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, February 23, 2010 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on February 23, 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.

Mayor Pickett reported on the following:
1) The Annual Chamber of Commerce Banquet to be held on Thursday, March 4th, and
2) the Black & Gold Street Sign Program.

III. PRESENTATIONS / REPORTS

A. Information Item 2010-10

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston stated that the eCycle Event is still a work in progress, and details are not yet finalized.

B. Information Item 2010-11

Community Development Advisory Board Report - Councilperson Jordan

COMMENTS - Current Meeting:

Councilperson Jordan, Chairman of the Community Development Advisory Board, gave a report on the most recent board meeting. Councilperson Jordan gave a brief overview of the various projects discussed by the Board. Those projects reported on were as follows:

1) lighting at the various neighborhood parks,

2) beautification of the downtown square, also to include trash containers,

3) beautification of the entry, to the city, from Hwy. 90 west,

4) renovation of the old Trinity River Bridge,

5) Renovation and Relocation of the Liberty Train Depot, and

6) promotion of tourism and use of hotel-motel tax.

Councilperson Jordan thanked the members of the Community Development Advisory Board for their work, and stated that the Board would be meeting on a monthly basis.

ATTACHMENTS:

- CDAB Minutes 1-11-10 (PDF)

C. Information Item 2010-12

Electric Department Presentation - Randy Wiggins, Elec. Services Director

COMMENTS - Current Meeting:

Randy Wiggins, Electric Services Director, gave a powerpoint presentation of the recent activities of the Electric Department. This presentation reflected the clean up of the substation on FM 3361 near Boomerang Tube, LLC, and other work conducted by electric department personnel.

D. Information Item 2010-13

Finance Report - January 2010 - Gary Broz, City Manager

COMMENTS - Current Meeting:

Mayor Pickett reported that, in the absence of the City Manager and Finance Director, the monthly financial report would be reviewed at a later date.

E. Information Item 2010-14

Humphreys Cultural Center Expansion Project & Other Projects Update - Gary Broz, City Manager

COMMENTS - Current Meeting:

In the absence of the City Manager, the only report given was an update of the Humphreys Cultural Center Expansion Project, by Library Director Dana Abshier. Ms. Abshier reported that she had been working on shelving plans and that the Library would be closed March 4th for two weeks, in order to lay carpet, place the shelving, and begin moving books.

Ms. Abshier also stated that the Library would also be closed for an additional week, March 22-26, to move furniture, computers, and the staff into the new addition. On March 29, the Library will be open and staff will be working out of the new section, at which time, the old portion will be closed down and refurbished.

IV. REGULAR AGENDA

A. Regular Session

1. Public Hearing 2010-1

Public Hearing Regarding Participation in the Texas Enterprise Zone and the Nomination of Boomerang Tube, LLC as a Texas Enterprise Project.

COMMENTS - Current Meeting:

At 6:21 p.m., Mayor Pickett opened the Public Hearing regarding participation in the Texas Enterprise Zone and the nomination of Boomerang Tube, LLC as a Texas Enterprise Project.

City Attorney Randy Gunter stated that in order to participate in the Texas Enterprise Project, a public hearing must be held to provide citizens the opportunity to express their approval or disapproval. The project consists of the City nominating a company, in which there are certain requirements such as a major contribution of capital, jobs, manufacturing, etc. The project then goes into a competitive bid process at the State level. If the grant is awarded, the State tax portion of the sales tax is refunded to the company as an incentive for locating here. Mr. Gunter further stated that none of the City's portion of the sales tax is refunded.

Brief discussion was held among the Council regarding the designated enterprise zone, that Boomerang Tube, LLC has a good chance of receiving a bid award, that there is no cost to the City, and other related issues. There were no comments from the audience.

At 6:26 p.m., Mayor Pickett closed the Public Hearing.

ATTACHMENTS:

- Public Hearing Notice Enterprise Zone (PDF)

2. Ordinance 2010-7

Consider Adoption of an Ordinance Authorizing Participation in the Texas Enterprise Zone Program, Pursuant to the Texas Enterprise Zone Act, and Nominating Boomerang Tube, LLC as an Enterprise Project.

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, AUTHORIZING THE CITY OF LIBERTY TO PARTICIPATE IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE ("ACT"), PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH THE INTERESTED PARTIES, AND NOMINATING BOOMERANG TUBE, LLC TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM ("OOGEDT") THROUGH THE ECONOMIC DEVELOPMENT BANK ("BANK") AS A DOUBLE JUMBO ENTERPRISE PROJECT ("PROJECT"), AND DISPENSING OF THE REQUIREMENTS OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

Motion was made to adopt Ordinance No. 2010-7.

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

3. Council Action 2010-19

Consider the Appointment of Two Council Members to Assist with Solid Waste Bid Specifications.

COMMENTS - Current Meeting:

Mayor Pickett reported that the City Manager Gary Broz will be forming a committee to work on bid specifications for solid waste collection services. Mr. Broz would like this committee to include two council members. A motion was made to appoint Councilpersons Huddleston and Simonson to work with City staff to prepare bid specifications for solid waste collection services.

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

4. Ordinance 2010-8

Consider Adoption of an Ordinance Repealing the 9% Gross Receipts Tax at the Liberty Municipal Airport.

COMMENTS - Current Meeting:

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

"AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 5, REMOVING COMMERCIAL OPERATING FEES AND REQUIRING CITY MANAGER APPROVAL FOR COMMERCIAL ACTIVITIES TAKING PLACE AT THE LIBERTY MUNICIPAL AIRPORT; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

Avon Moore, Community Services Director, recommended to Council that in preparation of future growth at the Liberty Municipal Airport, that the 9% gross receipts tax be repealed.

Motion was made to adopt Ordinance No. 2010-8.

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

5. Council Action 2010-20

Consider Authorizing the Purchase of Incode Call Center Software.

COMMENTS - Current Meeting:

In the absence of the City Manager, there was no action taken on this agenda item, as Mr. Broz would like to be present for discussion of this item.

ATTACHMENTS:

- Incode Call Center Proposal (PDF)

RESULT:	**NO ACTION TAKEN**

6. Council Action 2010-21

Review, Discuss, and Consider Acceptance of the Fiscal Year 08-09 Audit Report, as Prepared by Swaim, Hanagriff, and Associates.

COMMENTS - Current Meeting:

Ms. LeAnn Brents, Swaim, Hanagriff & Associates addressed the Council regarding the FY 2008-2009 Audit Report. Ms. Brents gave a brief review of this document at the Council Meeting of February 16. Ms. Brents again stated that the City had received a clean opinion, and reviewed the various funds. Ms. Brents further stated that the City's total combined assets were $28.4 million as of September 30, 2009; up from $27.5 million from September 30, 2008.

Ms. Brents explained that this year's numbers are skewed due to the FEMA numbers, and that the auditor separated those numbers, so that normal operating costs and revenues could be seen.

After review of the audit document and various funds, Ms. Brents answered questions regarding monthly financial statements, income statements, balance sheets, fund transfers, adjustments, FEMA funds, and numerous related topics.

Motion was made to accept the FY 08-09 Audit Report as presented.

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

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 electrical services and/or incentives to Boomerang Tube, LLC.
2. Discussion of electrical services and/or incentives to Holiday Inn Express.

At 7:22 p.m., Mayor Pickett closed the open meeting and opened the Executive Session, as authorized above.

C. Reconvene into Regular Session

At 7:55 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2010-22

Consider Approval Regarding Electrical Services And/Or Incentives to Boomerang Tube, LLC.

RESULT:	**NO ACTION TAKEN**

2. Council Action 2010-23

Consider Approval Regarding Electrical Services And/Or Incentives to Holiday Inn Express.

RESULT:	**NO ACTION TAKEN**

V. WORK SESSION

1. Work Session 2010-3

Discussion of Proposed Ordinance Regarding Parking and Surface Requirement for Commercial Use Property.

COMMENTS - Current Meeting:

Robbie Hood, Neighborhood Services Director, addressed Council regarding parking and surface requirements for commercial use property.

Lengthy discussion was held regarding the economic impact of these requirements on businesses, adding verbiage in the ordinance to include grandfathering existing businesses, not wanting to discourage development, and creating a balance between enforcing these requirements and property ownership rights.

Further discussion included salvage yards, used car lots, permitting, fencing, mobile businesses, abandoned vehicles, blight and property values, public nuisance laws, and other related issues.

Mr. Hood was directed to research State mandated laws on the various issues discussed, and to return to Council with issues of concern, and stories of success.

ATTACHMENTS:

- Parking Ordinance Amendment-Proposed (PDF)

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 8:46 p.m.

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

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary