



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 26, 2010

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	..	..	..	
Councilperson Dennis Beasley	..	..	..	
Councilperson Diane Huddleston	..	..	..	
Mayor Pro-Tem Mike McCarty	..	..	..	
Councilperson Al Simonson	..	..	..	
Councilperson Louie Potetz	..	..	..	
Councilperson Frank Jordan	..	..	..	

II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

III. PRESENTATIONS / REPORTS

A. Information Item 2010-2

Recycling Report - Councilperson Huddleston

B. Information Item 2010-3

Houston-Galveston Area Council / 2010 General Assembly

C. Information Item 2010-4

Backflow Prevention - E. McCreight & R. Hood

D. Information Item 2010-5

Financial Report for Dec 2009 - Naomi Herrington, Finance Director

E. Information Item 2010-6

Humphreys Cultural Center Expansion Project - Naomi Herrington, Finance Director

IV. REGULAR AGENDA**A. Regular Session****1. Ordinance 2010-3**

Consider Request of Change in Rates from Entergy Gulf States, Inc. and Possible Action to Include, But Not Limited To, Adoption of an Ordinance Declining to Approve the Change in Rates Requested in Entergy Gulf States, Inc. Statement of Intent Filed with the City on December 30, 2009.

2. Council Action 2010-6

Consider and Approve a Proposal for Financial Advisor Services for the City of Liberty.

3. Resolution 2010-2

Consider Approval of an Amended Resolution Authorizing Submission of a Grant Application for the Edward Byrne Memorial JAG Grant, for New Technology Equipment.

4. Council Action 2010-7

Consider Approval of a Sewer Line Replacement on Kay and Centennial Streets.

- Map-Kay & Centennial Sewer (PDF)

B. Executive Session

Deliberation Regarding Economic Development Negotiation. Gov. Code §551.087

Consultation With Attorney. Gov. Code §551.071

Meeting Concerning Municipally Owned Utility. Gov. Code §551.086

1. Discussion of economic development prospect.
2. Discussion of possible incentives for economic development prospect.

C. Reconvene into Regular Session

Consider any action on the items as discussed in the Executive Section

1. Council Action 2010-8

Consider Any Action, as Discussed in the Executive Session, Relative to the Economic Development Prospect.

2. Council Action 2010-9

Consider Approval of Incentives for a New Economic Development Prospect.

V. WORK SESSION**1. Work Session 2010-1**

Discussion of Future Airport Fees, to Include the 9% Gross Receipts Tax.

- Airport Ord. 787 (PDF)

2. Work Session 2010-2

Discussion of a Proposed Ordinance Regarding Prohibited Vehicles, Weapons, and Radio Controlled Devices with in City Parks.

VI. COUNCIL MEAL**VII. ADJOURNMENT**

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 22nd day of January, 2010 at 1:00 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 given to The Vindicator, Liberty Gazette, and KSHN Radio.

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 _____, 2009. -----

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/26/10 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM 2010-2

DOC ID: 1532

Recycling Report - Councilperson Huddleston

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/26/10 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM 2010-3

DOC ID: 1538

Houston-Galveston Area Council / 2010 General Assembly

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/26/10 06:00 PM

Department: Administration
Category: Water & Sewer Issues

INFORMATION ITEM 2010-4

DOC ID: 1537

Backflow Prevention - E. McCreight & R. Hood

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/26/10 06:00 PM

Department: Finance
Category: Reports

INFORMATION ITEM 2010-5

DOC ID: 1529

Financial Report for Dec 2009 - Naomi Herrington, Finance Director

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/26/10 06:00 PM

Department: Finance
Category: Reports

INFORMATION ITEM 2010-6

DOC ID: 1530

Humphreys Cultural Center Expansion Project - Naomi Herrington, Finance Director



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/26/10 06:00 PM

Department: Administration
Category: Utility Rates

ORDINANCE 2010-3

DOC ID: 1540 A

Consider Request of Change in Rates from Entergy Gulf States, Inc. and Possible Action to Include, But Not Limited To, Adoption of an Ordinance Declining to Approve the Change in Rates Requested in Entergy Gulf States, Inc. Statement of Intent Filed with the City on December 30, 2009.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS (or "City") DECLINING TO APPROVE THE CHANGE IN RATES REQUESTED IN ENTERGY TEXAS, INC.'S ("ETI" or "Company") STATEMENT OF INTENT FILED WITH THE CITY ON DECEMBER 30, 2009; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS CONSIDERED WAS OPEN TO THE PUBLIC AND IN ACCORDANCE WITH TEXAS LAW; DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

WHEREAS, ETI, by letter dated November 17, 2009, notified the City of its intent to file a statement of intent to change rates, including a reconciliation of fuel and purchased power costs;

WHEREAS, on December 30, 2009, ETI filed with the City its Statement of Intent and Application for Authority to change Rates and to Reconcile Fuel Costs ("Statement of Intent");

WHEREAS, the City has duly noticed its consideration of the Company's Statement of Intent and is acting within its authority under applicable law;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS THAT the City DECLINES to approve any and all changes in rates requested by ETI and included in ETI's Statement of Intent and that ETI's existing rates should stay in effect.

PASSED AND ADOPTED on this the 26th day of January, 2010.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

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**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/26/10 06:00 PM

Department: Finance
Category: Proposals

COUNCIL ACTION 2010-6

DOC ID: 1531

Consider and Approve a Proposal for Financial Advisor Services for the City of Liberty.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/26/10 06:00 PM

Department: Police
Category: Grant Issues

RESOLUTION 2010-2

DOC ID: 1528

Consider Approval of an Amended Resolution Authorizing Submission of a Grant Application for the Edward Byrne Memorial JAG Grant, for New Technology Equipment.

EXPLANATION:

The Police Department has been awarded a non-matching equipment grant in the amount of \$84,490.00 for car video cameras and related software, and digital cameras. Prior to acceptance, a resolution of approval from City Council is required. This resolution was previously passed by City Council. The Criminal Justice Division has added specific language and the resolution is being updated.

Billy Tidwell

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, AUTHORIZING SUBMISSION OF THE GRANT APPLICATION FOR THE EDWARD BYRNE MEMORIAL JAG GRANT, A FULLY FUNDED GRANT FOR NEW TECHNOLOGY EQUIPMENT FOR THE LIBERTY POLICE DEPARTMENT IN THE AMOUNT OF \$84,490.00.

WHEREAS, the City of Liberty finds it in the best interest of the citizens of Liberty, Texas, that the Liberty Police Department Technology Grant be operated for the 2009-2010 year; and,

WHEREAS, The City of Liberty agrees to provide applicable matching funds for the said project as required by the Edward Byrne Memorial JAG Stimulus grant application; and,

WHEREAS, the City of Liberty designates Chief Billy Tidwell as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

WHEREAS, the City of Liberty agrees that in the event of loss or misuse of the Criminal Justice Division funds, the City of Liberty assures that the funds will be returned to the Criminal Justice Division in full.

PASSED AND APPROVED on this the 26th day of January, 2010 at a special called meeting of the City Council of the City of Liberty, Texas.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/26/10 06:00 PM

Department: Administration
Category: Sewer Issues

COUNCIL ACTION 2010-7

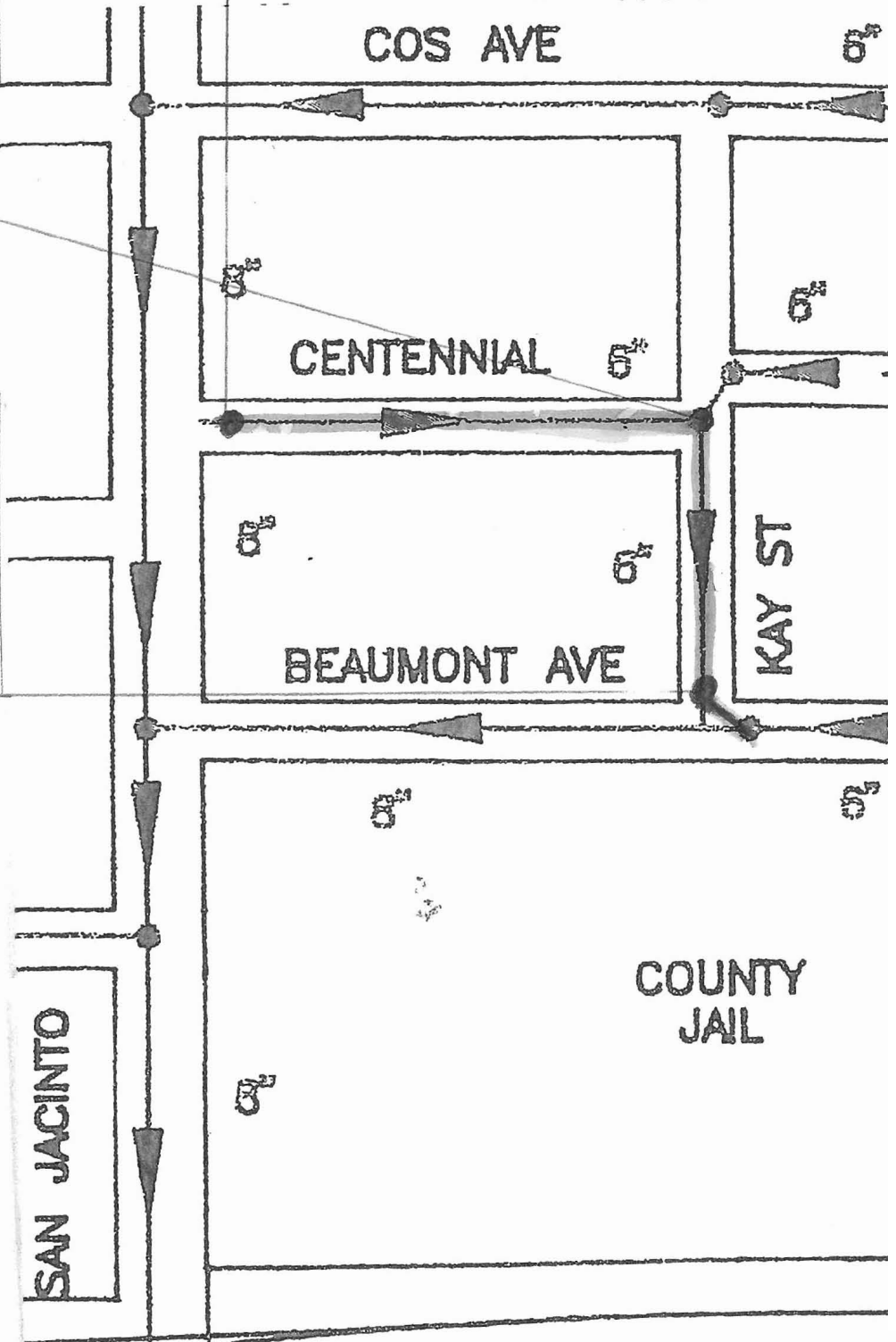
DOC ID: 1539

Consider Approval of a Sewer Line Replacement on Kay and Centennial Streets.

INSTALL A MANHOLE AT THE DEADEND OF LINE: FOR FUTURE CLEANING, FOR ACCESS BY VAC-CON TRUCK.

REPAIR OLD BRICK
MANHOLE, WITH NEW
ONE. FOR BETTER DIRECT-
ION. OF FLOW.

MOVE 6" SEWER
LINE OVER TO MAN-
HOLE ON BEAUMONT.
FOR VOLUMES OF WATER
CAN MOVE FREELY.



Attachment: Map-Kay & Centennial Sewer (CA-2010-7 : Sewer Line Replacement)

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/26/10 06:00 PM

Department: Administration
Category: Economic Development Issues

COUNCIL ACTION 2010-8

DOC ID: 1535

**Consider Any Action, as Discussed in the Executive Session,
Relative to the Economic Development Prospect.**

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/26/10 06:00 PM

Department: Administration
Category: Economic Development Issues

COUNCIL ACTION 2010-9

DOC ID: 1536

Consider Approval of Incentives for a New Economic Development Prospect.

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/26/10 06:00 PM

Department: Administration
Category: Airport Misc.

WORK SESSION 2010-1

DOC ID: 1534 A

Discussion of Future Airport Fees, to Include the 9% Gross Receipts Tax.

ORDINANCE 787

AN ORDINANCE PROVIDING RULES AND REGULATIONS CONCERNING THE LIBERTY MUNICIPAL AIRPORT; PROVIDING THAT NO PERSON SHALL USE THE AIRPORT FOR CARRYING ON OF COMMERCIAL ACTIVITIES, FOR INSTRUCTION IN AVIATION IN ANY OF ITS BRANCHES, FOR SALE OF ANY COMMODITIES, ETC., UNLESS APPROVED BY WRITTEN PERMIT FROM THE CITY MANAGER'S OFFICE; PROVIDING FOR GENERAL RULES AND REGULATIONS IN THE USE OF AIRPORT; REGULATING AIR AND GROUND TRAFFIC; REGULATING THE USE OF AIRCRAFT ENGINES; PROVIDING FOR FIRE REGULATIONS; REGULATING STUDENT TRAINING AND PRACTICE FLYING; PROVIDING FOR CONFLICT IN RULES; PROVIDING A PENALTY OF \$200.00 FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR A SAVING CLAUSE AND DECLARING AN EMERGENCY FOR ENACTMENT OF ORDINANCE; PROVIDING FOR THE REPEAL OF ANY ORDINANCE OR SECTION THEREOF IN CONFLICT HERewith; AND DISPENSING WITH THE REQUIREMENTS OF SECTION 3.11 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

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

SECTION 1. USE OF AIRPORT RESTRICTED

No person, firm, association, corporation or entity, incorporated or otherwise, shall use the airport for any commercial activity, unless approved by a written permit from the City Manager's Office or its duly authorized agent.

SECTION 2. GENERAL RULES AND REGULATIONS

The following rules and regulations shall obtain and be observed in the use, operation and conduct of said Liberty Municipal Airport, viz:

Rule 1-THE FEDERAL AIR TRAFFIC RULES-promulgated by the Federal Aviation Administration for observance by aircraft operated anywhere in the United States, and presently or hereafter effective, are hereby referred to, adopted and made a part hereof as though fully set forth and incorporated herein.

Rule 2-SAFEGUARD OF PERSONS AND PROPERTY-The airport manager shall at all times have authority to take such action as may be necessary to safeguard any person, aircraft, equipment or property at the airport.

Rule 3-T-HANGERS OR CONVENTIONAL HANGARS-owned by the City may be rented to private individuals, companies or corporations on a monthly or yearly basis for the storage of aircraft and ancillary aircraft equipment only. Single unit T-hangers and space for a single aircraft (in a large conventional hangar capable of storing more than one aircraft) will be rented at monthly rates as set by administrative policy. Hangar rent will be paid by the 10th day of the month, the first month's rent paid in advance.

Rule 4-LEASE OF AIRPORT PROPERTY TO PRIVATE INDIVIDUALS,

COMPANIES OR CORPORATIONS-The City may lease property within the building area or other portions of the airport for the private construction of hangars, building/or lean-tos, aprons, taxiways and auto parking lots in accordance with the approved Airport Layout Plan. All leased property and all buildings or structures erected on the leased property will be utilized for aviation related activity. Storage of nonaviation equipment, such as automobiles, boats, or farm equipment in a private hangar, or conducting of nonaviation business in any structures is prohibited.

A. For the lease of airport property upon which to conduct a commercial aeronautical activity, the City will charge rates as set by administrative policy for lease contracts.

B. For the lease of airport property to a private individual, company, or corporation on which hangars or T-hangar units will be erected for private non-commercial aeronautical use only, the City will charge rates as set by administrative policy.

C. No leases will be written for a period in excess of twenty (20) years.

D. Any private structure or hangar not in use for aviation purposes for a period in excess of three (3) months or not available for rent of subleased for aviation purposes, unless so authorized by the City, must be removed after due notice in writing or the City will consider such structures or hangars abandoned and title will pass to the City.

E. Leased land from which any building, hangar, or structure is removed, after due notice, will be cleaned and put back in its original condition.

F. Leased property on the airport may be subleased by the lessee only with approval of the City.

G. No structures may be erected beyond the building restriction line (BRL) or in conflict with the approved Airport Layout Plan.

H. All construction must be authorized by the City Manager's Office and must be a compatible standard capable of withstanding winds of 85 mph, with doors open or closed. Furthermore, all structures must comply with the City of Liberty Building Codes and airport zoning and land use ordinance.

RULE 5-COMMERCIAL OPERATING FEES-All persons, firms, associations, corporations, or entities approved by the City Manager's Office to conduct a commercial activity on the Liberty Municipal Airport shall pay a monthly/annual fee equal to nine (9) percent of the gross income earned by that commercial activity. Prior to starting the commercial activity, a deposit equal to an estimate of one month's fee shall be paid to the City. This deposit will be held by the City and applied to overdue fees at the discretion of the City. If the commercial activity is terminated, the deposit shall be returned to the depositor.

RULE 6-LIEN FOR CHARGES-To enforce the payment of any charge made for repairs, improvements, storage or care of any personal property, made or furnished by the City of Liberty or its agents, in connection with the operation of said Liberty Municipal Airport, the City of Liberty shall have a lien upon such personal property, which shall be enforceable as provided by law.

RULE 7-LIEN POSSESSORY RIGHT-To enforce the payment of any such

charge, the airport manager may retain possession of such personal property until all reasonable, customary and usual compensation shall have been paid in full.

RULE 8-UNAUTHORIZED SIGNS-No signs or equipment or portable buildings and house trailers may be erected, moved in or installed on the airport property except as may be specifically authorized by the airport manager.

RULE 9-SURREPTITIOUS ACTIVITIES-Any person observing suspicious, unauthorized or criminal activities shall report such activities immediately to the airport manager, police, or officers of the Department of Public Safety, or other peace officer.

RULE 10-WRECKED AIRCRAFT-Every aircraft owner, his pilot and agents, shall be responsible for notifying FAA and for the prompt removal from the operational areas of the airport, under the direction of the airport manager, of disabled or wrecked aircraft.

RULE 11-REPAIRS TO AIRCRAFT-No aircraft shall be repaired on any part of the landing or take-off area, and all outside repairs shall be made at the places designated by the airport manager for such purpose.

RULE 12-AGRICULTURAL OPERATIONS-Agricultural spraying operations will be conducted in accordance with procedures approved by the airport manager and made known to all persons conducting agricultural spraying operations. Said operations shall be conducted only on the designated airport areas, and shall not include reckless flying or careless chemical handling. Chemicals used in agricultural flying operations shall be dispersed, maintained, stored, the dispensing area cleaned and empty chemical containers promptly disposed of or stored in accordance with the standards set by the Environmental Protection Agency (EPA), Texas Department of Water Resources, Texas Department of Agriculture, Texas Health Resources and the airport manager. Washing of agricultural aircraft and flushing of Ag aircraft spray tanks will be accomplished in accordance with the standards set by the EPA, Texas Department of Water Resources and Texas Health Resources in an area so designated by the airport manager. (NOTE: Because of the hazard of such operation, the City of Liberty may require each agricultural spray operator to post a bond).

RULE 13-DAMAGE TO AIRPORT-Any person, corporate or individual, and the owner of any aircraft causing damage of any kind to said airport, whether through violation of any of these rules or through vandalism or any act of negligence, shall be liable therefore in and to said City of Liberty.

RULE 14-INJURY TO PERSON-No person shall enter airport grounds either on foot or by motor vehicle, without permission from the airport manager, and any person so entering upon airport property does so at his own risk and with no liability to the City Airport Board for any injury or damage to person or property. The term airport grounds as used in this rule shall not include carriage of passengers to and from the airport terminal, nor persons using the airport passenger terminal in the normal course of business.

RULE 15-LICENSED PILOTS-Only properly registered aircraft and persons holding a current airman's license issued by the FAA shall operate upon or over said Liberty Municipal Airport without written permission. Provided that this limitation shall not apply to students in training under licensed instructors nor to public aircraft of the federal government or of a state,

territory or political subdivision thereof, or to aircraft licensed by a foreign government with which the United States has a reciprocal agreement covering the operation of such licensed aircraft. (NOTE: Persons operating ultralight aircraft shall conform to FAR 103. Permission to use the airport, if granted, should be contingent on operating procedures coordinated with and acceptable to the regular users of the airport operating licensed aircraft and any other traffic pattern rules set by the airport authority.)

RULE 16-REGISTRATION-Every person stationed, employed, receiving instructions or operation upon said Liberty Municipal Airport shall register at the office of the airport manager, shall give his name, address, telephone number and the nature of his business or occupation. Identification numbers of all aircraft hangared at Liberty Municipal Airport shall be registered at the office of the airport manager.

RULE 17-USE OF ANOTHER'S PROPERTY-Unless authorized by the owner in writing, the use of any aircraft, parts, equipment, accessories or tools of another, situated on said airport, is forbidden.

RULE 18-INTOXICANTS AND NARCOTICS FORBIDDEN-No person under the influence of an intoxicant or narcotic shall operate or fly in any aircraft upon or over said Liberty Municipal Airport. Provided such inhibition shall not apply to a passenger when accompanied by a nurse or caretaker in an aircraft apart from the pilot.

RULE 19-GLASS-No bottles or glass shall be left or broken upon the floor of any building or upon any part of the surface area of the airport.

SECTION 3. GROUND OPERATIONS

RULE 20-AIR AND GROUND TRAFFIC-VEHICULAR TRAFFIC-All vehicular traffic shall be confined to the roads, streets, avenues and alleys provided on the grounds for that purpose, and shall not be operated at a speed in excess of twenty (20) miles per hour. Vehicles used by the City, airport manager or other authorized personnel to check the landing area will have an amber flashing rotating light on the top of the vehicle or an approved yellow and black checked flag attached to the vehicle and contain a mobile or portable radio transceiver tuned to the Unicom frequency.

RULE 21-FUELING OF AIRCRAFT-A. Aircraft shall not be fueled while the engine is running or while in a hangar or other enclosed place.

B. All aircraft will be positively grounded when being serviced with fuel. Aircraft being serviced by a fuel truck will be grounded to the fuel truck and the fuel truck will be positively grounded.

C. All aircraft shall be fueled at the fuel pump, or if by truck on the ramp clear of hangars.

D. Aircraft fuel trucks will be equipped, operated and maintained in accordance with National Fire Protection Association, Incorporated, NFPA Manual 407 "Aircraft Fuel Servicing, 1980".

E. Persons or aviation businesses wishing to supply and dispense aviation fuel for their private use must first obtain permission

from the City. Private fueling facilities must be located on leased property and the fueling system installed and fuel dispensed in accordance with Aircraft Fueling Rules and Directives.

F. Public sale of automobile gas for use in aircraft will not be permitted on the airport without proper approval. Aircraft authorized by the FAA to use auto gas may be privately fueled by their owner only by receiving approval from airport authority.

G. Aviation or auto fuels will not be stored within a hangar.

RULE 22-TIEDOWN OF AIRCRAFT-A. All aircraft not hangared shall be tied down or secured at night and during inclement weather.

B. The aircraft owner or his agent is responsible for the tiedown or security of his aircraft at all times and particularly during inclement weather.

C. Aircraft parked overnight on the transient apron shall pay a rate as set by administrative policy for each night, except that such fee may be waived upon purchase of fuel or services. Aircraft based on the airport and tied down on the paved apron shall pay a rate as set by administrative policy. The minimum fee for storage on a paved tiedown shall be set by administrative policy. Aircraft based on the airport and tied down in an unpaved area shall pay a rate as set by administrative policy. The minimum fee for storage on an unpaved tiedown shall be set by administrative policy.

RULE 23-RUNNING AIRCRAFT ENGINES-A. If not equipped with adequate brakes, the engine shall not be started in an aircraft until and unless the wheels have been set with blocks attached to ropes or other suitable means for removing them.

B. No airplane will be propped, started or left running without qualified personnel at the controls.

C. No engine shall be started or run inside any building.

D. No engine shall be started, run or warmed up until and unless the aircraft is in such position that the propeller stream or jet blast will clear all buildings and groups of people in the observation areas and path of the aircraft.

RULE 24-DAMAGE TO RUNWAY LIGHTS-A. Any person damaging any field light or fixture by operation of an aircraft or otherwise shall immediately report such damage to the airport manager. Persons causing damage to runway and taxiway lights, as a result of negligent operation of an aircraft or willful acts will be liable for replacement cost of the light(s).

RULE 25-TAXIING AIRCRAFT-A. No person shall taxi an aircraft until he has ascertained there will be no danger of collision with any person or object in the immediate area.

B. Aircraft will be taxied at a safe and prudent speed, and in such manner as to be at all times under the control of the pilot.

C. Aircraft not equipped with adequate brakes will not be taxied near buildings or parked aircraft unless an attendant is at a wing of the aircraft to assist the pilot.

D. Aircraft shall not taxi onto the runway from the ramp and taxiway area if there is an aircraft approaching to land, or on the ground in take-off position.

E. There shall be no taxiing of aircraft by engine power into or out of hangars.

RULE 26-PARKING AIRCRAFT-A. Unoccupied aircraft shall not be parked or tied down on or within one hundred and twenty (120) feet of the centerline of a VFR basic utility runway, two hundred and fifty (250) feet of the centerline of a general utility non-precision runway or three hundred (300) feet of the centerline of a precision runway; and all unoccupied aircraft shall be parked in the areas designated by the airport manager for that purpose.

B. Aircraft will not be parked within fifty (50) feet of an aircraft fuel pump or other fixed or moveable object.

C. Aircraft will not be parked in such a manner as to hinder the normal movement of other aircraft and traffic unless specifically authorized by the airport manager as an emergency measure.

D. It is the responsibility of the pilot when leaving a parked aircraft unattended to see that the brakes are set or that the plane is properly chocked and/or tied down.

SECTION 4. LANDING AND TAKE-OFF RULES

RULE 28-AUTHORITY TO SUSPEND OPERATIONS-The airport manager may suspend or restrict any or all operations without regard to weather conditions, whenever such action is deemed necessary in the interest of safety.

RULE 29-ACTIVE RUNWAY-If the winds are calm or at a ninety (90) degree crosswind to runway 34 take-off and land on runway 34.

RULE 30-CLEARING STREET-No aircraft shall land or take off in such manner as to clear any public street or highway at an altitude of less than 15' or 17' over an interstate highway or 23' over a railroad track nor land or take-off on the taxiway or over hangars or other structures, automobile parking areas or groups of spectators.

RULE 31-UNICOM-All pilots are encouraged to call on the local unicom frequency to determine the active runway and to announce their position and intentions for take-off and landing. Pilots of radio equipped aircraft taking-off or landing at airports that do not have a local unicom radio should report their traffic intentions on the appropriate unicom frequency (122.9KHz).

RULE 32-TAKE-OFFS ON APRON, ETC-No take-offs or landings shall be made on the apron, parking ramp or taxiway except by special permission of the airport manager.

RULE 33-TAKE-OFFS ALLOWED-Touch and go landings may be made at the discretion of the pilot. All aircraft shall clear for incoming and take-off traffic before taxiing into take-off position.

RULE 34-TAKE-OFF CLIMB-On take-off all aircraft shall climb straight out to a level of four hundred (400) feet, clear airport boundary and execute a ninety (90) degree turn to the left. To leave traffic, the aircraft shall climb to five hundred (500) feet before executing a forty-five (45) degree climbing turn to the right out of traffic.

RULE 35-TRAFFIC ALTITUDE-Traffic pattern elevation is one thousand (1,000) (suggested altitude) feet above ground level (AGL).

RULE 36-COMMON COURTESY-Aircraft entering the traffic pattern shall exercise caution and practice courtesy so as not to cause aircraft already in the pattern to deviate from their course.

RULE 37-AIRCRAFT TURN-Any aircraft within three (3) miles of the airport at an altitude of less than one thousand five hundred (1,500) feet above the ground shall conform to the flow of traffic. All aircraft shall establish their pattern altitude before entering the traffic pattern and shall not deviate from this altitude (except in an emergency) until descent for landing is necessary.

RULE 38-TRAFFIC FLOW-All aircraft landing at the Liberty Municipal Airport shall fly a standard left hand traffic pattern (or as displayed on the segmented circle) at an altitude of one thousand (1,000) feet above the ground. Pattern entry shall be made at an angle of forty-five (45) degrees to the active runway with the runway to the pilot's left at all times. Entry shall be made at the midpoint of either the upwind or downwind leg.

RULE 39-ALTITUDE AND NOISE OF ENGINES-No aircraft shall be operated over the City of Liberty at an altitude of less than one thousand (1,000) feet above the ground. Aircraft engines shall not be accelerated nor decelerated while over Liberty in such manner as to distract, excite or disturb persons on the ground, regardless of altitude.

RULE 40-STRAIGHT-IN APPROACHES-Straight-in approaches shall not be used unless authorized by the airport manager or unless radio contact with the airport advisory radio has been established from at least five (5) miles out.

RULE 41-STUDENT TRAINING AND PRACTICE FLYING-A. Instructors in flying shall inform themselves on all rules and regulations in effect at the airport.

B. By notices posted in his office, the airport manager may designate limited areas of the airport and local areas for practice flying and training of students.

C. Aircraft shall not be permitted to remain on the landing or take-off areas for the purpose of instructing students.

RULE 42-SPECIAL PROCEDURES-The airport manager may, in the interest of safety, designate special traffic procedures for certain operations, such as air shows, agricultural operations, lighter than air operating ultralights, etc.

SECTION 5. FIRE REGULATIONS

RULE 43-FIRE REGULATIONS-A. Every person going upon or using the airport or its facilities in any manner, shall exercise the greatest care and caution to avoid and prevent fire.

B. Smoking or open flame within fifty (50) feet of any aircraft or fuel truck is prohibited.

C. Compressed inflammable gas shall not be kept or stored upon the airport, except at such place as may be designated by the airport manager.

D. No inflammable substance shall be used in cleaning motors or other parts of an aircraft inside a hangar or other building.

E. No one shall smoke, ignite a match or lighter in any building, except in offices, waiting rooms or buildings where

specially permitted by the airport manager.

F. Hangar entrances shall be kept clear at all times.

G. The floors in all buildings shall be kept clean and free from oil. Volatile, flammable substances shall not be used for cleaning the floors.

H. No boxes, crates, cans, bottles, paper, tall grass/weeds or other litter shall be permitted to accumulate in or about a hangar.

I. Prior to being fueled all aircraft will be positively grounded by a grounding cable which is connected to a copper, copper clad, galvanized or other approved ground rod 5/8" or greater in diameter buried to a sufficient depth to reach permanent subsoil moisture. The resistance of the ground rod should not exceed 10,000 ohms. The bonding/ground cable shall be of flexible, durable material. The grounding clip on the end of the grounding cable should be connected to bare, unpainted metal on the aircraft, however, the grounding clip should not be attached to the aircraft's propeller, landing gear or radio antennas.

J. Where aircraft fueling is performed by a fuel truck, an adequate number of suitable grounding connections shall be provided on the aircraft apron or servicing ramp.

K. At least two 20B portable fire extinguishers will be available within 50' of the fuel pumps where the open hose discharge capacity of the fuel pump is not more than 200 gallons per minute; at least one wheeled 80B fire extinguisher where the open hose discharge capacity is more than 200 gallons per minute, but not more than 350 gallons per minute; at least two wheeled 80B fire extinguishers where the open hose discharge capacity is greater than 350 gallons per minute.

L. All aviation fuel nozzles will have "dead man" controls which will shut off the fuel flow when the nozzle hand control is released. Automatic fuel cut off nozzles will not be permitted for fueling aircraft.

M. The pilot and passengers will exit the aircraft and the aircraft will be unoccupied during fueling operations.

N. In all matters related to aircraft fueling safety the provisions of NFPA Manual 407 "Aircraft Fuel Servicing, 1980" published and available from the National Fire Protection Association, Incorporated, 470 Atlantic Ave., Boston, Massachusetts 02210, shall prevail.

SECTION 6. KNOWLEDGE OF RULES IMPLIED

By publication of this ordinance as required by law, all persons will be deemed to have knowledge of its contents. However, the airport manager is directed to have copies of the ordinance printed and posted where appropriate. Copies will be available at all times in the manager's office, and copies will be furnished to owners and operators of aircraft based on the airport.

SECTION 7. CONFLICT IN RULES

If and where there is conflict in these and the Federal Aviation Rules (FARs) the latter shall prevail.

SECTION 8. PENALTY FOR VIOLATION

A. Any person operating or handling an aircraft in violation of any of these rules or refusing to comply therewith, may, at once, be ejected from the airport, or may for any period of time, not exceeding fifteen (15) days, be denied use of the airport by the airport manager, and upon hearing by the City Council, may be deprived of the further use of the airport and its facilities for such period of time as may appear necessary for the protection of life and property.

B. Any violation of the ordinance shall be a misdemeanor, punishable by fine in any sum not exceeding two hundred (\$200.00) dollars. This section is cumulative of all other penalties for violation of federal, state and local laws, rules regulations and ordinances.

SECTION 9. SAVING CLAUSE

Should any part of this ordinance be held invalid or unconstitutional, no other part shall necessarily be affected thereby.

SECTION 10. EMERGENCY ENACTMENT

The enactment of this ordinance being necessary to the immediate preservation of public business, health and property, and to provide for the usual daily operation of a municipal department, it is declared to be an emergency measure, which shall have and take effect following its present reading and adoption.

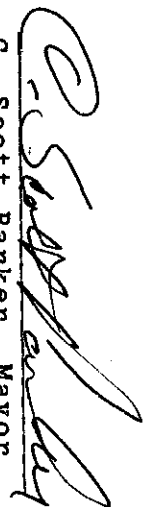
SECTION 11.

That the requirement contained in Section 3.11 of the Home Rule Charter of the City of Liberty, Texas, that all ordinances be read on two separate days is hereby dispensed with and all Council members present voting affirmatively for the adoption of this ordinance.

PASSED AT a regular meeting of the City Council of the City of Liberty, this the 14th day of June A. D., 1988, and all council members present voting "AYE".

ATTEST:


Beth Staton, City Secretary


C. Scott Parker, Mayor

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/26/10 06:00 PM

Department: Administration
Category: City Parks

WORK SESSION 2010-2

DOC ID: 1533

Discussion of a Proposed Ordinance Regarding Prohibited Vehicles, Weapons, and Radio Controlled Devices with in City Parks.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS PROVIDING FOR AN AMENDMENT TO CHAPTER 2, SECTIONS 2-71; 2-75; 2-76 AND 2-78 OF THE CITY OF LIBERTY CODE OF ORDINANCES AMENDING THE DEFINITION OF VEHICLE; AMENDING TRAFFIC WITHIN THE CITY PARKS; AMENDING PROHIBITED USE OF REMOTE CONTROL DEVICES WITHIN THE CITY PARKS; PROVIDING FOR A PENALTY; 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.

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

SECTION 1. Definition

That for the purpose of this article, "vehicle" means, but not limited to, automobiles, trucks, tractors, motorcycles, ATVs (dirt bikes, three or four wheelers), gas-powered motor scooters, and electric motorized scooters, go-carts and any animal-drawn carriage.

SECTION 2. Prohibited vehicles

No person(s) shall operate any ATV, defined herein, gas-powered motor scooter, electric motorized scooter, tractor, go-cart or animal-drawn carriage within the City parks. Only automobiles or motorcycles legally licensed for use on public streets shall operate within the city parks and only on designated park roads or parking areas. Exempt from these provisions shall be medically necessary motorized scooters used specifically by person(s) with disabilities and vehicles in the service of the City.

SECTION 3. Prohibited use of paintball weapons

The possession or use of paintball guns or similar devices shall be prohibited within the city parks.

SECTION 4. Remote controlled devices

The use of remote controlled devices shall be prohibited within the city parks. Such devices shall include, but not limited to, airplanes, cars, boats, etc.

SECTION 5. Penalty

Each violation under this section is a misdemeanor offense punishable, upon conviction, by a fine not to exceed five-hundred dollars (\$500.00) per offense.

SECTION 6. Effective Date

This ordinance shall be in full force and effect from and after the date of its passage and publication.

SECTION 7 Dispensing with two readings

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 ADOPTED at a regular called meeting of the City Council of the City of Liberty this the _____ day of February, 2010.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary