The City of Liberty

City Council

Special Called Meeting

~ Minutes ~

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

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, January 26, 2010 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on January 26, 2010 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:00 PM by Mayor Carl Pickett.

Attendee Name	Present	Absent	Late	Arrived
Carl Pickett	þ	¨	¨	
Dennis Beasley	þ	¨	¨	
Diane Huddleston	þ	¨	¨	
Mike McCarty	þ	¨	¨	
Al Simonson	þ	¨	¨	
Louie Potetz	þ	¨	¨	
Frank Jordan	þ	¨	¨	

II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Mayor Pickett welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council regarding non-agenda items. There were no comments.

III. PRESENTATIONS / REPORTS

A. Information Item 2010-2

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that she was in the process of scheduling the next recycling event, and will have specific details at a later date. This event will be an eCycle Event for electronics, which includes televisions, vacuum cleaners, batteries, monitors, etc.

B. Information Item 2010-3

Houston-Galveston Area Council / 2010 General Assembly

COMMENTS - Current Meeting:

Councilperson McCarty and City Manager Gary Broz both commented on their attendance at the recent Houston-Galveston Area Council 2010 General Assembly. Reported discussions were held with Annise Parker, the new Mayor of Houston, Jack Steele, President of HGAC, and various other managers in the area.

C. Information Item 2010-4

Backflow Prevention - E. McCreight & R. Hood

COMMENTS - Current Meeting:

Earl McCreight, Water & Wastewater Operations Manager, and Robbie Hood, Neighborhood Services Director, gave a presentation on the city's Backflow Prevention Program. Brief discussion included cross connection and backflow terms and definitions, incidents in which cross-connection occurs, and how this program prevents contaminants from reaching the city's distribution system.

Discussion included cross control equipment, swimming pools, sprinkler systems, commercial businesses, testing and reporting requirements, and related issues.

D. Information Item 2010-5

Financial Report for Dec 2009 - Naomi Herrington, Finance Director

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on the December 2009 financial report. Ms. Herrington presented a powerpoint of the financials, stating that Council would be viewing, with this report, the cash balances.

Ms. Herrington reported on the various funds and their current status, also reporting that YTD property tax figures were $416,000, with January 2010 property tax collections being approximately $900,000 . Ms. Herrington stated that sales tax figures through December were $389,000, slightly below budgeted figures.

Discussion also included one-time expenditures, FEMA project worksheets and payments, property purchase, Round 1 & 2 Disaster Funds, various projects with Schaumburg & Polk, Inc., SECO Energy Grant, and numerous other projects.

E. Information Item 2010-6

Humphreys Cultural Center Expansion Project - Naomi Herrington, Finance Director

COMMENTS - Current Meeting:

Library Director Dana Abshier gave a powerpoint presentation of the progress on the Humphreys Cultural Center Expansion Project. This presentation detailed the project from its inception.

Finance Director Naomi Herrington and City Manager Gary Broz fielded questions regarding the 10% contingency fund, budgeted construction costs not included in the bid, architect fees, and other related issues. City Manager Gary Broz reported that, at this time, the receivables on this project are approximately $2, 897,000, and expenditures approximately $2,314,000.

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.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS (or "City") DECLINING TO APROVE 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."

Mr. Dan Syphrett, Entergy Texas, was present to explain that Entergy has filed a rate request to increase rates. The proposed ordinance denies this request to increase rates and is done intentionally, so that Entergy can appeal the denial to the Public Utility Commission. The purpose is to have only one rate case before the Commission so that all Entergy's electric customers end up with the same rate.

Motion was made to adopt Ordinance No. 2010-3.

2. Council Action 2010-6

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

COMMENTS - Current Meeting:

City Manager Gary Broz reported that recently that last month Council approved terminating the contract with Coastal Securities. A 30-day notice of termination was given, and the city published Requests for Qualifications for financial advisors. RFQs were received from First Southwest, Coastal Securities, RBC Capital Markets, and SAMCO. After brief discussion and a review of issuance costs, Mr. Broz recommended to engage the services of Mr. Bob Henderson with RBC, San Antonio. Mr. Broz stated that Mr. Henderson would assist in long-range financial planning, setting up reserve funds, funding of upcoming projects, and other issues related to the city's finances.

Mr. Henderson spoke on his qualifications and prior accomplishments, expressing a desire to work with the City of Liberty. Motion was made to enter into a contract with Mr. Bob Henderson & RBC Capital Markets.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Frank Jordan, Councilperson
SECONDER:	Mike McCarty, Mayor Pro-Tem
AYES:	Pickett, Beasley, Huddleston, McCarty, Simonson, Potetz, Jordan

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.

COMMENTS - Current Meeting:

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

"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."

Police Chief Tidwell reported that this non-matching grant had already been applied for and awarded to the Police Department. This grant is for car cameras, digital cameras, and other technology equipment. The Criminal Justice Division of the Office of the Governor decided that the original resolution should be amended to include that in the case of loss of funds, or misuse, the funds would be reimbursed. Each entity that was awarded these grant funds must have the amended resolution approved.

Motion was made to approve the Resolution.

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

4. Council Action 2010-7

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

COMMENTS - Current Meeting:

City Manager Gary Broz reported that were sewer problems at Kay & Centennial Streets. Mr. Broz further reported that he had only received one quote for this project, and would like additional time to receive other quotes for comparison purposes. This item will be brought before Council at a later date.

ATTACHMENTS:

- Map-Kay & Centennial Sewer (PDF)

RESULT:	**NO ACTION TAKEN**

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.

At 7:18 p.m., Mayor Pickett closed the open meeting and opened the Executive Session, as authorized above.

C. Reconvene into Regular Session

At 9:11 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2010-8

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

RESULT:	**NO ACTION TAKEN**

2. Council Action 2010-9

Consider Approval of Incentives for a New Economic Development Prospect.

RESULT:	**NO ACTION TAKEN**

V. WORK SESSION

1. Work Session 2010-1

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

COMMENTS - Current Meeting:

A work session was held regarding the Liberty Municipal Airport and related airport fees. Mr. Broz reported that the Airport Advisory Board had met and requested that the clause in Ordinance 787 regarding commercial operating fees and the payment of a monthly/annual fee equal to nine percent of the gross income earned by that commercial business, be removed.

After brief discussion, Council agreed that this clause should be removed.

ATTACHMENTS:

- 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.

COMMENTS - Current Meeting:

A work session was held regarding traffic, and the use of remote controlled devices, within the municipal parks. Discussion was held regarding prohibited vehicles and related definitions.

Lengthy discussion was held regarding remote control devices to include airplanes, boats, and any other remote controlled device. Of major concern was the safety of the citizens in the parks, while airborne devices were in use. Also discussed were remote controlled water vehicles that would interrupt those leisurely fishing in the pond. Council expressed that the ultimate goal is to provide a safe environment for the citizens, and directed management to research alternatives to provide citizens who own remote control devices a possible place to enjoy their hobbies.

VI. COUNCIL MEAL

Council shared an evening meal.

VII. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 9:32 p.m.

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

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary