The City of Liberty
City Council
Regular Meeting
~ Agenda ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Monday, November 10, 2014 | **6:00 PM** | **City Council Chambers**

THE City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrival
Mayor Carl Pickett	☐	☐	☐	
Mayor Pro Tem Diane Huddleston	☐	☐	☐	
Councilperson Dennis Beasley	☐	☐	☐	
Councilperson Frank Jordan	☐	☐	☐	
Councilperson Louie Potetz	☐	☐	☐	
Councilperson Libby Simonson	☐	☐	☐	
Councilperson David Arnold	☐	☐	☐	

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

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.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 3154)

Project Updates - City Mgr. Gary Broz

B. Information Item (ID # 3155)

Recycling Report - Councilperson Huddleston

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.

A. Minutes Approval

1. Tuesday, October 14, 2014
2. Tuesday, October 28, 2014

VII. REGULAR AGENDA

A. Regular Session

1. Council Action (ID # 3157)

Request to address Council, by Mr. James Leonard, regarding drainage issues with the new road on the Hwy. 146 Bypass, and take any action deemed necessary.

- Leonard Request (PDF)

2. Council Action (ID # 3156)

Consider possible action to grant a variance regarding the front setbacks for property located at 1807A and 1807B Monta Street.

- Agenda Item Form- Front Setbacks 1807 Monta (DOCX)
- Schatz Variance Request (PDF)
- Photos-Schatz Request-Monta (PDF)

3. Council Action (ID # 3158)

Consider possible action to grant a variance request regarding the west side and rear setbacks for property located at 1623 Sam Houston Street.

- Agenda Item Form West Side & Rear Setbacks 1623 Sam Houston (DOCX)
- Moorman Variance Request (PDF)
- Photos-Moorman Request-Sam Hstn (PDF)

4. Ordinance (ID # 3159)

Consider adoption of an Ordinance denying the distribution cost recovery factor rate increase request of Entergy Texas, Inc. And setting just and reasonable rates for Entergy Texas, Inc. For service with the municipal limits.

- Entergy Info (PDF)

B. Executive Session

Government Code §551.071
Private Consultation with Attorney on all subjects or matters authorized by law:

1. Contemplated/Pending Litigation - Humphreys Cultural Center.

C. Reconvene into Regular Session

1. Council Action (ID # 3160)

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

VIII. ADJOURNMENT

A. Motion To: Adjourn

CERTIFICATION

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 7th day of November, 2014 at 3:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

____

Dianne Tidwell, City Secretary

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the ________ day of ____________________, 2014.

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/14 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 3154)

DOC ID: 3154

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/14 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 3155)

DOC ID: 3155

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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, October 14, 2014 | **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	
Frank Jordan	Councilperson	Present	
Louie Potetz	Councilperson	Present	
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Randy Gunter	City Attorney	Present	

II. INVOCATION

Mayor Pickett passed on this agenda item.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Liberty High School Seniors Laura Beth Herndon and Hudson Standish.

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

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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 reported that:

- a Special Called Meeting of the City Council will be held on Tuesday, October 28,
- The Liberty Lions Club will be celebrating their 75th Anniversary with a dinner and dance at the Elks Lodge on November 8th, and
- Minutes from the July 31st and September 9th Sam Rayburn Municipal Power Agency meetings are positioned at the Council table.

City Manager Gary Broz reported that also included on the Council table is information and a narrative, from Mr. Bill Takach, regarding storage and use of the ICloud.

Councilperson Arnold requested information on the process for disposal of building debris materials.

Police Chief Billy Tidwell thanked the Council for their support during his years of service with City and reported that the Department will soon be hosting a Police Academy. Mr. Broz reported that a farewell reception will be held on Wednesday, October 29th, 4-6 p.m., for Chief Tidwell as he moves on to become the Police Chief in Tomball, Texas.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 3113)

Project Updates - City Mgr. Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on numerous current City projects and their status to include:

- a boil water notice due to lost pressure in the water system,
- Fuel Maxx Convenience Store construction has begun,
- Stripes Convenience Stores plan to clear trees at the Hwy. 146 By-pass and Main Street, on November 1,
- construction on the new street continues,
- National Night Out activities were a success,
- met with representatives of the Liberty Bike Club regarding routes and signage,
- City Staff will coordinate and sponsor the Country Christmas Parade, and
- discussion of other City projects.

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:	Diane Huddleston, Mayor Pro Tem
AYES:	Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold

A. Minutes Approval

1. Tuesday, September 09, 2014

2. Tuesday, September 23, 2014

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2014-72

Consider a request for variance, from Mark & Heather Hopson, regarding facilities required and occupancy limitations in a recreational vehicle park, to be located on Lakeland Drive.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported that on July 2 and July 8, respectively, the Planning & Zoning Commission and the City Council approved a variance for a RV Park to be located, in an area designated as a non-recreational vehicle park area. This park is to be located on the rear five acres of a nine acre tract of property on Lakeland Drive, between the Liberty Fire Department and the Wal-Mart Store. At the Council Meeting, it was stated that any further consideration or action relating to this park be returned to the Planning & Zoning Commission for review.

Mr. Warner reported that the park owner, Mark Hopson, has now requested a variance from the requirement for on-site restrooms and showers, and to not limit the time frame in which an RV could stay in the RV Park. Lengthy discussion was held regarding the City's ordinance and required minimum number of toilets and showers based on the size of the park. The Planning & Zoning Commission denied the request for variance. The proposed 80-space site would require four toilets, four showers, and no permanent occupancy is allowed in the park. Permanent occupancy is described as a stay of six consecutive months in a one-year period.

Further discussion was held regarding whether to amend the ordinance or consider a variance each time one is requested. Consensus was to bring the issue before the Council at its next meeting and have a representative from the Planning & Zoning Commission in attendance to present their perspective.

ATTACHMENTS:

- Agenda Form-Variance-Restrooms-RV Park (DOCX)
- RV Park Info (PDF)

RESULT:	NO ACTION TAKEN

2. Council Action 2014-73

Consider award of bid for a transport ambulance for the Liberty FIre/EMS Department.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the City had received two quotes for a new transport ambulance, for the Liberty Fire Department. Quotes were from H-GACBuy and BJ Ford (through the Phoenix Group) for $60,010 and $61,200, respectively. Mr. Broz stated that even though the cost from the Phoenix Group is slightly higher than the other quote, the Phoenxi Group vehicle is currently in stock and available. Mr. Broz further stated that funds for this vehicle are in the new 2014-2015 budget.

Motion was made to purchase the transport ambulance from BJ Ford, through the Phoenix Group, for $61,200.

ATTACHMENTS:

- Agenda Item Form-Ambulance (DOCX)
- Ambulance-HGAC (PDF)
- Ambulance-Phoenix Group (PDF)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Frank Jordan, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold

3. Council Action 2014-74

Consider approval of a bid received for Tax Resale Property described as Davidge, Block E-1, Lot 6.

COMMENTS - Current Meeting:

City Attorney Randy Gunter stated that this tax resale property is a vacant lot on Cornell Street and has a Central Appraisal District value of $3300.00. Mr. M.C. Malone has made an offer of $2000.00 for this property that has been off of the tax rolls since 2011. After court costs, $1254.00 would be divided amongst the taxing entities, specifically $416.20 to the City of Liberty.

A motion was made to accept the bid of $2000 for the tax resale property described as Davidge, Block E-1, Lot 6.

ATTACHMENTS:

- Tax Sale Property-Davidge (PDF)
- Tax Sale Property-Davidge Pics (PDF)

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

4. Council Action 2014-75

Consider approval of a bid received for Tax Resale Property described as Liberty Inner Blocks, Block 203, Lot PT 1 TR 2.

COMMENTS - Current Meeting:

City Attorney Randy Gunter stated that this tax sale property is a vacant lot on Washington Street and has a Central Appraisal District value of $6,670.00. Ms. Jessica Thompson has made an offer of $1600.00 for this property that has been off of the tax rolls since 2009. After court costs, $885.00 would be divided amongst the taxing entities, specifically $175.67 to the City of Liberty.

A motion was made to accept the bid of $1600 for the tax resale property described as Liberty Inner Blocks, Block 203, Lot PT 1 TR 2.

ATTACHMENTS:

- Tax Sale Property-LIB, Blk 203 (PDF)

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

5. Council Action 2014-76

Consider approval of a bid received for Tax Resale Property described as Liberty Inner Blocks, Block 205, Lot PT 2 TR 4.

COMMENTS - Current Meeting:

City Attorney Randy Gunter stated that this tax sale property is a vacant lot on Washington Street and has a Central Appraisal District value of $3,700.00. Ms. Jessica Thompson has made an offer of $1200.00 for this property that has been off of the tax rolls since 2009. After court costs, $545.00 would be divided amongst the taxing entities, specifically $184.43 to the City of Liberty.

A motion was made to accept the bid of $1200 for the tax resale property described as Liberty Inner Blocks, Block 205, Lot PT 2 TR 4.

ATTACHMENTS:

- Tax Sale Property-LIB, Blk 205 (PDF)

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

6. Ordinance 2014-16

Consider adoption of an Ordinance authorizing and allowing, under the Act governing the Texas Municipal Retirement System, Updated Service Credits in said system for service performed by qualifying members of such system who are members of the City of Liberty.

COMMENTS - Current Meeting:

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

"AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO PRESENTLY ARE MEMBERS OF THE CITY OF LIBERTY; PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY; INCREASING THE RATE OF DEPOSITS TO THE TEXAS MUNICIPAL RETIREMENT SYSTEM BY THE EMPLOYEES; ESTABLISHING AN EFFECTIVE DATE FOR SUCH ACTIONS; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS."

City Manager Gary Broz reported that this ordinance pertains to the presentation from Mr. Anthony Mills TMRS Regional Manager for City Services, regarding updating the city's retirement benefits. Mr. Broz explained that the employee contribution raises from 5% to 7% of their individual earnings, on a 2 to 1 matching ratio and includes adoption of the updated service credits at 100%. Brief discussion was held regarding funds to support these changes, from the Employee Health Trust, and future funding for these benefits.

A motion was made to adopt the ordinance as presented.

ATTACHMENTS:

- TMRS Ord-USC (DOC)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Louie Potetz, Councilperson
SECONDER:	Libby Simonson, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold

7. Council Action 2014-77

Consider award of bid for the Navigation Street/FM 3361 Waterline Extension Project.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported that the Navigation Waterline Project includes installation of a 12-inch waterline from the Palmer Water Tower to Navigation Street, and an 8-inch waterline on Navigation & FM 3361, from Palmer Street to the entrance to Boomerang Tube, LLC. To ensure uninterrupted water supply to Boomerang and business located further west on FM 3361, the new waterline will loop the water system in this area providing water service from two directions, increasing the volume for industrial users.

Mr. Warner further reported that six bids were received ranging from $143,715.00 to $257,280.00. Alternate bids for the 12' line ranged from $16,615.00 to $28,735.00. Apparent low bidder for the base and alternate bids is Eastex Utility Construction, Sour Lake, Texas, in the amount of $143,715.00 and $28,885.00, for a total of $172,600.00. City Manager Gary Broz stated that funds for the project are available from the 2010 Certificates of Obligation, Water Distribution and Storage Fund.

A motion was made to approve the bid from Eastex Utility Construction for the Navigation Waterline Project.

ATTACHMENTS:

- Agenda Item Navigation Waterline Project Ocober 14 2014 (DOCX)
- Bid Tab-Navigation (PDF)

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

8. Council Action 2014-78

Consider award of bid for the Electric Distribution System Vegetative Management Program.

Minutes Acceptance: Minutes of Oct 14, 2014 6:00 PM (Minutes Approval)

COMMENTS - Current Meeting:

Electrical Director Roy Trotter explained that proposals were received on October 9 for vegetative management of the electric distribution system. Mr. Trotter stated that four bids were received, one being a no bid. Mr. Trotter stated that the purpose of this contract is to remove vegetation that has encroached around and is encumbered with overhead electric lines, resulting in accidental service disruptions. Evaluation of the proposals resulted in Trees, Inc. being chosen as the lowest responsible vendor. Contract price is $90,000 and is included in the 2014-2015 budget.

A motion was made to approve a contract for vegetative management services with Trees, Inc.

At 7:25 p.m., Mayor Pickett closed the meeting for a five-minute break.

ATTACHMENTS:

- Agenda Item Form-Tree Trimming (DOCX)
- Bid Tab- Tree Trimming (XLSX)
- VEGETATIVEMANAGEMENT (4) (DOC)

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

9. Ordinance 2014-17

Consider an Ordinance adopting a Water Conservation and Drought Contingency Plan for the City of Liberty.

COMMENTS - Current Meeting:

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

"AN ORDINANCE ADOPTING A WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN FOR THE CITY OF LIBERTY, TEXAS TO PROMOTE RESPONSIBLE USE OF WATER AND TO ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES INCLUDING RESTRICTIONS AND PROVIDING FOR PENALTIES AND/OR SEVERABILITY, PROVIDING FOR 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."

Public Works Director Tom Warner reported that the City's current Contingency Plan was adopted in August, 2007. Mr. Warner explained that this plan develops continuous use strategies for reducing loss of water and improvement of the efficiency of water used. This plan also identifies strategies for temporary supply and demand in regard to shortages and emergencies. Discussed were the major changes to the plan and that the Texas Water Development Board and the Texas Commission on Environmental Quality require the plan to be revised and updated every few years, at least to reflect current populations and consumption projections.

A motion was made to adopt the Ordinance as presented.

ATTACHMENTS:

- Agenda Item Form Water Conservation Plan (DOCX)
- Water Consevation Plan Oct 2014 (PDF)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Louie Potetz, Councilperson
SECONDER:	Libby Simonson, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold

10. Council Action 2014-79

Consider a process for selection of a Police Chief, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz reported when Police Chief Billy Tidwell leaves to assume the position of Police Chief for the City of Tomball, Texas, that he will appoint Capt. Gary Martin as the Interim Police Chief. Mr. Broz then explained that he had received information from several executive search firms interested in assisting the City in employing a new chief. Mr. Broz requested direction from Council regarding use of a firm, using an in-house process for selection, and Council's desire to be involved in the selection.

Lengthy discussion was held regarding general criteria, an in-house process, advertising the position, use of a search firm and related costs, to include background, reference and credit checks, and other related issues. Council consensus is to allow Mr. Broz to further research the various options.

RESULT:	**NO ACTION TAKEN**

11. Council Action 2014-80

Consider change of date for the November Meeting of the Liberty City Council.

COMMENTS - Current Meeting:

Mr. Broz reported that the regular scheduled November Council Meeting would take place on Tuesday, November 11, Veteran's Day. As Veteran's Day is a City holiday, Mr. Broz asked Council to confirm the meeting for the scheduled day or move the meeting to an alternate date. Brief discussion was held on this issue, followed by a motion to move the November 11th Council Meeting to Monday, November 10th, 6:00 p.m.

RESULT:	**APPROVED [6 TO 1]**
MOVER:	Libby Simonson, Councilperson
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold
NAYS:	Carl Pickett

12. Ordinance 2014-18

Consider an Ordinance amending the Code of Ordinances as to the requirement of parking spaces for certain uses and structures.

COMMENTS - Current Meeting:

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

"AN ORDINANCE AMENDING THE CODE OF ORDINANCES, ARTICLE 10.02.122, BY ADDING SECTIONS (c) AND (d) TO THE PREVIOUSLY ADOPTED ARTICLE 10.02.122 REGARDING PARKING REQUIREMENTS, 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."

Public Works Director Tom Warner reported that when the Code of Ordinances was last re-codified, that a particular section and table regarding parking requirements in the previous ordinance, were inadvertently omitted. This leaves the City currently with no parking requirements.

Brief discussion was also held regarding the setback lines for the downtown area. If new development were to occur in downtown, a 20' and 7.5' setback, respectively, would be required under the current ordinance. Mr. Warner recommended a zero setback in the downtown area. General consensus was that this topic be brought back to Council at a future meeting for further discussion.

Mr. Warner and staff recommend the parking requirement in the previous ordinance be re-adopted to include sections (c) and (d) to Article 10.02.122. A motion was made to adopt the Ordinance.

ATTACHMENTS:

- Agenda Form-Parking Req. Addition to Code (DOCX)
- Attachment -Parking Req (PDF)

RESULT:	**ADOPTED [6 TO 1]**
MOVER:	Louie Potetz, Councilperson
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Arnold
NAYS:	Frank Jordan

13. Ordinance 2014-19

Consider an Ordinance providing for an escalating fine for permitting dogs to roam at large and a change in the number of days an animal is held prior to adoption or other disposition.

COMMENTS - Current Meeting:

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

"AN ORDINANCE AMENDING THE CODE OF ORDINANCES, ARTICLE 2.01.006 AND ARTICLE 2.03.002, AMENDING THE TIME PERIOD FOR KEEPING DOGS AND AMENDING THE PUNISHMENT RANGE FOR VIOLATIONS OF THE DOGS AT LARGE ORDINANCE; 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."

Police Chief Billy Tidwell stated that this amendment to the Code relates to stipulations for tagged and non-tagged animals that are picked up that are sick/injured with identification or no identification. Animals impounded will be kept for at least five working days (change from seven days) for the owner to reclaim and dogs found roaming at large more than three times may be declared a nuisance. Violations of this section are $250 the first offense, and $500 thereafter. If the dog is not reclaimed, the animal shall become property of the City of Liberty and placed for adoption or euthanized. Discussion was held regarding these topics and related issues.

A motion was made to adopt the Ordinance as presented.

RESULT:	**ADOPTED [6 TO 1]**
MOVER:	Libby Simonson, Councilperson
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Arnold
NAYS:	Frank Jordan

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:14 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

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, October 28, 2014 **6:00 PM** **City Council Chambers**

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Remote	
Diane Huddleston	Mayor Pro Tem	Present	
Dennis Beasley	Councilperson	Present	
Frank Jordan	Councilperson	Present	
Louie Potetz	Councilperson	Present	
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Randy Gunter	City Attorney	Present	

II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

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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 reported on the following:

- A farewell reception for outgoing Police Chief Billy Tidwell will be held on Wednesday, October 29, 4-6 p.m., in the Liberty Center,
- The City has partnered with the LISD 1000 Club for a Thanksgiving Food Drive to benefit the Spirit of Sharing,
- The November Council Meeting has been rescheduled for Monday, November 10th, due to the Veteran's Day holiday, and
- Students from Liberty High School Interact Club will attend a working field trip on Wednesday, October 29th at the Trinity River National Wildlife Refuge, to assist with the "Crosswalks to Boardwalks" Project.

Councilperson Jordan reported on the recent event "Whispering Tales of the Past", and its success, sponsored by the Liberty Historical Commission.

III. PRESENTATIONS / REPORTS

1. Information Item (ID # 3135)

Proclamation-Liberty Lions Club 75th Anniversary

COMMENTS - Current Meeting:

Mayor Pickett read, in its entirety, a Proclamation celebrating the Liberty Lions Club 75th Anniversary. At the conclusion of the proclamation, Mayor Pickett reported the Lions Club will be celebrating the event with a dinner and dance at the Elks Lodge on November 8th.

2. Information Item (ID # 3136)

Finance Report - N. Herrington, Finance Director

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on the City's financials for the fiscal year ending September 30, 2014. Ms. Herrington stated that, in the General Fund, there was a 17.5% increase in projected revenues and that expenditures came in under budget at 1.5%. Sales tax revenues and property tax revenues both came in above budgeted amounts. Ms. Herrington further remarked that there are still two outstanding FEMA Project Worksheets under audit, from Hurricane Ike in which the return on funds will be raised from 75% to 90%. Discussion of the General Fund concluded with Ms. Herrington stating that the cash in bank, for this fund, is $2.6 million.

Ms. Herrington further detailed the revenues and expenditures of the various funds, cash in bank, and other related information regarding these funds. Discussion was held regarding the placement of extra Solid Waste funds into the General Fund. Ms. Herrington concluded her report stating that information is being gathered for the annual audit, which should be presented to Council in January, 2015.

3. Information Item (ID # 3137)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported that there is sometimes confusion regarding the City's electric rates and how those rates are set. The Sam Rayburn Municipal Power Agency bills the City, once a month, at a rate of 9 cents per kilowatt hour. The City currently charges its customers 10.5 cents per kilowatt hour. The profit margin is used to pay for the expenses to operate the City's electric system, with leftover funds forming the basis of the annual transfer to the General Fund. Mayor Pickett remarked that this rate has been constant for some time and comparable with other electric providers in the area.

4. Information Item (ID # 3138)

Houston-Galveston Area Council - Councilperson Jordan

COMMENTS - Current Meeting:

Councilperson Jordan reported the following on behalf of his activities with H-GAC:

- There will be a meeting of the Gulf Coast Economic Development District Loan Committee on Monday, Nov. 3rd,
- As a member of the 2015 General Assembly, members will be meeting soon to appoint individuals to the H-GAC Board of Directors,
- The Fire Truck, purchased through the H-GAC Gulf Coast Economic Development District Revolving Loan Program is scheduled for delivery in December, 2014, and

- grants will be sought, on behalf of the City, for the next year.

5. Information Item (ID # 3139)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that the next community recycling event will be held on Saturday, November 1st, from 9 a.m. until Noon. This event is for the shredding of sensitive documents, but to also include e-cycling for various electronic equipment.

IV. WORK SESSION

1. Work Session (ID # 3142)

Work Session regarding various issues related to the regulation of Recreational Vehicle Parks.

COMMENTS - Current Meeting:

Lengthy discussion was held regarding regulations relating to Recreational Vehicle Parks, in which Council heard from Mark & Heather Hopson, proposed RV Park owners, and their contractor. The Hopsons requested a variance to the City's requirements for the minimum number of toilets and showers for each sex, based on the size of the park. Also requested was a variance from the permanent occupancy requirement. This discussion was held in regard to a proposed RV Park to be located, on the rear five acres of a nine acre tract of property on Lakeland Drive, between the Liberty Fire Department and the Wal-Mart Store.

Ms. Shelli Ellerbe, Chairman of the Planning & Zoning Commission, spoke in regard to P&Z's decision to uphold the current requirements and deny the requested variances.

Further discussion included present standards that relate to the number of facilities required, occupancy requirements, distance of restrooms/shower facilities from the nearest RV space (200ft.) and numerous other related issues. The proposed 80-space site would require four toilets, four showers, and no permanent occupancy is allowed in the park. Permanent occupancy is described as a stay of six consecutive months in a twelve month period, in which the RV may not return for a period of sixty (60) days.

V. REGULAR AGENDA

A. Regular Session

1. Ordinance (ID # 3149)

Consider action to amend the City of Liberty Code of Ordinances with respect to the regulation of Recreational Vehicle Parks.

COMMENTS - Current Meeting:

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

"AN ORDINANCE AMENDING THE CODE OF ORDINANCES, SECTION 3.08.122 AND 3.08.129, AMENDING THE NUMBER OF TOILETS AND SHOWERS REQUIRED IN RV PARKS, AMENDING THE DISTANCE RESTROOMS IN RV PARKS MUST BE FROM

SITES, AND AMENDING THE PERMANENT OCCUPANCY PROHIBITIONS; 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."

City Attorney Randy Gunter explained that if Council desires to alter the RV Park regulations for the proposed park, and all future parks, this would be the avenue in which to amend the ordinance. After lengthy discussion, a motion was made not to adopt the ordinance.

RESULT:	**DEFEATED [UNANIMOUS]**
MOVER:	Frank Jordan, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold

2. Council Action 2014-81

Consider possible action to grant a variance as to certain requirements of the City of Liberty Ordinances with respect to the regulation of Recreational Vehicle Parks.

COMMENTS - Current Meeting:

Discussion, was once again held, regarding the RV Park regulations and requested variance from the Hopsons, for the proposed RV Park on Lakeland Drive. If agreed upon, a resolution will be drawn up to reflect the approved changes.

A motion was made to allow 2 toilets/2 showers for the women, and 2 toilets/2urinals/2 showers for the men, change the distance requirement from 200 feet to 300 feet for these facilities from any RV space, and no change in the occupancy requirements.

ATTACHMENTS:

- Variance RV Park-Resolution (DOCX)

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

3. Council Action 2014-82

Consider ratifying the Liberty Community Development Corporation's action regarding a Bicycle Route Project.

COMMENTS - Current Meeting:

City Manager Gary Broz stated that the Liberty Bicycle Club approached the Liberty Community Development Corporation regarding a project to create bike routes and related signage. Mr. Broz reviewed a map of the route and reported on the cost for signage. Cost is $4,244.00 for signs, stencils and paint. Mr. Broz proposes that City crews will install and complete the signs and stenciling, as time allows. Maintenance of the routes and signage will be the City's responsibility. After further discussion of the routes and related issues, a motion was made to ratify the Liberty Community Development Corporation's expenditure for the signs, stencils, and paint, at a cost of up to $4,300.00.

ATTACHMENTS:

- Bicycle Routes (PDF)
- Bicycle Route Signage (PDF)

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

4. Council Action 2014-83

Consider ratifying the Liberty Community Development Corporation's grant to the Trinity River National Wildlife Refuge, "From Crosswalks to Boardwalks" Project.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the Trinity River National Wildlife Refuge is constructing a boardwalk through the refuge to serve as a walking trail. TRNWR biologist Laurie Gonzales has received $85,000 in funding to complete this "Crosswalks to Boardwalks" Project. However, after believing that the project was 100% funded, it was brought to her attention that soil testing samples would need to be collected. These samples will provide estimated geotechnical soil parameters required for design of the Diamond Pier Pin Foundation system for the boardwalk. Cost of the services for testing, to be provided by Terracon Consultants, is $3,250.00.

Ms. Gonzales approached the Liberty Community Development Corporation requesting funds for the testing, which was approved in the amount of $3,250.00.

A motion was made to ratify the LCDC's action to fund the soil testing, in the amount of $3,250.00.

At this time, Mayor Pickett closed the open meeting for a short break, which was reconvened at 8:16 p.m.

ATTACHMENTS:

- Terracon - Boardwalk (PDF)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Libby Simonson, Councilperson
SECONDER:	Frank Jordan, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold

5. Ordinance (ID # 3140)

Consider action to amend the City of Liberty Code of Ordinances Section 10.02.122 regarding setback lines in the downtown area.

COMMENTS - Current Meeting:

City Manager Gary Broz asked that Council pass on this agenda item.

ATTACHMENTS:

- Agenda Item Form-Setbacks-Downtown (DOCX)

RESULT:	**NO ACTION TAKEN**

6. Council Action 2014-84

Consider quotes received for rehabilitation of the Beaumont Lift Station, and take any action deemed necessary.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported that the Beaumont Lift Station has developed pump and control panel failures. As this lift station was constructed in the 1970's, rehabilitation of the lift station is required. Three quotes were received to install two 3-phase/4 inch 10 HP submersible pumps, a stainless steel control panel and appurtenances. Quotes ranged from $26,801.00 To $29,227.50. Mr. Warner stated the recommendation is to award the work to Hahn Equipment Co., the low quote for $26,801.00.

A motion was made to award rehabilitation of the Beaumont Lift Station to Hahn Equipment Company.

ATTACHMENTS:

- Agenda Item Form- Beaumont Lift Station (DOCX)
- Beaumont Lift Station Quotes (PDF)

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

7. Council Action 2014-85

Consider a process for selection of a police chief, and take any action deemed necessary.

COMMENTS - Current Meeting:

Discussion was held regarding use of an executive search firm as opposed to an in-house process. Numerous issues discussed included cost, objectivity, no disruption in the operation of a department that works well, inclusion of employees and staff as stakeholders in the process, trust in the City Manager to complete this process, and other related issues.

A motion was made to approve employment of a Police Chief through use of an in-house process.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Frank Jordan, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold

8. Council Action 2014-86

Consider a Tax Abatement Agreement between the City of Liberty and Sjolander Aviation, LLC.

COMMENTS - Current Meeting:

City Attorney Randy Gunter explained that this is the last step in the tax abatement process, with Sjolander Aviation, which involves the Sjolander hangar at the Liberty Municipal Airport.

Mr. Gunter continued by stating that Council previouvsly created a reinvestment zone and that proper notification to the various taxing entities has been made seven days prior to this meeting, as required by law.

A motion was made to approve the Tax Abatement Agreement with Sjolander Aviation LLC.

ATTACHMENTS:

- Tax Abatement Agreement (PDF)

RESULT:	**APPROVED [6 TO 1]**
MOVER:	Frank Jordan, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Simonson, Arnold
NAYS:	Louie Potetz

9. Resolution 2014-14

Consider a Resolution in support of a grant from Texas Parks & Wildlife for construction of a boat ramp on the Trinity River.

COMMENTS - Current Meeting:

City Manager Gary Broz presented a Resolution supporting a grant application for a new boat ramp to be located on the east side of the Trinity River, on the north side of the bridge. Mr. Broz presented a map of the location and a conceptual project budget. This is a 75/25 matching grant, with a proposed project cost of approximately $666,666.00. Other entities involved in the grant are the LCDC, Port of Liberty, and Chambers-Liberty Counties Navigation District. If the Parks & Wildlife Department awards the bid, in the amount of $666,666.00, the State's portion will be $500,000 (75%), and a total of $166,666 remains for the various entities to fund. Mr. Broz also stated that this property would need to be purchased and the property owner is willing to negotiate, should the grant be received.

A motion was made to support the grant application to Texas Parks and Wildlife for a boating access facility.

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

10. Council Action 2014-87

Discussion of a City-wide clean-up project, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on a City-wide Clean-up Project to take place the week of November 17th. Prior to this time, notification will be provided to the public regarding the proper packaging of debris to assure its pickup. The Street Department will be picking up as much debris as possible. Mr. Broz requested $8200.00 for roll-offs in which to dispose of the debris. Also mentioned was possibly holding clean-up projects several times per year.

A motion was made to approve the clean-up project and authorized $10,000 for this project, from the Solid Waste Fund.

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

11. Council Action 2014-88

Discussion regarding allocation of proceeds from the sale of City property on Hwy. 90, and take any action deemed necessary.

COMMENTS - Current Meeting:

Mayor Pickett opened together agenda items #11, #12 and #13. City Manager Gary Broz reported on a handout of Sam Rayburn Municipal Power Agency funds received by the City and how those funds were allocated. Projects funded with these funds were creation of a fixed asset fund, portion for police station construction, fire station AC upgrade, new restrooms and playground equipment for the Liberty Municipal Park. There is approximately $126,000 remaining from the initial $1.5 million.

Mr. Broz also discussed $150,000 of unrestricted funds received from the sale of the City's property on Hwy 90. Finance Director Naomi Herrington made a presentation to Council regarding the need, and costs, for upgrading the City's Christmas decorations. Following discussion of which funds to use for the proposed project, a motion was made to approve an expenditure of $40,000 on Christmas decorations, from the $150,000 received from the property sale.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Libby Simonson, Councilperson
SECONDER:	Frank Jordan, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold

12. Council Action 2014-89

Discussion regarding allocation of Sam Rayburn Municipal Power Agency funds, and take any action deemed necessary.

COMMENTS - Current Meeting:

This agenda item was called in conjunction with agenda item #11.

RESULT:	**NO ACTION TAKEN**

13. Council Action 2014-90

Consider possible action on the purchase of holiday decorations for the City of Liberty.

COMMENTS - Current Meeting:

This agenda item was called in conjunction with agenda items #11 and #12.

RESULT: NO ACTION TAKEN

VI. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at

.

____

Carl Pickett, Mayor

ATTEST:

____

Dianne Tidwell, City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/14 06:00 PM

Department: Administration
Category: Street Extension

COUNCIL ACTION (ID # 3157)

DOC ID: 3157

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REQUEST FOR PLACEMENT OF AN ISSUE ON A CITY COUNCIL AGENDA

Regular called meetings of the City Council are held on the second Tuesday of each month at 6:00 p.m.

Special called meetings are normally held on the fourth Tuesday of each month at 6:00 p.m., or on other dates as time allows.

The deadline for an issue to be placed on the next council agenda is the Wednesday prior to the council meeting. This form must be turned in by 5:00 p.m. on this day.

Date of Submission of Request 11-4-14

Date of Council Meeting Monday, Nov. 10, 6 P.M.

****

Name James Leonard

Street Address PO Box 1602

City Liberty State TX Zip Code 77575

Telephone No. 936-334-4145 Fax No. 936-336-7059

Please list below the issue that you wish to be brought before the Council.

Drainage Issues on new street on 146 by-pass

This request will be reviewed by the City Manager and the requestor will be notified regarding the above-mentioned topic being placed on an agenda.

****

For City Use Only

Date this form given to the City Manager 11-4-14

Date requestor was notified 11-7-14 / 9:30 AM

Comments

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/14 06:00 PM

Department: Administration
Category: Variance Requests

COUNCIL ACTION (ID # 3156)

DOC ID: 3156

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CITY OF LIBERTY

City Council
Agenda Item Form

Council Meeting Date: November 10, 2014
Agenda Item No. VII.A.2
Agenda Wording: City Council consider a resolution granting a variance regarding the front setbacks for property located at 1807 A and 1807 B Monta Street.
Department: Public Works Inspections
Subject: Variance to front setbacks for property located at 1807 A and 1807 B Monta Street.
Background: The applicant and property owner for the duplex located at 1807 Monta requested a variance to the front setbacks in order to install carports for units A and B. If the variance is granted, the front setbacks would be reduced from the required twenty (20) feet to approximately seven and one-half (7.5) feet. A survey, drawing of the proposed carport locations and photographs of the property are enclosed. This request was brought before the Planning and Zoning Commission on December 3, 2014. The Planning and Zoning Commission voted unanimously (4-0) to deny the variance.
Fiscal Impact: None.
Staff Recommendation: Staff recommends denial.
Purpose: The purpose of setbacks is to provide a uniform distance for structures to be located from the property line.

10-21-2014

City of Liberty

Building Permit Department

To Whom it May Concern,

I am requesting a variance to allow the construction of two carports off the front of my homesteaded dwelling at 1807 Monta St. Liberty, Texas. The carports will be constructed of wood, 4 x 6 post, 4-12 pitch composite roof. The carports will be built off the east and west corners of the dwelling. The dwelling is 14' 1" off the east property line, and 30' 3" off the south front property line. The carport will be 7.5" from the front property line. A review of the surrounding area indicates that there are multiple dwellings that have carports that are built not meeting the 20' distance from the property line.

I have attached a certified copy of the property appraisal and a crude drawing of the carport layout for your review. Your consideration and approval of a variance to allow the construction of these two carports will be greatly appreciated.

Thank you,

Laura Schatz

Laura Schatz

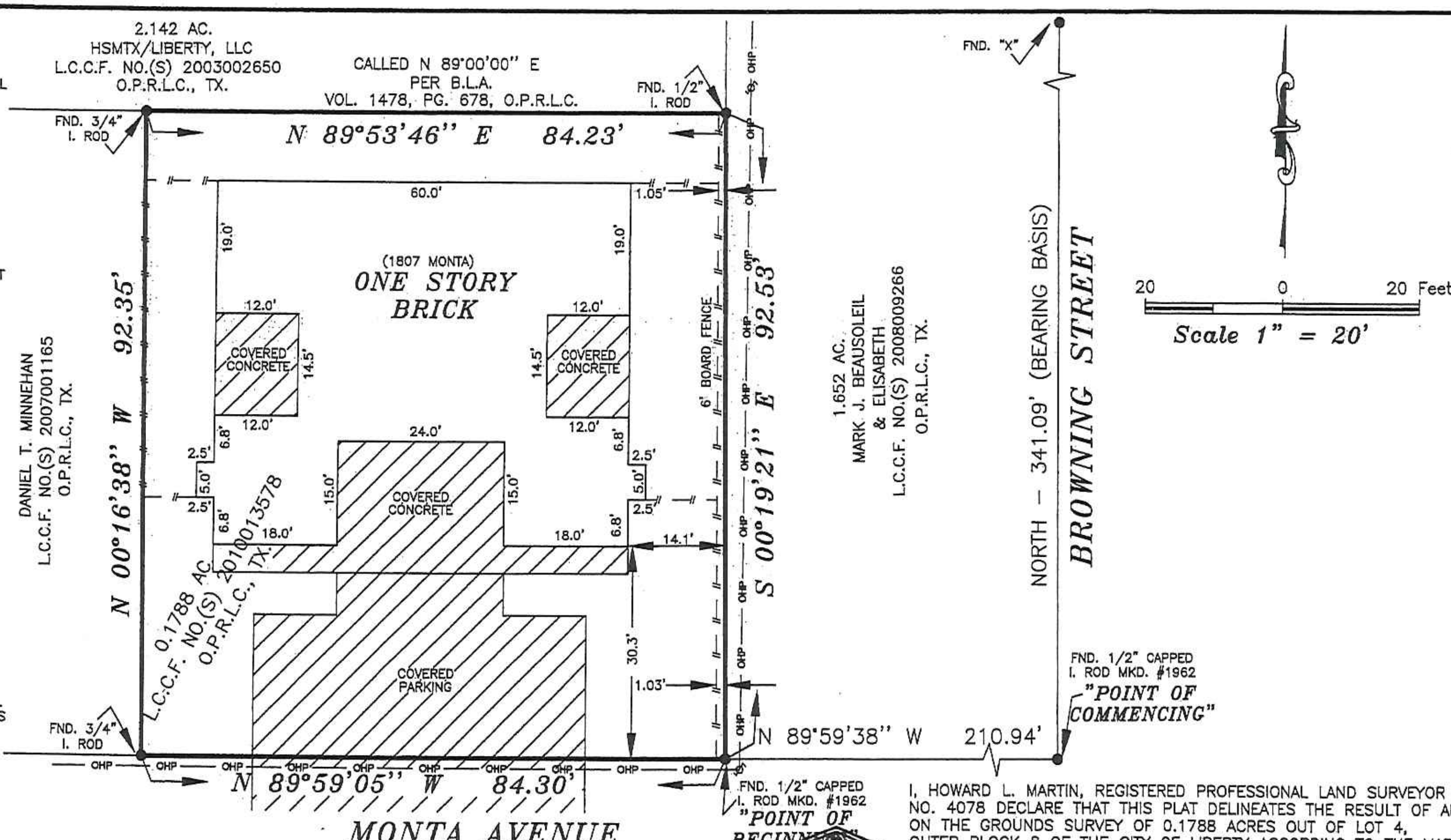
1807 Monta St.

Liberty, Tx 77575

936-641-4263

LEGEND

- B.B.D.C.L. = BEARING BASIS DIRECTIONAL CONTROL LINE
- O.P.R.L.C. = OFFICIAL PUBLIC RECORD OF LIBERTY COUNTY
- D.R.L.C. = DEED RECORDS OF LIBERTY COUNTY
- VOL. = VOLUME
- PG. = PAGE
- L.C.C.F. NO. = LIBERTY COUNTY CLERK'S FILE NO.
- REF. = REFERENCE
- B.L.A. = BOUNDARY LINE AGREEMENT
- I.R. = IRON ROD
- ⌀ = UTILITY POLE
- —— OHP —— = OVER-HEAD POWER
- — //— //— = 6' BOARD FENCE
- ▨ = COVERED



NOTES:

1. FLOOD ZONE DETERMINED BY GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.

2. SUBJECT PROPERTY LIES WITHIN ZONE "X" (OTHER FLOOD AREAS) – AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FT. OR WITH DRAINAGE AREAS LESS THAN 1 SQ. MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD ACCORDING TO THE FIRM PANEL NO. 480441 0435 C, DATED 05-02-2008.

3. PERPETUAL RIGHT-OF-WAY TO MAINTAIN STREET AND UTILITIES CONVEYED TO CITY OF LIBERTY RECORDED BY DEED IN VOLUME 687, PAGE 187 OF THE DEED RECORDS OF LIBERTY COUNTY.

4. ALL CORNERS PROPERLY MARKED WITH 1/2" CAPPED PIPE MARKED H & H LAND UNLESS OTHERWISE SHOWN.

TARVER ABSTRACT GF#11034105
JOB NO. 1807 MONTA
DATE: 03/18/2011

H & H PROFESSIONAL LAND SERVICES
P. O. Box 1974
Mont Belvieu, TX 77580
Phone: (281) 385-2087
Fax: (281) 385-5782

I, HOWARD L. MARTIN, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4078 DECLARE THAT THIS PLAT DELINEATES THE RESULT OF AN ON THE GROUNDS SURVEY OF 0.1788 ACRES OUT OF LOT 4, OUTER BLOCK 8 OF THE CITY OF LIBERTY ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 137 OF THE MAP RECORDS OF LIBERTY COUNTY, TEXAS, BEING THAT SAME TRACT OF LAND CONVEYED TO FEDERAL NATIONAL MORTGAGE ASSOC. A.K.A. FANNIE MAY, RECORDED BY SUBSTITUTE TRUSTEE'S DEED IN LIBERTY COUNTY CLERK'S FILE NO.(S) 2010013578 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, TEXAS. SAID 0.1788 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ATTACHED.

STATE OF TEXAS REGISTERED HOWARD L. MARTIN 4078 PROFESSIONAL LAND SURVEYOR

HOWARD L. MARTIN, R.P.L.S. NO. 4078, STATE OF TE

EXHIBIT "A"

FIELD NOTES OF A TRACT OF LAND CONTAINING 0.1788 ACRES OUT OF LOT 4, OUTER BLOCK 8 OF THE CITY OF LIBERTY ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 137 OF THE MAP RECORDS, LIBERTY COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND CONVEYED TO FEDERAL NATIONAL MORTGAGE ASSOCIATION A.K.A. FANNIE MAY RECORDED BY SUBSTITUTE TRUSTEE'S DEED IN LIBERTY COUNTY CLERK'S FILE NO.(S) 2010013578 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, TEXAS. SAID 0.1788 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

NOTE: THE MONUMENTS FOUND IN THE WEST RIGHT-OF-WAY OF BROWNING STREET AND THE BEARINGS AND DISTANCES PER LIBERTY COUNTY CLERK'S FIELD NO.(S) 2008009266, OFFICIAL PUBLIC RECORDS, LIBERTY COUNTY, TEXAS WERE USED FOR THE BEARING BASIS DIRECTIONAL CONTROL OF THIS PROPERTY.

COMMENCING at a 1/2" capped iron rod marked #1962, found, in the west right-of-way of said Browning Street and the north right-of-way of Monta Avenue, being the southeast corner of a 1.652 acre tract of land conveyed to Mark J. Beausoleil and wife, Elisabeth Beausoleil recorded by deed in Liberty County Clerk's File No.(s) 2008009266 of the Official Public Records of Liberty County, Texas; **THENCE,** North 89°59'38" West, along the north right-of-way of said Monta Avenue and the south line of said Beausoleil 1.652 acres, a distance of 210.94 feet to a 1/2" capped iron rod marked #1962, found, being the southwest corner of said Beausoleil 1.652 acres and for the **southeast corner** and **"Point of Beginning"** of the herein described tract;

THENCE, North 89°59'05" West, along the north right-of-way of said Monta Avenue, a distance of 84.30 feet to a 3/4" iron rod, found, being the southeast corner of a tract of land conveyed to Daniel T. Minnehan recorded by deed in Liberty County Clerk's File No.(s) 2007001165 of the Official Public Records of said County and for the **southwest corner** of the herein described tract;

THENCE, North 00°16'38" West, along the east line of said Minnehan tract, a distance of 92.35 feet to a 3/4" iron rod, found, in the south line of a 2.142 acre tract of land conveyed to HSMTX/Liberty, LLC recorded by deed in Liberty County Clerk's File No.(s) 2003002650 of the Official Public Records of said County, being the northeast corner of said Minnehan tract and for the **northwest corner** of the herein described tract;

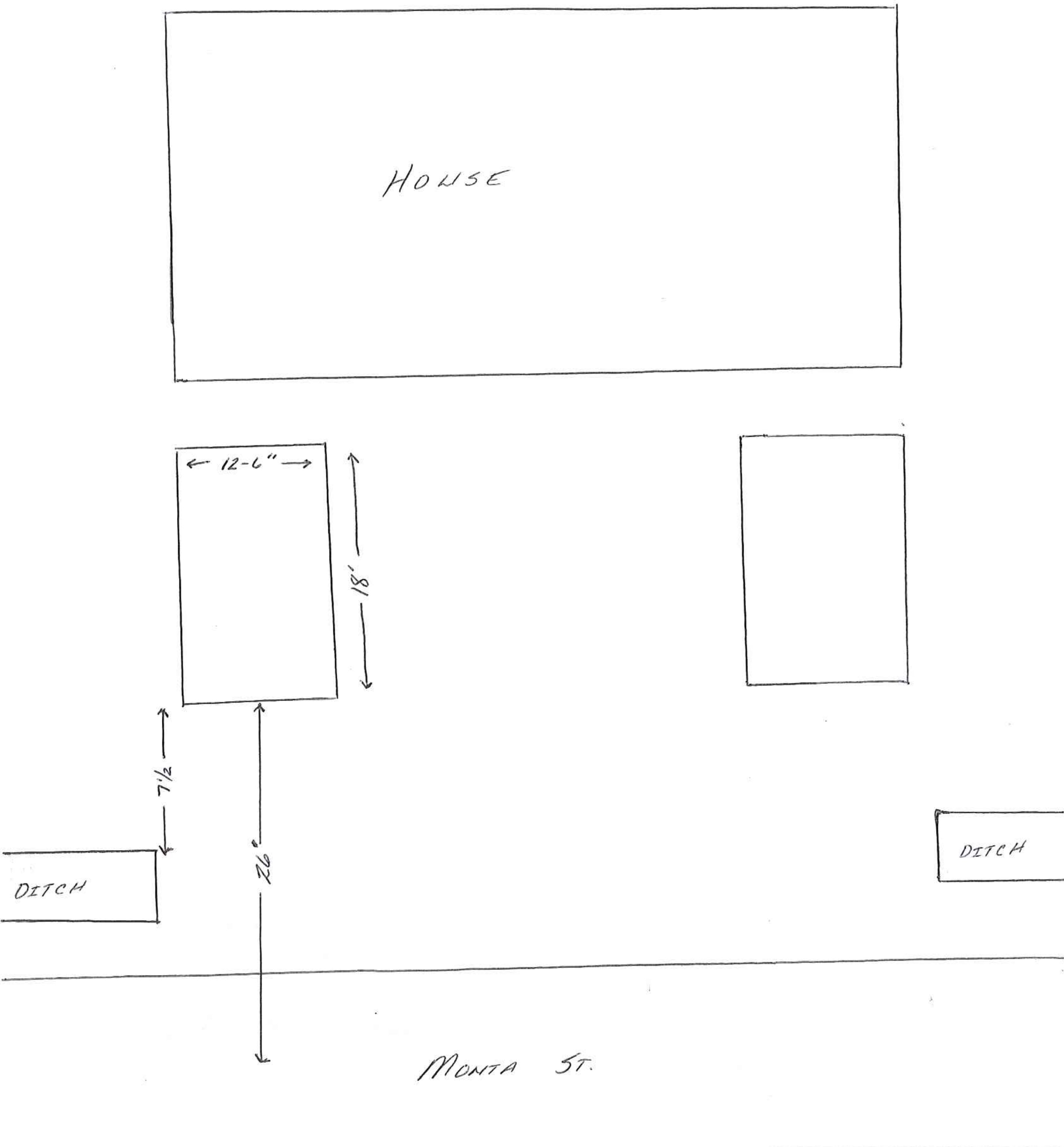
THENCE, North 89°53'46" East, along the south line of said HSMTX 2.142 acre tract, a distance of 84.23 feet to a 1/2" iron rod, found, in the west line of said Beausoleil 1.652 acre tract, being the southeast corner of said HSMTX 2.142 acre tract and for the **northeast corner** of the herein described tract;

THENCE, South 00°19'21" East, along the west line of said Beausoleil 1.652 acre tract, a distance of 92.53 feet to the **"Point of Beginning"** and containing 0.1788 acres of land.

Howard L. Martin
R.P.L.S. No. 4078

STATE OF TEXAS
REGISTERED
HOWARD L. MARTIN
4078
PROFESSIONAL
LAND SURVEYOR

Job No. 1807MONTA
03/14/11 sk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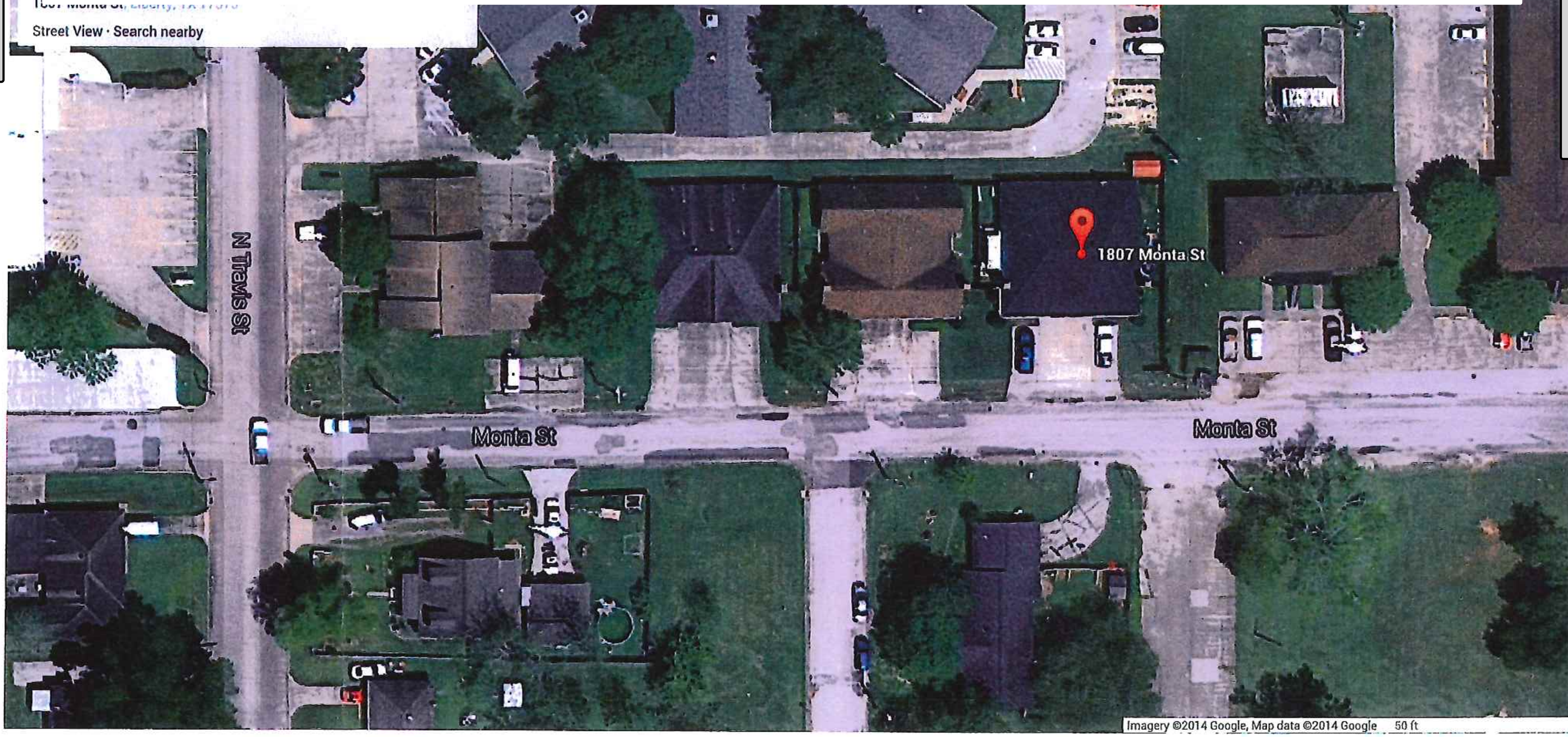
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1807 Monta St
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VOLVO
TEXAS
BH7-F746

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/14 06:00 PM

Department: Administration
Category: Variance Requests

COUNCIL ACTION (ID # 3158)

DOC ID: 3158

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CITY OF LIBERTY

City Council
Agenda Item Form

Council Meeting Date: November 10, 2014
Agenda Item No. VII.A.3
Agenda Wording: City Council consider a resolution granting a variance regarding the west side and rear setbacks for property located at 1623 Sam Houston Street.
Department: Public Works - Inspections
Subject: Variance to the west side and rear setbacks for property located at 1623 Sam Houston Street.
Background: The applicant and owner for the property located at 1623 Sam Houston Street requested a variance to the west side and rear setbacks in order to replace the existing garage and to install a new carport. The garage is currently located on the west property line and approximately five feet from the rear property line. The applicant is requesting a three and one-half (3.5) foot setback for both the west and rear setbacks. The minimum setbacks required are seven and one-half (7.5) feet. A letter from the applicant, a drawing of the proposed garage and carport locations and photographs of the property are enclosed. This request was brought before the Planning and Zoning Commission on December 3, 2014. A motion was made to approve the variance and the Planning and Zoning Commission voted two (2) for and two (2) against approving the variance. Additional discussion continued on the subject did not result in any other motions.
Fiscal Impact: None.
Staff Recommendation: Staff recommends approval.
Purpose: The purpose of setbacks is to provide a uniform distance for structures to be located from the property line.

JOHN C. MOORMAN
Liberty County Surveyor
Registered Professional Land Surveyor
P.O. Box 10230
Liberty, Texas 77575

OCTOBER 29,, 2014

CITY OF LIBERTY
Planning and Zoning Commission
1829 Sam Houston
Liberty, Texas
77575

Attention: Dawnel Rodgers

Phone: (936) 336-3684
FAX: (936) 336-9846

RE: Variance Request

Dear Sirs:

I reside at 1623 Sam Houston Street at Austin Street in the City of Liberty. The property is owned by my two (2) sons, John C.Moorman II and Jason Christopher Moorman.

The legal description is the East one-half (½) of Lot 3 in Inner Block 26 of the City of Liberty. The Liberty CAD Property ID is 56036. The property has 83.33 feet of frontage on Sam Houston Street and a depth of 166.66 feet on Austin Street.

There exists on the property a one story frame residence that fronts Sam Houston Street and a one story frame two car garage that is in the rear of the residence and fronts Austin Street.

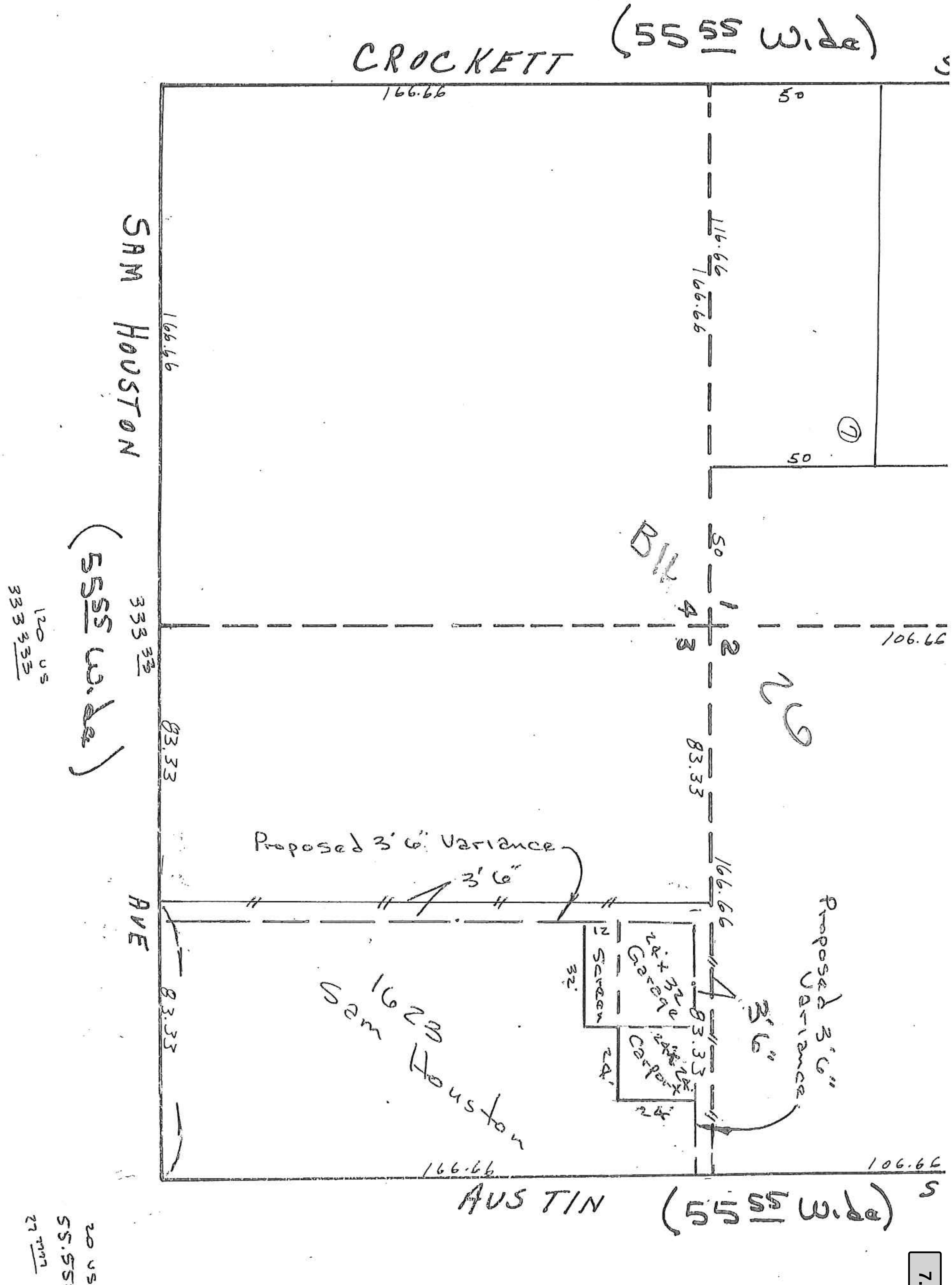
The garage is in very bad condition and will be replaced if this variance is approved. The proposed garage will be a two car garage twenty-four (24) feet in width, with a twelve (12) foot screen porch (on the South side) fronting Austin Street with a depth of thirty-two (32) feet. There will be a two car carport (twenty-four (24) feet by twenty-four (24) feet) in front of the proposed garage.

The proposed garage and carport will be of frame construction with fire resistant James Hardie board siding and a metal roof.

The variances I am requesting are a three feet-six inches (3'6") Set-Back (Building Line) for the Rear lot line and a three feet-six inches (3'6") Set-Back (Building Line) for the West lot line (See attached sketch).

John C. Moorman — John C. Moorman — Chris Moorman

JOHN C. MOORMAN JOHN C. MOORMAN II JASON C. MOORMAN


CROCKETT (55 55 Wide)
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SAM HOUSTON
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166.66
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(55 55 Wide)
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83.33
Proposed 3'6" Variance
3'6"
166.66
AVE
12
Screen
32'
24' x 32' Garage
24' x 24' Carport
24'
24'
1623 Sam Houston
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3'6"
Proposed 3'6" Variance
166.66
106.66
AUSTIN (55 55 Wide)
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1623 Sam Houston St, Liberty, TX 77575
Street View · Search nearby
1623 Sam Houston St
Austin St
Sam Houston St
Sam Houston St
Sam Housto
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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/14 06:00 PM

Department: Administration
Category: Electric Issues

ORDINANCE (ID # 3159) DOC ID: 3159

AN ORDINANCE BY THE CITY OF LIBERTY, TEXAS ("CITY") DENYING THE DISTRIBUTION COST RECOVERY FACTOR RATE INCREASE REQUEST OF ENTERGY TEXAS, INC. FILED ON SEPTEMBER 18, 2014; SETTING JUST AND REASONABLE RATES FOR ENTERGY TEXAS, INC. FOR SERVICE WITHIN THE MUNICIPAL LIMITS; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

WHEREAS, on or about September 18, 2014 Entergy Texas, Inc. ("Entergy") filed an Application for Authority to Implement a Distribution Cost Recovery Factor with the City to increase electric rates by implementing new riders pursuant to Public Utility Regulatory Act ("PURA") Section 36.210;

WHEREAS, the proposed Distribution Cost Recovery Factor rates proposed by Entergy Texas, Inc. would increase customer rates in the Entergy Service Area by $6,980,180 per year;

WHEREAS, Entergy the jurisdictional deadline for the City to act in this rate matter is November 17, 2014;

WHEREAS, the expert utility rate consultants retained to review the Company's Distribution Cost Recovery Factor rates on behalf of the City have issued a preliminary report and concluded that Entergy has incorrectly calculated the proposed Distribution Cost Recovery Factor and substantially overstated the claimed need for the rate increase requested. The consultants' analyses support substantial reductions to the Entergy request.

WHEREAS, the rate experts retained for the rate review have concluded that Entergy's rate filing request is unsupported;

WHEREAS, Entergy has failed to properly support and justify the rate class increase amounts for Entergy's proposed class allocation of certain distribution costs;

WHEREAS, Entergy has failed to justify Entergy's proposed rates included in lighting service;

WHEREAS, the statutory deadline to act on Entergy's Distribution Cost Recovery Factor rate increase request is November 17, 2014;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF

LIBERTY, TEXAS, THAT:

Section 1. That the statement and findings set out in the preamble to this Ordinance are hereby in all things approved and adopted.

Section 2. The City of Liberty hereby denies the Entergy Distribution Cost Recovery Factor rate increase.

Section 3. Entergy's Distribution Cost Recovery Factor rate increase application on file with the City is denied in total.

Section 4. The meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 5. This ordinance shall become effective from and after its passage.

Section 6. That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty that all ordinances be read on two separate days is hereby dispensed with.

PASSED AND APPROVED this 10th day of November, 2014.

____

Carl Pickett, Mayor

ATTEST:

____

Dianne Tidwell, City Secretary

Gary Broz

From: Molly Mayhall Vandervoort <mayhalllaw@gmail.com>
Sent: Tuesday, October 14, 2014 12:26 PM
To: chris@jgradyrandlepc.com; City of Silsbee; City of Rose City; D. Douglas; Elaine Allums; Gwen Thibodeaux; H. Neeley; J. Parkhurst; John Comeaux; Juan Olguin; M. Turley; M. Benoit; S. Bounds; YuShan Chang; Andre' Wimer; B. Fowler; Brad Stafford; Cary Bovey; Chris Duque; City of Pine Forest; D. Miller; D.E. Sosa; D.E. Sosa; Danna Welter; David Olson; Debbie Cormier; Debbie Morgan; dorothy welch; F.J. Skarpa; G. Smith; Gary Broz; Guy Goodson; Harry Wright; J.E. Branick; James Black; Joe Alford; K. Wall; Kim; Kyle Hayes; Larry Saurage; Leonard Schneider; Michael Stelly; Mike Kunst; Paul Fukuda; Pete Steele; Richard Y. Ferguson; Rodney Price; Shawn Oubre; Sherry Tisdale; T. VanMeter; Talley, Alisa; Tina - ARA Paez; Tommy Gunn; Tyrone Cooper; V. Rudy; Val Tizeno; William C. Ferebee; Winberry, Marcus
Cc: Daniel Lawton
Subject: Rate Ordinance and Recommendation as to ETI's Application for Approval of a DCRF
Attachments: 43111 2014.10.14 Recommendation to Cities.pdf; Ordinance Setting Rates.docx

Flag Status: Flagged

Dear Cities:

Attached, please find a rate ordinance and recommendation for Entergy Texas, Inc.'s Application for Approval of a Distribution Cost Recovery Factor, which is currently pending before the Cities and the PUC. I have also attached the rate ordinance in Word for your convenience. Please note that the Cities' deadline to pass a rate ordinance in this matter is November 17, 2014. If you have any questions, please feel free to call or e-mail.

Sincerely,
Molly Mayhall Vandervoort
For The Lawton Law Firm, P.C.
512-322-0019

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Molly Mayhall Vandervoort
Attorney at Law
401 W. 15th Street, Suite 695
Austin, Texas 78701
(512) 537-9431

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THE LAWTON LAW FIRM, P.C.

12600 Hill Country Blvd., Suite R-275 • Austin, Texas 78738 • 512/322-0019 • Fax: 855/298-7978

October 14, 2014

Via E-Mail

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Orange, Texas 77630

Michael S. Stelly
City of West Orange, Texas
2700 Austin Avenue
West Orange, TX. 77630

Re: Rate Ordinance and Recommendation as to Entergy Texas, Inc.'s Application for Approval of a Distribution Cost Recovery Factor

Dear Cities:

This letter is in regard to Entergy Texas Inc.'s ("Entergy" or "Company") application for approval of a Distribution Cost Recovery Factor ("DCRF"), which has been filed with each of the Cities in Entergy's service area. Entergy filed the DCRF application with Cities on or about September 18, 2014. Cities have 60 days to pass a Rate Ordinance accepting, modifying, or rejecting a DCRF Application. Cities' deadline to pass a Rate Ordinance is November 17, 2014.

Concurrent with its DCRF application in the cities, Entergy has filed the same application with the Public Utility Commission of Texas ("Commission") for customers located outside the Cities. Entergy requests implementation of a rider that would collect approximately $7 million in additional annual revenue to cover increased distribution expenses. Residential customers would be charged approximately $4.5 million or 64% of the requested increase, which amounts to approximately $0.78 per month for an average residential customer using 1000 kWh per month.

Certain adjustments proposed by Entergy are inconsistent with the rule authorizing a DCRF, specifically P.U.C. SUBST. R. 25.243. The rate consultant, ReSolved Energy Consulting ("REC"), reviewed Entergy's application and advises that correcting Entergy's erroneous adjustments results in a reduction to the Company's request of $1.9 million annually. As the rate consultant explains in the attached report, the Company calculated its weather normalization adjustment incorrectly and the Company inappropriately included bad debt expense in its DCRF revenue requirement. The Commission developed a detailed formula that utilities must follow when calculating the revenue requirement for a DCRF. Both of the adjustments outlined above run afoul of this formula, overstating the need and magnitude of the DCRF rate increase. The consultants have determined other areas of the Company's proposal likely overstate the DCRF and we are waiting on the Company to provide additional data so these analyses and investigations may be completed. As such we recommend that the Cities deny Entergy's application in total.

The Cities' jurisdictional deadline to make a decision on Entergy's request is November 17, 2014. We have attached the experts' report along with a recommended Rate Ordinance denying Entergy's application for a DCRF rate change. Once Cities deny the Entergy rate increase request these Rate Ordinances will be appealed to the Commission where these matters will be litigated and ultimately decided.

If there are any questions or concerns, please do not hesitate to call.

Sincerely,

Daniel J. Lawton/MNW

Daniel J. Lawton

Attachments

ReSolved Energy Consulting

October 2, 2014

Mr. Dan Lawton
The Lawton Law Firm, P.C.
12600 Hill Country Blvd.
Suite R-275
Austin, TX 78738

RE: PUCT Docket No. 43111 Application of Entergy Texas, Inc. for approval of a Distribution Cost Recovery Factor

Dear Dan,

ReSolved Energy Consulting, LLC ("REC") has completed its initial review of the Entergy Texas, Inc. ("ETI" or "Company") application for approval of a Distribution Cost Recovery Factor ("DCRF") pursuant to §25.243 of the Public Utility Commission of Texas ("PUC") substantive rules. Our review identified certain adjustments proposed by ETI which are not consistent with the requirements of the rules and do not result in reasonable and necessary rates.

The proposed DCRF is significantly impacted by the Company's proposed customer growth adjustment. A customer growth adjustment is necessary because it allows for the recognition of additional revenues caused by the increase in the number of customers. Under the DCRF rule, the DCRF revenue requirement is determined by comparing current test year distribution related costs and billing determinants to "baseline" distribution related costs and billing determinants that were established in the Company's last comprehensive base-rate proceeding. The DCRF rules require that only current billing determinants be adjusted for customer growth and normalized weather using a 10 year weather normalization methodology. The baseline billing determinants were already adjusted in the Company's last base-rate proceeding and should not be further adjusted. But contrary to the rule, the Company also modified the baseline billing determinants using the 10 year weather normalization methodology because the test year billing determinants approved in the last base-rate proceeding were based on a 20 year weather normalization methodology. The DCRF rule does not allow the baseline billing determinants to be so adjusted. Restoring the baseline billing determinants to those set in the last comprehensive base-rate proceeding reduces the Company's request by approximately $1.87 million.

ETI also proposes to increase the DCRF revenue requirement by $23,097 by recognizing incremental bad debt expense. The PUC rule includes specific definitions, formula and procedures prescribing the components of the DCRF tariff. The rule does not include any reference to incremental bad debt expense and the Company acknowledges in its DCRF filing

ReSolved Energy Consulting, LLC • 11044 Research Blvd., Suite D-230 • Austin, TX 78759 • P: (512) 331-4949 • F: (512) 331-5743 • www.ReSolvedEnergy.com

that no party to the stipulation in the last comprehensive base-rate proceeding agreed to the appropriateness of including bad debt expense in any future request.

In conclusion, REC recommends restoring the baseline billing determinants to those established in the Company's last rate case and denying the proposed incremental bad debt expense. These corrections reduce the Company's proposed DCRF by $1.89 million.

We would be happy to answer any further questions you may have regarding ETI's DCRF filing and our recommendations.

Sincerely,

Karl J. Nalepa, President
ReSolved Energy Consulting, LLC

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/14 06:00 PM

Department: Administration
Category: Executive Session Items

COUNCIL ACTION (ID # 3160)

DOC ID: 3160

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