



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, May 22, 2018

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	Arrived
Mayor Carl Pickett	☐	☐	☐	
Mayor Pro Tem Diane Huddleston	☐	☐	☐	
Councilperson Dennis Beasley	☐	☐	☐	
Councilperson Libby Simonson	☐	☐	☐	
Councilperson David Arnold	☐	☐	☐	
Councilperson Paul Glazener	☐	☐	☐	
Councilperson Chipper Smith	☐	☐	☐	

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 # 4112)

Project Updates - City Mgr. G. Broz

2. Information Item (ID # 4113)

Mayor, Council and Staff Comments

IV. REGULAR AGENDA

A. Regular Session

1. Council Action (ID # 4114)

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

2. Council Action (ID # 4115)

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

3. Information Item (ID # 4116)

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

4. Ordinance (ID # 4117)

CONSIDER AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS PROVIDING FOR THE AMENDMENT OF THE MASTER FEE SCHEDULE FOR ALL RATES AND FEES CHARGED BY THE CITY OF LIBERTY; PROVIDING FOR VARIOUS FEES RELATED TO THE LIBERTY MUNICIPAL GOLF COURSE; PROVIDING THAT ALL RATES OR SCHEDULES OF RATES CONFLICTING HERewith ARE AMENDED; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS.

5. Council Action (ID # 4118)

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

6. Council Action (ID # 4124)

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

7. Ordinance (ID # 4121)

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS AUTHORIZING THE SUSPENSION OF THE EFFECTIVE DATE FOR AN ADDITIONAL NINETY (90) DAYS BEYOND THE JUNE 19, 2018, EFFECTIVE DATE PROPOSED BY ENTERGY TEXAS, INC., IN CONNECTION WITH ITS RATE INCREASE APPLICATION ENTITLED "APPLICATION OF ENTERGY TEXAS, INC. FOR AUTHORITY TO CHANGE RATES", FILED ON MAY 15, 2018; AUTHORIZING PARTICIPATION WITH THE ENTERGY TEXAS, INC. SERVICE AREA CITIES STEERING COMMITTEE HIRING OF EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS, REQUIRING REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT, AND DECLARING AN EFFECTIVE DATE AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

8. Council Action (ID # 4122)

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

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

9. Council Action (ID # 4123)

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

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

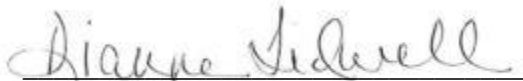
10. Council Action (ID # 4119)

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

V. ADJOURNMENT

Motion To: Adjourn

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 18th day of May, 2018 at 2:00 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 _____, 2018.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.1

Meeting: 05/22/18 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 4112)

DOC ID: 4112



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.2

Meeting: 05/22/18 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 4113)

DOC ID: 4113



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.1

Meeting: 05/22/18 06:00 PM

Department: Administration
Category: Park Issues

COUNCIL ACTION (ID # 4114)

DOC ID: 4114



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.2

Meeting: 05/22/18 06:00 PM

Department: Administration
Category: Misc.

COUNCIL ACTION (ID # 4115)

DOC ID: 4115



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.3

Meeting: 05/22/18 06:00 PM

Department: Administration
Category: Golf Course

INFORMATION ITEM (ID # 4116)

DOC ID: 4116



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.4

Meeting: 05/22/18 06:00 PM

Department: Administration
Category: Golf Course

ORDINANCE (ID # 4117)

DOC ID: 4117 A

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS PROVIDING FOR THE AMENDMENT OF THE MASTER FEE SCHEDULE FOR ALL RATES AND FEES CHARGED BY THE CITY OF LIBERTY; PROVIDING FOR VARIOUS FEES RELATED TO THE LIBERTY MUNICIPAL GOLF COURSE; PROVIDING THAT ALL RATES OR SCHEDULES OF RATES CONFLICTING HERewith ARE AMENDED; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS.

WHEREAS, the City previously adopted a Master Fee Schedule which sets forth all rates and fees charged by the City of Liberty; and

WHEREAS, the City Council finds it more efficient to have the City's fees set in one Ordinance, which can be amended as necessary by Ordinance; and

WHEREAS, the attached "Exhibit A" represents the various rates and fees to be charged by the City related to the Liberty Municipal Golf Course.

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

Section 1.

That all rates or schedules of rates which are in conflict herewith are to the extent of such conflict only, expressly amended, changed and repealed.

Section 2.

That the fee schedule attached hereto as "Exhibit A" amends the previous Master Fee Schedule to include the new rates shown in "Exhibit A" providing for rates and fees to be charged for the Liberty Municipal Golf Course and is hereby adopted as fully set forth herein.

Section 3.

That the Ordinance containing all current rates and fees charged by the City of Liberty shall take effect June 5, 2018.

Section 4.

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.

PASSED AND ADOPTED this the 22nd day of May 2018.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.5

Meeting: 05/22/18 06:00 PM

Department: Administration
Category: Vehicles

COUNCIL ACTION (ID # 4118)

DOC ID: 4118



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.6

Meeting: 05/22/18 06:00 PM

Department: Administration
Category: Misc.

COUNCIL ACTION (ID # 4124)

DOC ID: 4124



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.7

Meeting: 05/22/18 06:00 PM

Department: Administration
Category: Utility Rates

ORDINANCE (ID # 4121)

DOC ID: 4121

AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS AUTHORIZING THE SUSPENSION OF THE EFFECTIVE DATE FOR AN ADDITIONAL NINETY (90) DAYS BEYOND THE JUNE 19, 2018, EFFECTIVE DATE PROPOSED BY ENTERGY TEXAS, INC., IN CONNECTION WITH ITS RATE INCREASE APPLICATION ENTITLED "APPLICATION OF ENTERGY TEXAS, INC. FOR AUTHORITY TO CHANGE RATES", FILED ON MAY 15, 2018; AUTHORIZING PARTICIPATION WITH THE ENTERGY TEXAS, INC. SERVICE AREA CITIES STEERING COMMITTEE HIRING OF EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS, REQUIRING REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT, AND DECLARING AN EFFECTIVE DATE AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

WHEREAS, on or about May 15, 2018, Entergy Texas, Inc. ("Entergy") filed a Statement of Intent with the City to increase electric rates and implement tariff rider surcharges in the Entergy Service Area; and

WHEREAS, Cities have exclusive original jurisdiction over the rates, operations and services of an electric utility in areas in the municipality pursuant to the Public Utility Regulatory Act §33.001(a); and

WHEREAS, Public Utility Regulatory Act § 33.021 requires a local regulatory authority to make a reasonable determination of rate base, expenses, investment and rate of return and retain the necessary personnel to determine reasonable rates; and

WHEREAS, the City's reasonable cost for regulatory expenses in ratemaking proceedings shall be reimbursed by the electric utility under Public Utility Regulatory Act § 33.023; and

WHEREAS, given the complexity of the proposed rate increase and the need to fully review the proposed base rate and riders, it is necessary to suspend the effective date for implementing the proposed rates until at least September 17, 2018 in order to allow the City's rate experts sufficient time to determine the merits of Entergy's proposed rates; and

WHEREAS, in order to maximize the efficient use of resources and expertise in reviewing, analyzing, and investigating Entergy's base rate increase request and Entergy's

proposed rate riders, City's efforts will be coordinated with similarly situated municipalities through the Entergy Texas, Inc. Cities Service Area Steering Committee; and

WHEREAS, the City will join with other Entergy service area municipalities in a steering committee in order to coordinate the hiring and direction of counsel and consultants working on behalf of the steering committee and the City; and

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 effective date of Entergy's proposed rate increase, and the proposed tariffs related thereto, is hereby suspended for an additional ninety (90) days until September 17, 2018 in order to complete the review and investigation by City's experts.

Section 3. The City is authorized to join with other municipalities as part of the Entergy Texas, Inc. Service Area Steering Committee with the understanding that the steering committee will provide direction and guidance to the lawyers who are representing cities in the Entergy Texas, Inc. service area.

Section 4. The Steering Committee shall review the invoices of the lawyers and rate experts for reasonableness.

Section 5. City's legal representatives shall have the right to obtain additional information from Entergy through the service of requests for information.

Section 6. Entergy shall reimburse the City, for the reasonable costs of attorney and consultant expenses related thereto, upon the presentation of invoices reviewed by the Steering Committee.

Section 7. 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 8. This Ordinance shall become effective from and after its passage.

Section 9. 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 22nd day of May 2018.

Ordinance (ID # 4121)
Page 3

City Council Meeting

May 22, 2018

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.8

Meeting: 05/22/18 06:00 PM

Department: Administration
Category: Plats

COUNCIL ACTION (ID # 4122)

DOC ID: 4122

CITY OF LIBERTY

City Council Agenda Item Form

Council Meeting Date: May 22, 2018

Agenda Item No. IV.A.9

Agenda Wording: City Council approve a Minor Plat of Liberty Inner Block 26 PT 2 TR 2 & 6 located on the southwest corner of the Austin and Trinity intersection.

Department: Public Works/Inspections

Subject: Minor Plat of Liberty Block 26

Background: The Code of Ordinances Section 10.02.066, Minor Plat states: "the minor plat, as specified in the Texas Local Government Code, may be used in a limited manner in order to create or adjust property lines and/or easements as defined in the plat for the purpose of development flexibility. The minor plat shall involve two or fewer lots on an existing street and shall not require the creation of any new street or extension of municipal facilities. The minor plat shall meet all the requirements of the short form final plat with the exception of approval by the commission and the building official may approve the minor plat. The building official may, for any reason, elect to forward the minor plat to the commission for review and approval. The building official must refer any minor plat, which he refuses to approve, to the commission for its consideration."

When the property located on the southwest corner of Austin and Trinity Streets was originally platted it consisted of two lots. Subsequently, four homes were built on these two lots. A copy of the plat is attached. The new owners of the property, the Joe D and Frances S Harris Family Limited Partnership, is requesting through the minor plat process, to increase the number of lots from two to three. The building official has the authority to approve a minor plat when one lot is divided into two lots. However, since this minor plat involves the division of one lot into two and rearranging all the lots lines, the Building Official elected to bring this minor plat to the Commission for approval. A copy of the existing and proposed plats is enclosed.

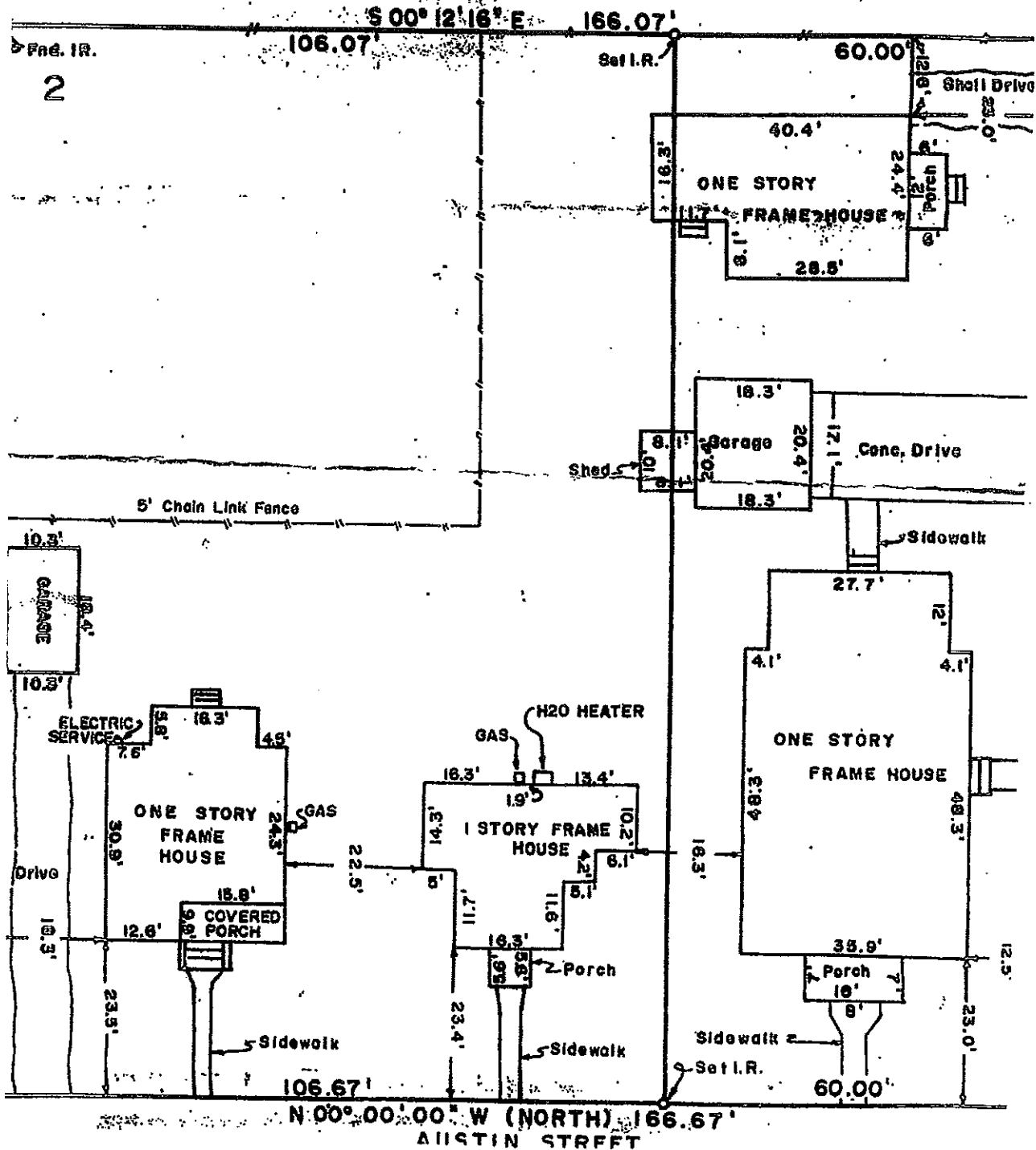
The Planning & Zoning Commission considered this item during the May 16, 2018, meeting and voted 3-0 to approve the Minor Plat.

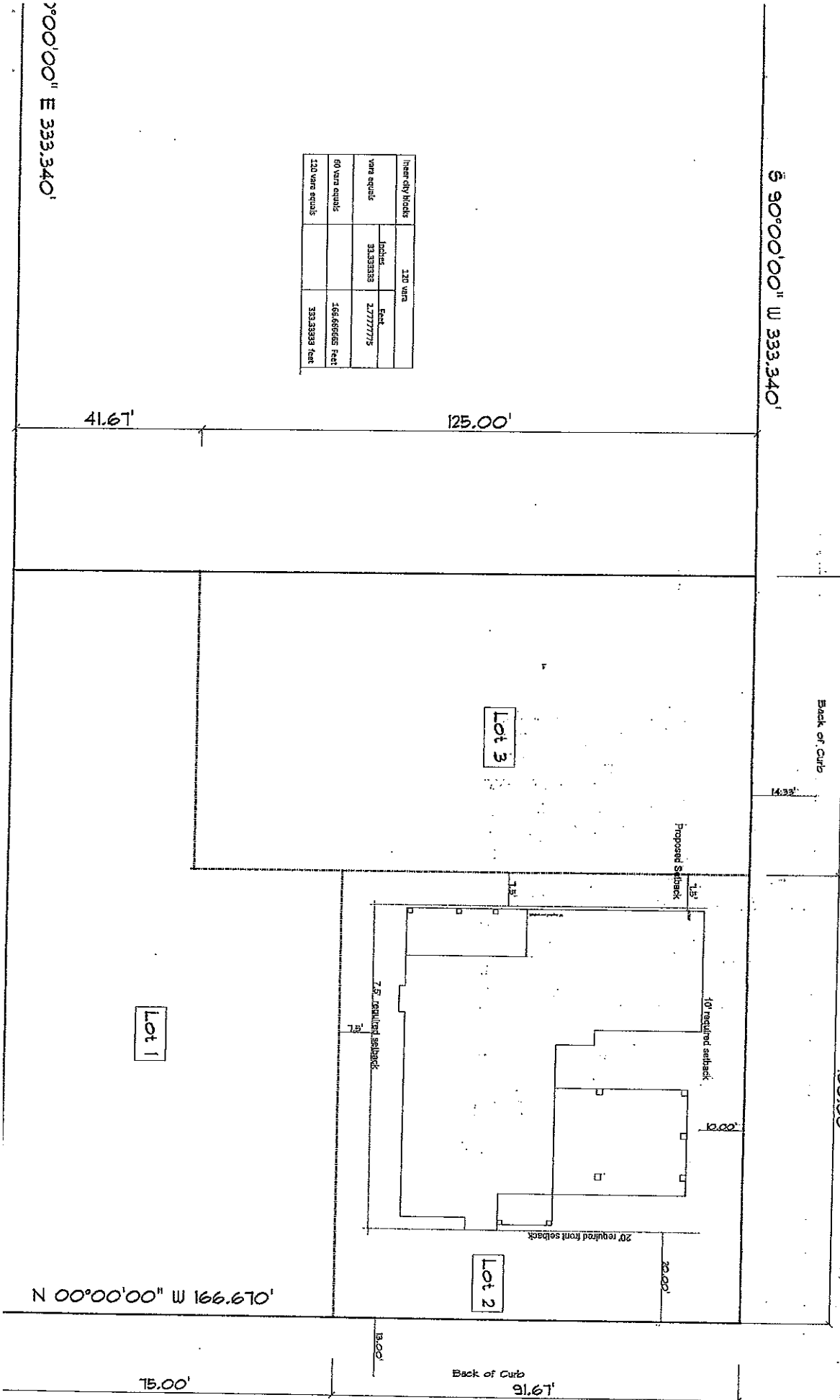
Attachment: Agenda Form-Minor Plat (4122 : Minor Plat-Austin & Trinity)

Fiscal Impact: None
Staff Recommendation: Staff recommends approval of the Minor Plat of Liberty Inner Block 26 Lot PT 2 TR 2 & 6.
Purpose: The proposed plat will provide additional housing stock in the City.

Terry

Scale: 1" = 20'







The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.9

Meeting: 05/22/18 06:00 PM

Department: Administration
Category: Variance Requests

COUNCIL ACTION (ID # 4123)

DOC ID: 4123

CITY OF LIBERTY

City Council Agenda Item Form

Council Meeting Date: May 22, 2018
Agenda Item No. IV.A.10
Agenda Wording: City Council consider a resolution granting a variance regarding the rear setback for Inner Block 26 Lot PT 2 TR 2 & 6 located at the southwest corner of the Austin & Trinity Street Intersection.
Department: Public Works/Inspections
Subject: Variance to rear setback for Inner Block 26.
Background: The <u>Code of Ordinances</u> Section 10.02.122 Table 5, Minimum Lot Requirements, Rear Yard Setbacks requires a 10' side yard setback for standard single-family residential lots. The property owners on the southwest corner of Austin and Trinity Streets, the Joe D and Frances S Family Limited Partnership, desires to construct a new home on the property. The proposed home would extend 2.5' into the 10' rear yard setback. A variance to the rear yard setback has been requested by the authorized agent, Mr. Matt Harris, to allow the construction of the home. A copy of his variance application is enclosed. The Planning & Zoning Commission considered this item during the May 16, 2018, meeting and voted 3-0 to approve the variance.
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.

Attachment: Agenda Form-Variance (4123 : Variance-Austin & Trinity)

VARIANCE APPLICATION

Instructions:

1. Please type or print with ink.
2. Applications must be completed, and accompanied by all required materials at the time of submittal. Incomplete submittals will be returned to the applicant. The City of Liberty cannot guarantee a deadline extension to allow for the submittal of omitted information or materials.
3. Application must be signed by all legal owners of the subject property or by the legally authorized agent for the property owner(s). If the request will be processed by an agent, the application must be accompanied by a notarized "Designation of Agent Form" signed by all legal owners of the property.
4. The Following items shall accompany the application:
 - a. A copy of the deed(s) to the subject property verifying legal ownership.
 - b. A Legible site plan or plot plan of the subject property.
 - c. A letter describing in detail the reason(s) for the request and the hardship on which the request is based.
 - d. Other materials, as appropriate (i.e. photos, slides, drawings, plats, petitions, etc.)

Owner/Agent Information:

Name of Owner(s): Joe D and Frances S Harris Family Limited Partnership

Name of Agent, if applicable: Matt Harris

Phone Number: 936-391-0020

Fax Number: 1-888-299-2474

Mailing Address: 2720 Beaumont Ave; Liberty, TX 77575

Property Data:

Street address: 421 Austin Street

Legal Description: Liberty Inner Blocks, Block 26, lot Pt 2 Tr 2 and 6

Variance Request:

I/ We, being the legal owner(s) or the agent for the legal owner(s) of the property described above, hereby request that the Planning and Zoning commission and City Council of the City of Liberty consider the following variance request to the City of Liberty Code of Ordinances:

List brief description and ordinance(s)

We are requesting to reduce the rear setback on Lot #2 to 7.5' in lieu of 10'.

Granting this variance would make Lot 3 more attractive for a future taxable structure for City of Liberty.

Reason/Hardship for the Variance:

In order to recommend approval of a variance, the Planning and Zoning Commission must make a finding of hardship. As noted in the instructions, ***you must attach a letter*** describing the reason for the request and the hardship on which the request is based, stating the grounds for the variance and all of the facts relied upon for the case.

Variance Review Criteria:

In order to make a finding of hardship, the Planning and Zoning Commission must determine that ***all*** of the following criteria are met. ***State how your variance request meets these four criteria. Please note that the hardship cannot be based solely on financial or self-imposed conditions.*** (Attach additional pages for multiple variance requests or if additional space is needed.)

1. The granting of the variance will not be detrimental to the public safety health, or welfare, be injurious to surrounding property, or violate the intent and purpose of the regulation:

Granting this variance would still leave minimum of 15' between structures if lot 3 is developed.

2. The granting of the variance is not based on a hardship which is self-imposed:

The request for this variance is based on the unique shape of the property.

3. The hardship is not based solely on the cost of complying with the regulation:

Granting of this variance would enable lot 3 to be more

buildable in the future which would result in a taxable structure for the City of Liberty/

4. The hardship is based on circumstances which are unique to the property for which the variance is sought, and not circumstances common to other properties:

This variance is unique to this property because of the size of the property.

The 1/4 block which lot 3 sits on originally had 4 small houses.

We are proposing to divide for 3 larger lots and houses.

Notice:

The City of Liberty does not enforce deed restrictions and cannot grant variances to deed restrictions. Any variance granted pursuant to this application and any building permit issued pursuant to such variance does not constitute or represent approval or authority to violate deed restrictions. A plat vacation and replat pursuant to Chapter 212, Texas Local Government Code may be required for such authority.

Signature(s) of Owner(s)/ Agent:

This is to certify that the information provided above is true and correct and that I am the owner of record of the property or the owner(s)' legally authorized agent.

Signature: _____ Date: _____

Signature: _____ Date: _____

For Office Use Only

Submittal Date: _____

Planning and Zoning Meeting Date: _____

City Council Meeting Date: _____

Received By: _____

For Office Use Only

Planning & Zoning Approval/Denial: _____

City Council Approval/Denial: _____

DESIGNATION OF AGENT FORM

This form designates Matt Harris as my/our duly authorized agent, to act on my/our behalf in request in a variance involving the property described below. I am also submitting a copy of the deed(s) to the subject property as evidence of my ownership.

Property Address: 421 Austin Street

Legal Description: Liberty Inner Blocks, Block 26, lot Pt 2 Tr 2 and 6

Signature of Owner:

Connie Harris Arnold

Date: 5-9-2018

Printed Name: Connie Harris Arnold

Signature of Agent:

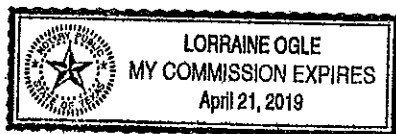
Matthew G Harris

Date: 5-9-2018

Printed Name: Matthew G Harris

Notary Statement:

SWORN TO AND SUBSCRIBED before me this the 10th day of May, 2018.



L Ogle

Notary Public in and for Liberty County, Texas

My Commission Expires: 04-21-2019

Repeat page for multiple owners or agents

Attachment: Variance Info (4123 : Variance-Austin & Trinity)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.10

Meeting: 05/22/18 06:00 PM

Department: Administration
Category: Board Appointments

COUNCIL ACTION (ID # 4119)

DOC ID: 4119