Trinity).

ATTACHMENTS:

- Agenda Form-Minor Plat (PDF)
- Maps for Minor Plat (PDF)

RESULT:	APPROVED [6 TO 0]
MOVER:	Libby Simonson, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Huddleston, Beasley, Simonson, Glazener, Smith
ABSTAIN:	David Arnold

9. Council Action 2018-43

Consider granting a variance regarding the rear setback for Liberty Inner Block 26 Lot PT 2 TR 2 & 6, located at the southwest corner of the Austin and Trinity Street intersection.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported that in response to the approval of the minor plat approved in the previous agenda item, the Joe D. and Frances S. Harris Family Limited Partnership had also requested a variance in the rear setback on Lot #2 be reduced from 10 feet to 7.5 feet. This request was presented to the Planning and Zoning Commission and approved on May 16, 2018. After brief discussion, a motion was made to approve the variance request on the property located on the southwest corner of Austin and Trinity Streets.

ATTACHMENTS:

- Agenda Form-Variance (PDF)
- Variance Info(PDF)

RESULT:	APPROVED [6 TO 0]
MOVER:	Paul Glazener, Councilperson
SECONDER:	Libby Simonson, Councilperson
AYES:	Pickett, Huddleston, Beasley, Simonson, Glazener, Smith
ABSTAIN:	David Arnold

10. Council Action 2018-44

Consider approval of a process for voting on appointments to various City Boards and Commissions, and take any action deemed necessary.

COMMENTS - Current Meeting:

Lengthy discussion was held regarding several voting options for appointments to the City's Boards and Commissions. Discussed were the recently used process whereby Council Members voted for the same number of individuals as there were open positions. Also discussed, was cumulative voting, allowing for a Council Member to place all their allotted votes for one candidate.

A motion was made by Councilperson Glazener, seconded by Councilperson Simonson, to approve the Procedure for Appointment of Committee Members, striking the sentence "Cumulative voting is prohibited". Councilpersons Glazener and Simonson voting "AYE". Mayor Pickett and Councilpersons Huddleston, Beasley, Arnold and Smith voting "NO". Motion failed 2-5.

A motion was made to approve the Procedure for Appointment of Committee Members, as originally written.

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

V. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 7:14 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary