



The City of Liberty City Council

Special Called Meeting

~ Agenda ~

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

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, January 27, 2015

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. 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.

III. PRESENTATIONS / REPORTS

1. Information Item (ID # 3193)

Project Updates - City Mgr. G. Broz

2. Information Item (ID # 3194)

Finance Report - Finance Dir., N. Herrington

IV. REGULAR AGENDA

A. Regular Session

1. Council Action (ID # 3195)

Consider acceptance of the Annual Audit Report for Fiscal Year 2013-2014, as presented by Swaim, Brents and Associates.

- Audit Report (DOCX)

2. Council Action (ID # 3196)

Consider award of bid for sanitary sewer improvement on Hollywood Street, and take any action deemed necessary.

- Sewer Imp-Hollywood (PDF)

3. Ordinance (ID # 3197)

Consider adoption of an Ordinance authorizing participation with other Entergy Service Area Cities in matters concerning Entergy Texas, Inc. at the Public Utility Commission of Texas and the Federal Energy Regulatory Commission in 2015.

- Entergy Info (PDF)

4. Council Action (ID # 3200)

Consider Appointments to the 2015 Charter Review Commission.

V. WORK SESSION**1. Work Session (ID # 3198)**

Discussion of possible amendments to the City's Recreational Vehicle Ordinance.

- RV Ord Info (PDF)

2. Work Session (ID # 3199)

Discussion of the International Council Code (ICC), Building Construction Related Appendices.

VI. ADJOURNMENT

Motion To: Adjourn

CERTIFICATE

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 20th day of January, 2015 at 4:00 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 _____, 2015.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.1

Meeting: 01/27/15 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 3193)

DOC ID: 3193



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.2

Meeting: 01/27/15 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 3194)

DOC ID: 3194



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.1

Meeting: 01/27/15 06:00 PM

Department: Administration
Category: Financial Reports

COUNCIL ACTION (ID # 3195)

DOC ID: 3195

CITY OF LIBERTY

City Council Agenda Item Form

Agenda Item No. IV.A.1
Agenda Wording: Consider acceptance of the Annual Audit Report for Fiscal Year 2013-2014, as presented by Swaim, Brents and Associates.
Department: Administration/Finance
Subject: Annual Audit Report
Background: Swaim, Brents and Associates are independent external auditors that review the City' financial operations and present an Audit Report after the first of every year.
Fiscal Impact: Cost for audit services is \$40,000.
Staff Recommendation: Approval of the Audit Report.
Purpose: The auditors purpose is to review and provide reasonable assurance that the City's financial statements are presented fairly in accordance with all government standards, and to review the financial operations for checks and balances.

Attachment: Audit Report (3195 : Audit Presentation FY 13-14)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.2

Meeting: 01/27/15 06:00 PM

Department: Administration
Category: Bids

COUNCIL ACTION (ID # 3196)

DOC ID: 3196



DESIGN BUILD
CONSTRUCTION MANAGEMENT
GENERAL CONTRACTOR

P. O. Box 3684, Beaumont, Texas 77704 Phone: 409-860-4459 Fax: 409-860-3857
Email: allco@allco.com

November 25, 2014

Attn: Roger Drews
City of Liberty
1100 N. Main
Liberty, Texas 77575

Re: Hollywood Avenue Sanitary Sewer Rehab
Liberty, Texas

Dear Mr. Drews:

Please find below, pricing for the Hollywood Avenue sanitary sewer rehab as you requested in our meeting Friday morning. We will use 8" DR 17 HDPE to pipe burst the existing 6" concrete sanitary sewer.

As we discussed we do not include site restoration, which includes but not limited to, sidewalks, concrete paving, curb, sod or seeding. All services will be reconnected at the main, so no replacement of service lines to the edge of right-of-way is included. The manholes will be replaced with fiberglass. All excavations under concrete paving will be backfilled with stabilized material. A breakdown of costs is as follows:

<u>Description</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Extension</u>
Clean & televise existing main	806 LF	\$ 10.00	\$ 8,060.00
Pipe burst existing 6" to 8"	806 LF	\$ 90.00	72,540.00
Remove & replace existing manholes	2 EA	\$5,000.00	10,000.00
Service reconnections	18 EA	\$ 575.00	10,350.00
Point repairs	2 EA	\$2,100.00	4,200.00
Post televising	806 LF	\$ 5.00	4,030.00
			\$109,180.00

If you have any questions or need further information, please feel free to contact me.

Sincerely,

ALLCO LLC


Keith Burrell

Eastex Utility Construction

po box 735
Sour Lake, TX 77659

Estimate

Date	Estimate #
11/3/2014	353

Name / Address
City of Liberty 1829 Sam Houston Liberty Texas, 77575

			Project
Description	Qty	Rate	Total
remove and replace 8" sewer sdr26	820	26.89	22,049.80T
4" sewer connection	16	300.00	4,800.00
4' manholes all depths	3	2,500.00	7,500.00
remove and replace concrete streets 3' wide by 100' long including stabilized backfill	100	55.00	5,500.00
remove and replace sidewalk	300	20.00	6,000.00
Subtotal			\$45,849.80
Sales Tax (0.0%)			\$0.00
Total			\$45,849.80



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.3

Meeting: 01/27/15 06:00 PM

Department: Administration
Category: Electric Issues

ORDINANCE (ID # 3197)

DOC ID: 3197 A

A ORDINANCE OF THE CITY COUNCIL OF LIBERTY, TEXAS, AUTHORIZING PARTICIPATION WITH OTHER ENTERGY SERVICE AREA CITIES IN MATTERS CONCERNING ENTERGY TEXAS, INC. AT THE PUBLIC UTILITY COMMISSION OF TEXAS AND THE FEDERAL ENERGY REGULATORY COMMISSION IN 2015; PROVIDING 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.

WHEREAS, Entergy Texas, Inc.'s ("ETI") implementation of customer choice has ceased due to Senate Bill 1492 and ETI will continue to be regulated under traditional cost-of-service regulation;

WHEREAS, changes to the Public Utility Regulatory Act addressing rates and rate proceedings will have a direct impact on ETI and customer bills during 2015 and into the future;

WHEREAS, ETI is scheduled to litigate requests in various proceedings before the Public Utility Commission of Texas, before municipalities, or before the Federal Energy Regulatory Commission in 2015 related to ETI's integration with the Midwest Independent System Operator ("MISO"), ETI's continuing commitment to exit the Entergy System Agreement on an expedited basis, various fuel cost refunds or surcharges and reconciliations, capacity cost surcharges and reconciliations; and for any type of base rate proceedings (such as a new base rate increase request, transmission cost recovery rider, a distribution cost recovery rider, energy efficiency cost recovery factor, hurricane restoration cost or offset true-ups, or a purchased power capacity cost recovery rider) or cost allocation adjustments;

WHEREAS, ETI is scheduled to file fuel factor proceedings at the Public Utility Commission in February and August 2015, and file other fuel proceedings during 2015 to reconcile fuel, to refund or surcharge fuel charges, and to change the fuel mechanism, along with various surcharge requests impacting rates;

WHEREAS, ETI is expected to file a proceeding for a base rate change and fuel reconciliation during 2015 to recover costs associated with new capacity purchases;

WHEREAS, ETI is scheduled to file a proceeding to recover costs incurred in association with its Energy Efficiency Plan as well as reconcile past costs;

WHEREAS, Cities have the statutory right to set fair and reasonable rates for both the Company and customers within Cities;

WHEREAS, Cities have exclusive original jurisdiction over rates, operations, and services of an electric utility in areas in the municipality pursuant to *Tex. Util. Code* § 33.001;

WHEREAS, Cities have standing in each case before the Public Utility Commission of Texas that relates to an electric utility providing service in the municipality pursuant to *TEX. UTIL. Code* § 33.025, and standing before each Federal Energy Regulatory Commission case in which the City may be affected pursuant to *18 C.F.R. § 385.214*;

WHEREAS, Cities are entitled to reimbursement by the utility of their reasonable rate case expenses to participate in cases that are deemed rate proceedings pursuant to *Tex. Util. Code* § 33.023.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, that:

SECTION 1. The City of Liberty shall participate with other Cities to intervene in ETI's various rate filings related to the various fuel cost surcharges and reconciliations, capacity cost surcharges and reconciliations, the allocation and refund of rough production cost equalization payments, any interim or incremental surcharge proceedings or surcharge adjustments, and for any base rate adjustment proceedings or cost of service adjustments on file with the Public Utility Commission of Texas or with municipalities in 2015 and seek appropriate regulatory scrutiny in any case on file at the Federal Energy Regulatory Commission affecting the City and its residents.

The City of Liberty shall participate with other Cities to intervene in fuel or fuel related proceedings at the Public Utility Commission and the Federal Energy Regulatory Commission on file in 2015 concerning ETI's rates charged to Texas customers.

All such actions shall be taken pursuant to the direction of the Cities' Steering Committee. Cities' Steering Committee shall have authority to retain rate consultants and lawyers. Cities' Steering Committee shall direct the actions of Cities' representatives in the above proceedings. The Steering Committee is directed to obtain reimbursement from ETI of all reasonable expenses associated with participation in said proceedings.

SECTION 2. That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two separate days is hereby dispensed with.

SECTION 3. This Ordinance shall be effective from and after the date of its passage.

PASSED by _____ vote of the City Council of the City of Liberty, Texas, this 27th day of January, 2015.

THE CITY OF LIBERTY, TEXAS

By: _____
Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

APPROVED AS TO FORM:

Randy Gunter, City Attorney

THE LAWTON LAW FIRM, P.C.

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

December 30, 2014

Mr. Richard Ferguson
City Attorney – City of Anahuac
13201 Northwest Freeway, Suite 300
Houston, Texas 77040

Mr. Kyle Hayes
City Manager – City of Beaumont
P.O. Box 3827
Beaumont, Texas 77704

Ms. Dion Miller
City Manager – City of Cleveland
907 E. Houston
Cleveland, Texas 77327

Mr. Kenneth Wall
City Attorney – City of Cleveland
Olson & Olson
Wortham Tower, Suite 600
2727 Allen Parkway
Houston, Texas 77019

Mr. Felix Skarpa
Mayor – City of Dayton
117 Cook Street
Dayton, Texas 77535

Mr. James Black
City Attorney – City of Groves
3535 Calder Avenue, Suite 300
Beaumont, TX 77706

Mr. Tyrone Cooper
City Attorney – City of Beaumont
P.O. Box 3827
Beaumont, Texas 77704

Mr. Paul Fukuda
City Attorney – Bridge City
260 Rachal
Post Office Box 846
Bridge City, Texas 77611

Mr. David Olson
City Attorney – City of Cleveland
Wortham Tower, Suite 600
2727 Allen Parkway
Houston, Texas 77019

Mr. Mark Winberry
City Attorney – City of Conroe
P.O. Box 3066
Conroe, Texas 77305

Mr. David Douglas
City Manager – City of Dayton
117 Cook Street
Dayton, Texas 77535

Mr. D. E. Sosa
City Manager – City of Groves
P.O. Box 3286
Port Arthur, Texas 77643

Attachment: Entergy Info (3197 : Participation w/Entergy Area Cities)

Attorney-Client Privileged Communication

Ms. Tina Paez
 City of Houston Administration & Regulatory
 Affairs Department (ARA)
 611 Walker, 10th Floor
 Houston, Texas 77002

Ms. Yushan Chang
 City of Houston Legal Department
 P.O. Box 368, Houston, Texas 77001-0368
 City Hall Annex, 4th Floor
 900 Bagby
 Houston, Texas 77001-0368

Mr. Leonard Schneider
 City Attorney – City of Huntsville
 Liles Parker, PLLC
 800 Rockmead Dr., Ste 165
 3 Kingwood Place
 Kingwood, TX 77339

Mr. Matt Benoit
 City Manager – City of Huntsville
 1212 Ave. M
 Huntsville, Texas 77340

Mr. Gary Broz
 City Manager – City of Liberty
 1829 Sam Houston
 Liberty, Texas 77575

Mr. Bryan Fowler
 City Attorney – City of Montgomery
 101 Old Plantersville Road
 Montgomery, Texas 77316

Mr. Cary Bovey
 Law Office of Cary L. Bovey, PLLC
 2251 Double Creek Dr., Suite 204
 Round Rock, Texas 78664

Mr. Brad Stafford
 City Manager – City of Navasota
 202 E. Washington
 Navasota, Texas 77868

Mr. Jesse Branick
 City Attorney – City of Nederland
 221 Hwy. 69 South, Suite 100 (office)
 Nederland, Texas 77627

Mr. Christopher Duque
 City Manager – City of Nederland
 P.O. Box 967
 Nederland, Texas 77627

Ms. Vicky Rudy
 City Manager – City of Oak Ridge North
 Oak Ridge North
 27424 Robinson Road
 Oak Ridge North, Texas 77385

Ms. Heather Neeley
 City Secretary – City of Oak Ridge North
 27424 Robinson Road
 Oak Ridge North, Texas 77385

Mr. Shawn Oubre
 City Manager – City of Orange
 803 W. Green Avenue, Room 201
 Orange, Texas 77630

Mr. Rodney Price
 City Attorney – City of Pine Forest
 City Attorney – City of Rose City
 215 W. Freeway
 Vidor, Texas 77662

Mr. Tommy Gunn
City Attorney – City of Pinehurst
202 S. Border
Orange, Texas 77630

Mr. Joe Parkhurst
City Administrator – City of Pinehurst
2497 Martin Luther King Jr. Drive
Orange, Texas 77630

Ms. Val Tizeno
City Attorney – City of Port Arthur
P.O. Box 1089
Port Arthur, Texas 77640

Mr. Floyd Johnson
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Port Arthur, Texas 77640

Mr. Pete Steele
City Attorney – City of Port Neches
3120 Central Mall Drive
Port Arthur, Texas 77642

Mr. Andre Wimer
City Manager – City of Port Neches
634 Avenue C
Port Neches, Texas 77651

Mr. Greg Smith
City Manager – City of Shenandoah
29955 IH-45 N.
Shenandoah, Texas 77381

Mr. Harry Wright
City Attorney – City of Silsbee
PO Box 186
Port Neches, Texas 77651

Mr. Tommy Bartosh
City Manager – City of Silsbee
105 South 3rd Street
Silsbee, Texas 77656

Mr. Larry Saurage
City Manager – City of Sour Lake
655 W. Barkley St.
Sour Lake, Texas 77659

Mayor Dorothy Welch
City Attorney Leonard Schneider
City of Splendora
P.O. Box 1087
Splendora, Texas 77372

Michael Kunst
City Manager - City of Vidor
1395 N. Main St.
Vidor, Texas 77662-3726

Mr. Guy N. Goodson
City Attorney – City of Vidor
P.O. Box 4915
Beaumont, Texas 77704-4915

Mayor Roy McDonald
Mayor – City of West Orange
2700 Western Avenue
West Orange, TX 77630

Mr. Joe Alford
City Attorney – City of West Orange
105 Market
Orange, Texas 77630

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

Re: **January 21, 2015 Cities Steering Committee Meeting and Annual Ordinance Authorizing Municipal Participation in Regulatory Proceedings of Entergy Texas, Inc. in 2015**

Steering Committee of Cities located in Entergy Texas, Inc.'s Service Territory:

The Cities Steering Committee will have its first meeting of 2015 on January 21, 2015 from 10:00 a.m. until 12:00 p.m. at the Beaumont, Texas City Hall. All are invited to attend this meeting where Entergy Texas Inc. utility rate case matters will be addressed by the Steering Committee. As discussed below, the Cities Steering Committee participation in ETI matters over the years resulted in favorable consumer outcomes in terms of utility rates.

With the arrival of the new year, it is once again time to authorize municipal participation in regulatory rate proceedings involving Entergy Texas, Inc. ("ETI" or "Company") before the Public Utility Commission of Texas ("PUCT" or "Commission"), and the Federal Energy Regulatory Commission ("FERC"). Attached is a proposed Ordinance for your consideration to authorize participation in rate proceedings on file in 2015. Please forward the completed Rate Ordinance to Dan Lawton by email at dlawton@ecpi.com.

It is expected that ETI will litigate a number of issues this year at the PUCT. In an effort to expand owned rather than purchased electric capacity, ETI along with other Entergy operating companies in Arkansas and Louisiana are expected to complete the purchase and ownership in new gas power plants during 2015. It is anticipated that ETI will file for a base rate increase during the second quarter of 2015 to include such power plants in customer rates. Given the size and cost of the proposed power plant purchase the size of the expected rate increase proposal is expected to be substantial for all customer classes.

During 2013, ETI received Commission approval for the transfer of control over the transmission system to the Midwest Independent System Operator ("MISO"). ETI successfully completed its transition to MISO on December 19, 2013. As a condition for the Commission's approval of ETI's transition to MISO, the Company is required to exit the System Agreement on an expedited basis.

The System Agreement is an operating agreement and cost sharing arrangement among the Entergy Operating Companies. Entergy Arkansas has already exited the System Agreement effective December 2013. Entergy Mississippi is expected to exit the System Agreement in November 2015. Entergy Gulf States Louisiana, Entergy Louisiana, and ETI have each given their notice to exit the System Agreement. The only remaining operating company that has yet to provide notice to exit the system is Entergy New Orleans. The stated notice period is eight years advanced notice, however given that all operating Companies except Entergy New Orleans have already provided notice, the dissolution of the System agreement may be accomplished on an expedited basis.

The System Agreement has a substantial impact on the magnitude of a number of utility charges to customers and changes to the System Agreement will impact consumer rates. If the System Agreement is terminated on an expedited basis, we anticipate that ETI will file a rate

Attorney-Client Privileged Communication

Attachment: Entergy Info (3197 : Participation w/Entergy Area Cities)

case to modify its schedules and tariffs to reflect its operations as a stand-alone utility. The continued participation of the Cities in these proceedings is necessary to ensure that the operations and charges of ETI to customers are not adversely affected by this transaction.

Over the course of the year, we also anticipate that ETI will continue to seek base rate revenue increases from the Cities and the Public Utility Commission through incremental cost recovery mechanisms. The Steering Committee of Cities was successful in past years limiting ETI's requested base rate increases to reasonable revenue levels and dismissing or denying ETI's request for purported incremental cost recovery.

Most recently, the Cities and other interested parties were successful in settling ETI's most recent base rate request on favorable terms. In September 2013, ETI filed a statement of intent with each of the Cities requesting an annual base rate increase of \$38.6 million, representing an overall increase of 4.93% in revenues. In addition, the Company requested two surcharge riders of \$3.125 million for rate case expenses and \$11.4 million of rough production cost equalization payments. For the first year, Entergy's originally proposed rate increase was \$53.1 million. Cities investigated and reviewed ETI's rate increase request and the analyses showed that a \$53.1 million rate increase was not supported. ETI ultimately agreed to settle its request at a much lower rate change. The settlement of base rates and surcharges reduced ETI's original request by more than half. Due to allocation issues the residential and street light customers received a modest rate decrease. In addition, the Company had requested a special circumstances exception to the Public Utility Commission's rules to charge customers an additional one-time fuel charge of \$22.9 million for historical capacity charges. Under the rate case settlement, ETI's special circumstance proposal was denied and ETI agreed to an additional fuel cost disallowance of \$1.25 million.

In the last fully litigated rate proceeding, ETI filed a base rate proceeding with the Cities and the Commission to increase customer's rates by \$111.8 million annually. The Cities contested ETI's rate request and took issue with ETI's claimed costs of providing service to customers. Cities denied ETI's rate increase request at the local level and litigated the reasonableness of the Company's proposal before the Public Utility Commission. After a week and a half trial, the Commission reduced the Company's rate increase request to a \$23.8 million first year increase in rates (adjusted for fuel disallowance) rather than the \$111.8 million that was originally requested.

We also anticipate that ETI will file various fuel proceedings throughout the year. For several years, the Steering Committee of Cities was able to negotiate a favorable settlement for the fuel refund proceedings filed by ETI. The settlement returned more money to customers and in a more timely fashion than would have been possible through ETI's filed request.

ETI customers recently received the benefit of a \$24.6 million interim fuel refund in September and October 2014 resulting from resolution of Docket No. 42730.

Other recent fuel cases include, ETI's filed proceeding to refund approximately \$77.9 million to customers over a six-month period. After reviewing the Company's application and records, the Steering Committee of Cities was able negotiate terms for a refund of \$82.3 million

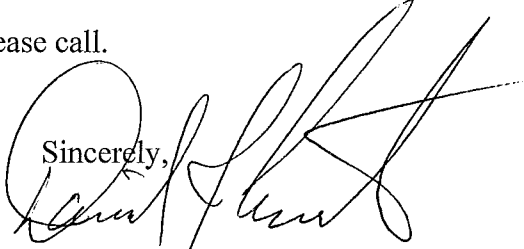
Attorney-Client Privileged Communication

over a term of three months. The estimated customer impact of the settlement refund reduced an average residential customer's bill using 1000 kWh by about \$26.68 a month for each of the three months of the refund period.

The continued support of each of the Cities in the Steering Committee has been instrumental in the successful regulation of ETI and in maintaining reasonable rates for customers within the Cities. We look forward to each City's continued participation with the Steering Committee in the regulatory process.

If you have any questions or concerns, please call.

Sincerely,


Daniel J. Lawton

Attachment: Entergy Info (3197 : Participation w/Entergy Area Cities)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.4

Meeting: 01/27/15 06:00 PM

Department: Administration
Category: Charter Review Comm

COUNCIL ACTION (ID # 3200)

DOC ID: 3200

EXPLANATION:

City Charter requires that Council make appointments to the Charter Review Commission in January of each odd-numbered year. This Commission is comprised of five citizens from the City of Liberty. Term of office is six months; however, upon written request of a majority of the Commission members, the City Council may extend the commission's term of office for a period not to exceed 90 days.

FYI - 2013 Charter Review Members: Councilperson Jordan, Jamie Carter, Victor Barranco, Marsha LaFour and Glenda Calloway.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.1

Meeting: 01/27/15 06:00 PM

Department: Administration
Category: Miscellaneous

WORK SESSION (ID # 3198)

DOC ID: 3198

Division 3. Recreational Vehicle Parks***Sec. 3.08.101 Purpose**

(a) The city council finds that properly planned and operated recreational vehicle communities (i.e., recreational vehicle (RV) parks):

- (1) Promote the safety and health of the residents of such communities and of other nearby communities;
- (2) Encourage economical and orderly development of such communities and of other nearby communities.

(b) It is therefore declared to be the policy of the city to eliminate and prevent health and safety hazards and to promote the economical and orderly development and utilization of land by providing for planned and supervised recreational vehicle communities by providing for the standards and regulations necessary to accomplish these purposes. This division is enacted in order to achieve orderly development of recreational vehicle parks (RV parks), to promote and develop the use of land to minimize possible impacts, and to promote the health, safety and general welfare of the public.

(Ordinance 2009-4, sec. 1, adopted 3/10/09)

Sec. 3.08.102 Applicability

This division shall apply to any recreational vehicle park to be located within the city limits. (Ordinance 2009-4, sec. 1.1, adopted 3/10/09)

Sec. 3.08.103 Definitions

Accessory structure. Any structural addition to the recreational vehicle or site, including awnings, cabanas, carports, garages, porches, storage cabinets, storage sheds, and similar appurtenant structures.

Biodegradable. Capable of being decomposed by biological agents, especially bacteria.

Building official. The official of the city responsible for the inspection of electrical, mechanical and plumbing associated with a property.

Code official. The official of the city or his/her designee charged with the enforcement of the provisions of this division.

Controlling interest. A person or developer who controls at least fifty-one percent (51%) of ownership.

Dry hydrant. An unpressurized, permanently installed pipe that has one end below the water level of a lake, pond or container.

* State law reference—Sanitation and health standards, V.T.C.A., Health and Safety Code, ch. 341.

Full-time employee. A person who is responsible for maintenance of the RV park seven (7) days per week. This person may or may not be the owner of the RV park.

Licensee or agent. A person who may or may not own the RV park but is the person responsible for the day-to-day operations including records and license of the park.

Opaque fence. A fence made of solid materials designed to shield from public view the RV park, i.e., is difficult to see through or perceive.

Public use phone. A phone used by registrants of the RV park for emergency purposes.

Recreational vehicle or RV. Any licensed camp trailer, travel trailer, motor home or fifth wheel designed to provide temporary living quarters for recreational camping or travel use, constructed with integral wheels to make it mobile and/or towable by motor vehicle.

Recreational vehicle park or RV park. Any lot, tract, or parcel of land upon which accommodation is provided for two or more recreational vehicles used as living or sleeping quarters by the day, week, or month, whether a charge is or is not made. A recreational vehicle park is a unified development of recreational vehicle spaces provided for recreational vehicle use with or without community facilities and permitted permanent buildings.

Recreational vehicle site or RV site. That part of a lot or area in a recreational vehicle park or RV park that has been reserved for the placement of one recreational vehicle or RV.

Sample well site. A connection at the property line where the customer's line and city line connect [at which] shall be installed a vertical riser of four (4) inches in circumference, [and] shall extend four (4) to six (6) inches above grade, for the detection of non-biodegradable materials.

(Ordinance 2009-4, sec. 2, adopted 3/10/09)

Sec. 3.08.104 License

(a) Required; application. It shall be unlawful for any person to operate any RV park within the city limits unless he/she holds a valid license issued annually by the city in the name of such person for the specific park. The applicant shall make all applications for the licenses on forms furnished by the city, which shall issue a license upon compliance with the provisions of this section.

(b) Hearing on denial. Any person whose application for a license under this section has been denied may request, and shall be granted, a hearing on this matter before the planning and zoning commission with a recommendation forwarded to the city council for approval or disapproval.

(c) Renewal. Application for renewal of a license shall be made in writing by the licensee on forms furnished by the city on or before December 31st of each year. Such application shall contain any changes in the information occurring after the original license was issued or the latest renewal granted.

(d) Payment of fee. All applications shall be accompanied by a fee as provided for in the fee schedule found in section 3.08.105.

(e) Approval of transfer. Every person holding a license shall give notice in writing to the city within ten (10) days after having sold, transferred, given away, or otherwise disposed of interest in or control of any RV park. Application for transfer of a license shall be made within ten (10) calendar days after notification of change covered in this section. Within thirty (30) calendar days thereafter, the city shall act on the application for license transfer and it shall be approved if the RV park is in compliance with the provisions of this section.

(f) Transfer fee. All applications for license transfer shall be accompanied by a fee as provided for in the fee schedule found in section 3.08.105.

(g) Suspension.

(1) Whenever, upon inspection of any RV park, the city finds that conditions or practices exist which are in violation of any provisions of this division applicable to such park, the city shall give notice in writing to the owner and/or manager of the park, and if such conditions or practices have not been corrected in the time frame set forth in the notice, the city will suspend the license and give notice of such suspension. Upon suspension of the license, the licensee shall cease operation of such park.

(2) The suspension of the license may be appealed to the city council as set forth in section 3.08.107(b).

(Ordinance 2009-4, sec. 3, adopted 3/10/09)

Sec. 3.08.105 Fees

Recreational vehicle park fees shall be as established by city council from time to time.
(Ordinance adopting Code)

Sec. 3.08.106 Inspections

(a) Authorized. The building official and code official are hereby authorized to make such inspections as are necessary to determine compliance with this division.

(b) Entry on premises. The building official and code official shall have the power to enter at reasonable times upon any private or public property within the purpose of inspecting and investigating conditions relating to the enforcement of this division.

(Ordinance 2009-4, sec. 3.1, adopted 3/10/09)

Sec. 3.08.107 Notice of violation; hearings and orders

(a) Contents and service of notice.

(1) Whenever it is determined that there are grounds to believe that there has been a violation of any provision of this division, the city shall give notice of such alleged violation to the licensee or agent, as hereinafter provided. Such notice shall:

(A) Be in writing.

- (B) Include a statement of the reasons for its issuance.
 - (C) Allow ten (10) days for compliance.
 - (D) Be served upon the licensee or his agent; provided that such notice or order shall be deemed to have been properly served upon such licensee or agent when a copy thereof has been served in person or sent by certified mail to his/her last known address.
 - (E) Contain an outline of remedial action that, if taken, will effect compliance with the provisions of this division.
- (2) After all procedures outlined above are exhausted, citations may be issued.
 - (3) If a municipality mails a notice to a property owner in accordance with this subsection and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.

(b) Appeal from notice. Any person affected by any notice that has been issued in connection with the enforcement of any provision of this division applicable to such park may request a hearing before the planning and zoning commission; provided that such person shall file, within ten (10) days after the day the notice was served, in the city secretary's office, with a copy to the office of the code official, a written petition requesting such hearing and setting forth a brief statement of the grounds thereof. The decision of the planning and zoning commission may be appealed to the city council. The filing request for a hearing shall operate as a stay of the notice and of the suspension, except in the case of an order issued under subsection (d) of this section.

(c) Issuance of order. After such hearing, the planning and zoning commission shall issue an order in writing sustaining, modifying, or withdrawing the notice of violation, which order shall be served by certified mail upon the petitioner. Any failure to comply with an order sustaining or modifying the finding of a violation shall constitute grounds for immediate revocation of the license of the park affected by the order.

(d) Order without notice. Whenever the city finds that an emergency exists which requires immediate action to protect the public health or safety, the designated official may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring the action to be taken as deemed necessary to meet the emergency. Notwithstanding any other provisions of this section, such order shall be effective immediately, but upon written petition to the city shall be afforded a hearing as soon as possible. The provisions of subsection (c) of this section shall be applicable to such hearing and the order issued thereafter.

(Ordinance 2009-4, sec. 3.2, adopted 3/10/09)

Sec. 3.08.108 Violations declared nuisance; abatement; penalty

Any noncompliance with this division is hereby deemed a nuisance. The city may abate and remove the nuisance and punish the person(s) responsible for causing or allowing the nuisance condition to exist. Any person(s) violating this division shall be subject to a fine not to exceed

five hundred dollars (\$500.00) for each provision violated, and each day that there is a failure to comply with the terms of any provision of this division is declared to be a separate offense. For violations of the provisions of this division that govern fire safety, zoning, or public health and sanitation, including dumping of refuse, the fine may not exceed two thousand dollars (\$2000.00) per day, per violation. The code official shall be the authority of the jurisdiction responsible for the issuance of citations and any action deemed necessary for the enforcement of this division. (Ordinance 2009-4, sec. 3.3, adopted 3/10/09)

Sec. 3.08.109 Site development plan

A site development plan must be prepared and submitted to staff and must include the requirements for site plans contained herein. (Ordinance 2009-4, sec. 4, adopted 3/10/09)

Sec. 3.08.110 Location; fencing

(a) RV parks shall be located in an area regulated by section 3.08.111 [3.08.117] of this division.

(b) An opaque fence at least eight (8) feet in height must be placed on the property line to buffer the RV park from view. The fence shall be installed on both sides and at the rear of the property. The fence must be of metal or galvanized materials. No wood fences are allowed.

(Ordinance 2009-4, sec. 4.1, adopted 3/10/09)

Sec. 3.08.111 Size of park; density

Each RV park must have a minimum size of two (2) acres, with a maximum of five (5) acres. The maximum site density for RV parks shall be twenty (20) sites per acre. Only one (1) recreational vehicle is permitted per recreational vehicle site. (Ordinance 2009-4, sec. 4.2, adopted 3/10/09)

Sec. 3.08.112 Size of individual sites; pad requirements

(a) Each recreational vehicle site within the RV park shall have a minimum area of one thousand nine hundred fifty (1,950) square feet and shall be at least thirty (30) feet wide and sixty-five (65) feet in depth. The sites shall be designed as pull-through for ease of entering and leaving the site. A roadway is therefore required to the front and rear. In addition, the space shall be clearly marked, identifying the space number.

(b) The left 1/3 (10 x 65) of the site or driver's side must be planted with grass and other landscaping, the middle (10 x 65) must be paved with cement, and the remaining 1/3 or passenger side can be paved with either cement, asphalt, crushed rock or similar material. The middle portion is to be used for the parking of the recreational vehicle with the paved area on the right used as a parking or patio area.

(Ordinance 2009-4, sec. 4.3, adopted 3/10/09)

Sec. 3.08.113 Internal roadways; street lighting

(a) Each recreational vehicle site within the RV park shall have access to an internal private roadway, which shall have access to a public street. The entrance of the internal roadway shall have a pavement width of at least thirty (30) feet with an adequate curb radius. The major thoroughfare shall have a pavement width (concrete or asphalt) of twenty-four (24) feet in accordance with city standards. The roadway may be fifteen (15) feet if the RV park is designed for one-way roads. Each emergency access lane shall have a clear unobstructed width of twenty-four (24) feet, fifteen (15) feet if one-way, and shall have a turning area and radii with a minimum of sixty (60) feet to permit free movement of emergency vehicles. Dead-end streets are not allowed. The internal streets off the major thoroughfare may be constructed with crushed rock materials or similar material with the objective to prohibit dust.

(b) Metal signs shall be placed along the emergency access lane by the owner or agent of the RV park stating that parking is prohibited. The sign type, size, height and location shall be approved by the city.

(c) Adequate street lighting for the RV park shall be approved by the city.

(Ordinance 2009-4, sec. 4.4, adopted 3/10/09)

Sec. 3.08.114 Office, restrooms and other facilities; recreation area

(a) Each RV park must have an office for the manager of the RV park, and a bathroom and shower facilities, as well as laundry facilities. All facilities used by residents must be well lit inside and out during the night hours. All facilities must meet applicable codes adopted by the city.

(b) All RV parks shall have at least one (1) recreation area, located as to be free of traffic hazards, easily accessible to all park residents and centrally located where topography permits. Not less than eight (8) percent of the gross park area shall be devoted to recreational facilities. Recreation areas include space for community buildings and community use facilities such as restroom and shower facilities, adult recreation (basketball court or tennis court) and playgrounds for children, and swimming pools, but not including vehicle parking, maintenance and utility areas.

(Ordinance 2009-4, sec. 4.5, adopted 3/10/09)

Sec. 3.08.115 Soil and ground cover

Exposed ground surfaces in all parts of the RV parks shall be paved, covered with stone, rock, or other similar solid material, or protected with vegetative cover that is capable of preventing soil erosion and eliminating dust. Note: All pavement shall be kept in good repair. (Ordinance 2009-4, sec. 4.6, adopted 3/10/09)

Sec. 3.08.116 Occupancy of recreational vehicle outside of park

The placement of a recreational vehicle for occupancy longer than fourteen (14) days shall not be permitted except in an approved recreational vehicle park. A recreational vehicle may be placed

at an owner's residence as long as the RV is placed in the side or rear yard area and not used for occupancy longer than fourteen (14) days in a twelve (12) month period. (Ordinance 2009-4, sec. 4.7, adopted 3/10/09)

Sec. 3.08.117 Designated area of city

The area designated for the placement of recreational vehicle parks shall be established on the map in appendix B of Ordinance 2009-4, with a copy of such in the office of the building official and office of the code official. (Ordinance 2009-4, sec. 4.8, adopted 3/10/09)

Sec. 3.08.118 Drainage

The ground surface in all parts of the RV park shall be graded and designed to drain all stormwater and surface water in a safe, efficient manner. Drainage analysis shall be performed by a licensed professional engineer and easements for the conveyance of surface water off-site shall be obtained if necessary. (Ordinance 2009-4, sec. 5, adopted 3/10/09)

Sec. 3.08.119 Water supply

Each site within an RV park shall be provided with a connection to the city water supply if available. If city water supply is not available then a permit from the state commission on environmental quality (TCEQ) shall be obtained to install a well. The city must approve all proposed water facility plans prior to construction. The water distribution system shall be installed as follows:

- (1) The water supply system, fixtures and other equipment must be installed in accordance with applicable codes adopted by the city.
- (2) A master water meter shall be installed to serve the RV park. Sub-metering or re-metering of RV sites is not permitted.
- (3) A reduced pressure principle backflow preventer will be required to be placed at the property line on the discharge side of the master meter. In addition, one (1) must be placed at each of the connections for each RV site and located on the left side of the site.
- (4) Water riser service branch lines shall extend at least four (4) inches above ground elevation. The branch line shall be at least 3/4 inch.
- (5) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes. Surface drainage shall be diverted from the location of utility connections at each site.
- (6) A shut-off valve below the frost line shall be provided near each water riser pipe.
- (7) The owner/operator shall have complete maintenance responsibility for the water system within the RV park.

- (8) The city has no maintenance responsibility for service lines within the RV park. The responsibility of the city stops at the property line.

(Ordinance 2009-4, sec. 6, adopted 3/10/09)

Sec. 3.08.120 Wastewater facilities

(a) Each site within the RV park shall be provided with a connection for wastewater if available. If city wastewater is not available then a permit from the state commission on environmental quality (TCEQ) shall be obtained prior to placement of an on-site sewage facility. All proposed wastewater service lines shall be connected to the city wastewater system if available.

(b) On-site sewage facilities are permitted if city utilities are not available. The city must approve all proposed wastewater facility plans prior to construction. The wastewater distribution system shall be installed as follows:

- (1) The wastewater system and materials must be installed in accordance with applicable codes adopted by the city.
- (2) Each site shall be provided with a four-inch diameter wastewater riser and shall extend above grade four (4) to six (6) inches. The wastewater riser pipe shall be so located on each stand so that the wastewater connection to the RV drain outlet will approximate a vertical position. Each inlet shall be provided with a gastight seal when connected to a recreational vehicle or have a gastight seal plug when not in service. The plug shall be that of a spring-loaded device.
- (3) The wastewater connection to each site shall consist of a single four-inch service line without any branch lines, fittings, or connections. All joints shall be watertight.
- (4) Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four (4) to six (6) inches above the ground elevation.
- (5) Each collection wastewater line shall provide a vent extending a minimum of ten (10) feet in height.
- (6) The owner/operator shall have complete maintenance responsibility for the wastewater system within the RV park. The responsibility of the city stops at the property line.
- (7) Each RV park shall be required to install at the property line, where connection to the city sewer is made, a sample well site as defined herein. The sample well site shall be installed according to city code.
- (8) All chemicals entering the city sewer shall be biodegradable.

(Ordinance 2009-4, sec. 7, adopted 3/10/09)

Sec. 3.08.121 Electrical service

Each site within the RV park shall be provided with electrical service. All electrical service shall be underground and installed in accordance with the National Electrical Code. The electrical service shall be installed as follows:

- (1) A master electric meter shall be installed to serve the RV park. Sub-metering or re-metering of RV sites is not permitted.
- (2) The city has no maintenance responsibility for service lines within the RV park. The responsibility of the city stops at the property line.
- (3) The location of all underground lines shall be clearly marked by surface signs at approved intervals.
- (4) Power supply to each site shall be a minimum of one 20-amp and one 50-amp power supply.
- (5) Outlets (receptacles or pressure connectors) shall be housed in an Underwriters' Laboratories, Inc., approved weatherproof outlet box.
- (6) A watertight seal shall be provided for underground conduit in floodplain installations and a riser extending a minimum of two (2) feet above the floodplain elevation shall be provided.

(Ordinance 2009-4, sec. 8, adopted 3/10/09)

Sec. 3.08.122 Sanitary facilities

(a) Each RV park shall provide the following sanitary facilities as listed below:

- (1) One (1) toilet or stool for the female sex for every twenty (20) sites or fraction thereof (minimum of one (1) is required) for the first one hundred and twenty (120) sites, and one (1) per forty (40) sites thereafter.
- (2) One (1) toilet or stool and one (1) urinal stall for the male sex for every twenty (20) sites or fraction thereof (minimum of one (1) is required) for the first one hundred and twenty (120) sites, and one (1) per forty (40) sites thereafter.
- (3) One (1) washbasin shall be provided within the toilet room for every two (2) toilets or fraction thereof (a minimum of one (1) is required).
- (4) One (1) shower shall be provided for each sex for each twenty (20) sites or fraction thereof (minimum of one (1) is required for each sex) for the first one hundred and twenty (120) sites, and one (1) per forty (40) sites thereafter.
- (5) All toilets and shower facilities shall be placed in properly constructed buildings and located not more than two hundred (200) feet from any recreational vehicle site.

- (6) Buildings shall be well lit at all times, day or night, well ventilated with screened openings, and constructed of moisture-proof material to permit rapid and satisfactory cleaning, scouring and washing.
- (7) The floors shall be of concrete or other impervious material, elevated not less than four (4) inches above grade, and each room shall be provided with floor drains.
- (8) A slop sink or basin with water supply shall be in each restroom (male and female) and at least one (1) in the laundry facility, and shall be constructed in accordance with design, size and materials approved by the building official.

(b) Toilet and bathing facilities shall be in separate rooms or partitioned apart in any manner as to provide privacy and promote cleanliness. Each toilet provided in a community toilet house shall be partitioned apart from any other toilet in the same room. The floor surface around the commode shall not drain into the shower floor.

(c) Toilet floors and walls shall be of impervious material, painted white or a light color, and kept clean at all times. Shower stalls shall be of tile, plaster, cement or some other impervious material and shall be kept clean at all times. If a shower stall is of some impervious material other than tile, cement or plaster, it shall be white or some light color and kept clean at all times. The floor of any bathroom, other than the shower stall, shall be of some impervious material, and the walls of the bathroom, other than the shower stall, shall be papered with canvas and wallpaper, or an equivalent washable surface kept clean at all times.

(Ordinance 2009-4, sec. 9, adopted 3/10/09)

Sec. 3.08.123 Storage, collection and disposal of refuse and garbage

Each RV park shall be provided with safe and adequate facilities for the collection and removal of waste and garbage. Storage, collection, and handling shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, or fire hazards. Every site shall be located within two hundred (200) feet of a refuse facility measured along the RV park internal roadway. Trash dumpsters shall be screened on three (3) sides. (Ordinance 2009-4, sec. 10, adopted 3/10/09)

Sec. 3.08.124 Telephone

A minimum of one (1) land line telephone shall be provided in an easily accessible location twenty-four (24) hours a day, seven (7) days a week, for emergency use. (Ordinance 2009-4, sec. 10.1, adopted 3/10/09)

Sec. 3.08.125 Accessory structures

The individual sites within the RV park are not allowed to have accessory structures as defined herein. (Ordinance 2009-4, sec. 10.2, adopted 3/10/09)

Sec. 3.08.126 Registration of guests

Each person renting a site within a RV park shall provide the following information to the owner, manager, operator or person in charge of the RV park:

- (1) Name;
- (2) Full address of permanent residence;
- (3) Automobile and recreational vehicle license plate number and the state in which each is registered;
- (4) Driver's license number of the owner;
- (5) The number or letter of the site being rented;
- (6) Date of arrival and departure.

(Ordinance 2009-4, sec. 10.3, adopted 3/10/09)

Sec. 3.08.127 Control of insects, rodents and other pests

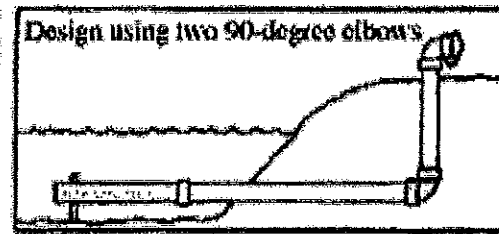
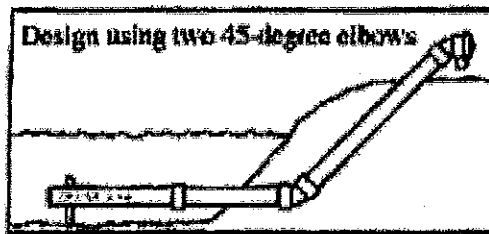
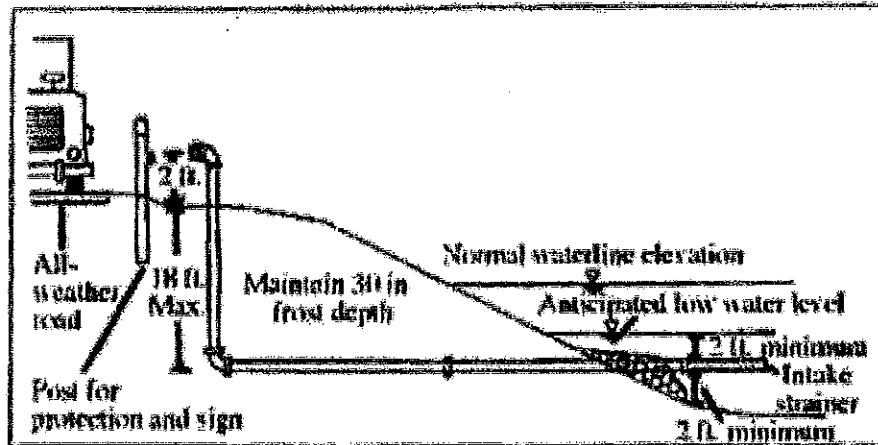
- (a) Grounds, buildings and structures in the RV park shall be maintained free of the accumulation of high grass and weeds and debris so as to prevent rodent and snake harborage or the breeding of flies, mosquitoes or other pests.
- (b) The RV park owner or manager shall be responsible for maintaining the entire area of the park free of dry brush, leaves, limbs and weeds.

(Ordinance 2009-4, sec. 10.4, adopted 3/10/09)

Sec. 3.08.128 Fire safety standards; fire hydrants

- (a) Open fires shall be allowed only in a manner and within a container approved by the fire chief.
- (b) A fire hydrant(s) must be placed such that each recreational vehicle site is at least six hundred (600) feet from one.
- (c) If a RV park is to be placed in an area where city water is not available, the RV park owner must have a pond located on the property filled at all times with a minimum capacity of twenty thousand (20,000) gallons with a dry hydrant installed. A container capable of holding a

minimum of twenty thousand (20,000) gallons with a dry hydrant installed shall also be allowed and/or substituted for a pond. The dry hydrant outlet shall be of standard size or four (4) inches. Note: Please see diagram of a dry hydrant below:



(Ordinance 2009-4, sec. 10.5, adopted 3/10/09)

Sec. 3.08.129 Permanent occupancy prohibited

(a) No RV park or recreational vehicle therein shall be used as a permanent residence for any period of time, notwithstanding section 3.08.116, except for permanent full-time employees of the RV park. No more than one (1) space shall be allowed for use as a permanent residence for full-time employees. Occupancy or parking of a recreational vehicle within the RV park extending beyond six (6) consecutive months in any twelve (12) month period shall be presumed permanent occupancy and is hereby prohibited.

(b) A recreational vehicle may not return for a period of sixty (60) days following six (6) months consecutively.

(c) Note: The city reserves the right to modify or change this section for the purpose of a natural disaster or related incidents, including the requirement of removal of all recreational vehicles that may be subject to dangerous or inclement weather. However, the final decision for the removal of all recreational vehicles, as defined herein, shall be at the sole discretion of the owner/operator of the RV park. The city assumes no liability.

(Ordinance 2009-4, sec. 11, adopted 3/10/09)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.2

Meeting: 01/27/15 06:00 PM

Department: Administration
Category: Miscellaneous

WORK SESSION (ID # 3199)

DOC ID: 3199