



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

Monday, November 10, 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	Absent	
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

This agenda item was passed on.

III. PLEDGE OF ALLEGIANCE

The pledge to the American and Texas flags was led by Liberty High School Seniors Hannah Williams and Ryan Rhodes.

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 reported the following:

- the importance of recognizing those that have served our country and upcoming Veteran's Day celebrations. Mayor Pickett stated that the Liberty Independent School District will hold a breakfast and Veteran's Day program at the High School on Tuesday, November 11th and the VFW will sponsor a noon event and meal.
- the CASA (Court Appointed Special Advocates) Fun Run held at the Liberty Municipal Park on Saturday, November 8th was a huge success and important fundraiser for this organization
- Lions Club 75th Anniversary celebration held on Saturday, November 8th was also a huge

success, also mentioning the ways in which this club provides many services to the community

- The City has partnered with the Liberty Independent School District for a Thanksgiving Food Drive to benefit the Spirit of Sharing
- There will be no special called Council meeting the 4th Tuesday of November, due to the Thanksgiving Holiday. Next meeting of the City Council will be December 9th.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 3154)

Project Updates - City Mgr. Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the status of the following projects:

- Search for a new police chief has begun, applications and resumes will be accepted through December 31st
- Staff working on final punch list of items on the new Police Department facility
- City-wide cleanup project scheduled for the week of November 17th
- Monta Street well is now working at full capacity
- Working on list of future water projects, to begin with a new well
- Masonry work is complete on the new restroom facility at the Liberty Municipal Park, framing to begin next week
- New phone system at City Hall
- Boat ramp grant submitted to the State
- Street Project progressing well
- City sponsoring the Country Christmas Parade and will be decorating a float

B. Information Item (ID # 3155)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that the recently held community Shred-It event was, as always, a success. Ms. Huddleston stated that this event was not only for the shredding of sensitive documents, but also e-cycling for electronic equipment. Ms. Huddleston thanked those that assisted with the event and further stated that she had received many positive comments from the citizenry. The next Shred-It event will take place in approximately six months.

VI. CONSENT AGENDA

All consent items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, and if such a request is made, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

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

A. Minutes Approval

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

VII. REGULAR AGENDA**A. Regular Session****1. Council Action 2014-92**

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.

COMMENTS - Current Meeting:

Mr. James Leonard, President of WCID #5, addressed Council regarding his concerns with the Street Project and related drainage issues. Mr. Leonard was concerned with the amount of water, and its retention, to result from construction of the new road. Mr. Leonard stated that he believed these issues would cause flooding in the Travis Park Subdivision.

After Mr. Leonard's presentation, City Manager Gary Broz and City Engineer Tom Warner responded by referring to the engineering report for the new street project, prepared by CivilCorp Engineers. It was stated that this project has been thoroughly reviewed in regard to these concerns from the project's inception. Flow rates, culvert size, and other requirements, were studied and calculated and a detention pond will be utilized to mitigate the increased runoff, as a part of Phase II construction. Engineer's calculations reflect that there is no concern with drainage in regard to Phase I of the project, which is currently underway. At the time that Phase II is initiated, steps will then be taken to detain water due to future development along the new roadway.

After lengthy discussion, Council directed management to arrange a meeting of the CivilCorp engineers and WCID #5 engineers to review and address WCID's concerns regarding drainage.

ATTACHMENTS:

- Leonard Request (PDF)

RESULT:	NO ACTION TAKEN
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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.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported on a variance request for 1807A and 1807B Monta Street. The property owner requested a variance on the front setback lines in order to install carports for each unit. The front setback is 20 feet, which would be reduced to 7.5 feet, if the carports were constructed. Each of these housing units currently have an attached garage, the request is for additional vehicle parking. All other properties along that street have complied with the twenty foot setback requirement. This request was taken to the Planning & Zoning Commission on November 3rd and was denied. Management recommended denial of the variance request.

A motion was made to deny the variance request for 1807A and 1807B Monta Street.

ATTACHMENTS:

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

RESULT:	DEFEATED [UNANIMOUS]
MOVER:	Libby Simonson, Councilperson
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Arnold
ABSENT:	Frank Jordan

3. Council Action 2014-93

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

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported on a variance request for 1623 Sam Houston Street. The property owner requested a variance to the west and rear setback lines in order to replace an existing garage and install a new carport. The applicant is requesting a 3.5 foot setback for both the west and rear sides, with the minimum setback required being 7.5 feet. The request was taken to the Planning & Zoning Commission, in which the vote on this agenda item resulted in a tie.

After further discussion of the variance, the property being a corner lot, and this proposed construction providing an upgrade to the property and the area, a motion was made to approve the variance for 1623 Sam Houston Street.

ATTACHMENTS:

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

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

4. Ordinance 2014-20

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.

COMMENTS - Current Meeting:

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

"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."

City Manager Gary Broz reported that this ordinance relates to an Entergy Texas, Inc. rate increase for its customers. The City's consultants indicated that Entergy Texas has incorrectly calculated the proposed Distribution Cost Recovery Factor and significantly overstated the claimed need for the rate increase. Denial of the rate increase ordinance by Entergy customer cities will result in the rate case being sent to the Public Utilities Commission to set the rates.

ATTACHMENTS:

- Entergy Info (PDF)

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

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.

At 6:44 p.m., Mayor Pickett closed the open meeting and opened the Executives Session as authorized above.

C. Reconvene into Regular Session

At 7:25 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2014-91

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

COMMENTS - Current Meeting:

A motion was made to authorize the City Attorney, along with Thompson and Horton LLP to pursue any and all remedies to resolve the dispute.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Louie Potetz, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Arnold
ABSENT:	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 7:27 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary