The City of Liberty
City Council
Regular Meeting
~ Minutes ~

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

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, June 8, 2010 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on June 8, 2010 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:01 PM by Mayor Carl Pickett.

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Dennis Beasley	Councilperson	Present	
Diane Huddleston	Councilperson	Present	
Mike McCarty	Mayor Pro-Tem	Present	
Al Simonson	Councilperson	Present	
Louie Potetz	Councilperson	Present	
Frank Jordan	Councilperson	Present	

II. INVOCATION

Mr. Kevin Ladd gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Fire Chief Fred Collins led the pledge to the American and Texas flags.

IV. 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 from the audience.

City Manager Gary Broz reported on the following:
1. a neighborhood meeting for the residents of the Oak Forest Subdivision will be held on Saturday, June 12th at 11:00 a.m. in the Council Chambers. This meeting deals with a study of floodplain issues and suggestions for those that are located in high profile areas. This study is conducted by a group from New Orleans, LA., under contract with the federal government.
2. City Hall employees have adopted the gazebo on the City Hall grounds as a community project to improve the facility grounds.
3. Police Department employees have adopted the triangle area around the large flag pole on Martin Luther King Drive as their community project, while other departments are searching for areas to use as a project.

Mayor Pickett reported on the following:
1. City's July 4th celebration to be held on Friday, July 2nd,
2. Expressed appreciation for the numerous responses to the city survey sent out to the citizens,
3. TML Annual Conference to be held on October 26 - 29 in Corpus Christi, and

4. Hurricane Preparedness Training for the public, to be held in the Liberty Center on June 17th at 6:00 p.m., sponsored by Liberty County Emergency Management and the cities of Liberty and Cleveland Emergency Management.

V. CONSENT AGENDA

All consent items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, and if such a request is made, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

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

A. Minutes Approval

1. Thursday, May 06, 2010

2. Tuesday, May 11, 2010

3. Wednesday, May 26, 2010

VI. REGULAR AGENDA

A. Regular Session

1. Council Action 2010-52

Consider Approval of an Interlocal Agreement with Liberty County Precinct 1 for the Maintenance of Streets, Roads, Ditches, and Recreational Areas.

COMMENTS - Current Meeting:

Brief discussion was held regarding cooperation between the City and the County on various projects, to include downtown revitalization, awareness of historic preservation grants that may be available to the City, improved communication, documenting requests for assistance, the County Economic Alliance, and other related topics.

Motion was made to approve the Interlocal Agreement.

ATTACHMENTS:

- Interlocal Agreement Liberty Co. 2010 (PDF)

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

2. Council Action 2010-53

Consider Approval of an Increase in the Ad Valorem Tax Collection Contract with Liberty County and the Liberty County Tax Assessor-Collector.

COMMENTS - Current Meeting:

Discussion was held regarding the tax assessment and collection services contract between the City and Liberty County, and the increase from $.15 to $.32 per parcel. The current rate of $.15 has been in effect since 1991, with the increase raising the City's cost from $1574.00 to $3385.00. This increase in the ad valorem tax collection contract is to cover increased operating and reporting requirements, personnel costs, and other associated costs which have not been adjusted since the contract's inception.

Motion was made to approve the increase in the ad valorem tax collection contract with Liberty County.

ATTACHMENTS:

- Ad valorem tax collection increase (PDF)

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

3. Council Action (ID # 1691)

Consider a Request for Variance from Road Frontage Requirements for a A Manufactured Home Located at FM 2830/FM 160.

COMMENTS - Current Meeting:

Mr. Curtis Herman applied for a manufactured home permit for property located at FM 2830 at FM 160. After discussion, a motion was made to accept the recommendation of the Planning & Zoning Commission to deny the variance request, as the property does not have the proper road frontage required by the City's manufactured home ordinance.

ATTACHMENTS:

- HERMAN VARIANCE PACKAGE (PDF)

RESULT:	**DEFEATED [0 TO 7]**
MOVER:	Al Simonson, Councilperson
SECONDER:	Mike McCarty, Mayor Pro-Tem
NAYS:	Pickett, Beasley, Huddleston, McCarty, Simonson, Potetz, Jordan

4. Ordinance 2010-15

Consider an Ordinance Ordering Adoption of the Charter Amendments Approved by the Voters in the May 8, 2010 Special Election.

COMMENTS - Current Meeting:

The following proposed charter amendments were presented, and approved, by the voters in the May 8, 2010 Special Election as follows:

Proposition #1	Section 1.03(b)	Change of boundaries and residents' rights - Disannexation of Territory
Proposition #2	Section 3.06(i)	Powers of the City Council

Proposition #3	Section 3.08	Meetings of the City Council
Proposition #4	Section 3.13	Audit & Examination of City Books and Records
Proposition #5	Section 4.04(b)	Municipal Court
Proposition #6	Section 6.03	Form of Recall Petition
Proposition #7	Section 9.12	Contingent Appropriation

Motion was made to adopt the ordinance ordering adoption of the proposed charter amendments.

ATTACHMENTS:

- Charter Amendments Adopted by Voters (DOC)

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

5. Council Action 2010-54

Consider Award of Bid for Sale of the Old Liberty Police Department Located at 323 San Jacinto Street.

COMMENTS - Current Meeting:

Brief discussion was held regarding the sale of the old Police Department building located at 323 San Jacinto. City Manager Gary Broz reported that one bid had been received from Mr. Frank Biehunko, in the amount of $51,000. Mr. Broz further reported that Mr. Biehunko's intent is to renovate the building as the location for his air conditioning business.

Motion was made to accept the bid in the amount of $51,000.

ATTACHMENTS:

- Bid for PD Bldg June 2010 (PDF)

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

6. Council Action 2010-55

Consider Granting a Right-Of-Way to Boomerang Tube, LLC.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that Boomerang Tube requires the use of an entrance to their facility on the east side of the property to provide access for large trucks. With the granting of this right-of-way, Boomerang will have three entrances into their location, which will alleviate traffic issues as their business becomes more active. This road will be built to the City's specifications, with no expense to the City, and which will become property of the City.

Motion was made to grant the right-of-way to Boomerang Tube, LLC.

ATTACHMENTS:

- Boomerang ROW Agreement (PDF)

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

7. Council Action 2010-56

Discuss and Consider Approval of the Liberty Community Development Corporations's Proposal for Demolition of the Old Mercy Hospital, Located at 521 Travis Street.

COMMENTS - Current Meeting:

General Manager Gary Broz reported on the proposed plan for demolition of the old Mercy Hospital located at 521 Travis Street. As previously discussed, Mr. Broz stated that LCDC would pay the $1600 cost of purchase, one-half of the $114,000 cost of demolition, with the School District and the County each funding one-half of the remaining fifty percent. Mr. Broz further reported that he had me with Liberty Independent School District Superintendent Cynthia Lusignolo and Liberty County Judge Phil Fitzgerald, each of whom would take this proposition to their respective governing bodies for approval.

Lengthy discussion ensued regarding this project and related expenses, CAD appraised value, liability insurance, taxes, and other topics.

City Attorney Randy Gunter summarized for Council the proposed plan per their discussion:

LCDC is to pay the $1600 court costs, take title to the property, fund 50%of the $114,00 cost of demolition, which is approximately $56,000, with LISD and Liberty County to fund one-quarter each of the remaining 50%, approximately $28,000 per entity. LCDC will manage the sale of the property, also retaining 50% of the proceeds from the sale, along with 100% of expenses related to the sale from the closing proceeds. The balance of proceeds will then be dispersed equally to LISD and Liberty County. If either of the parties involved disagree with the proposal then the contract document is null and void.

Motion was made to authorize the City Manager to renegotiate based on terms and conditions agreeable to Council, and allow the City Manager to authorize minor changes to the contract at his discretion, with material changes to be brought back before Council.

RESULT:	**APPROVED [6 TO 1]**
MOVER:	Mike McCarty, Mayor Pro-Tem
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Beasley, Huddleston, McCarty, Simonson, Jordan
NAYS:	Louie Potetz

8. Council Action 2010-57

Consider and Adopt an Agreement for Electrical Service to Boomerang Tube, LLC.

COMMENTS - Current Meeting:

This agenda item was passed on.

RESULT:	**NO ACTION TAKEN**

9. Ordinance (ID # 1706)

Consider and Adopt an Industrial Electric Rate Ordinance.

COMMENTS - Current Meeting:

This agenda item was passed on.

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
Personnel Matters. Gov. Code §551.074

1. Discussion of industrial electric rate ordinance and electric service agreement with industrial customer.

2. Discussion of the City Manager's 6-month evaluation.

At 7:57 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 7:57 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Ordinance (ID # 1709)

Consider Adoption of an Industrial Electric Rate Ordinance.

COMMENTS - Current Meeting:

This agenda item was passed on.

RESULT:	**NO ACTION TAKEN**

2. Council Action 2010-58

Consider an Electric Service Agreement with an Industrial Customer.

COMMENTS - Current Meeting:

This agenda item was passed on.

RESULT:	**NO ACTION TAKEN**

3. Council Action 2010-59

Consider Action, If Any, on the City Manager’s 6-Month Evaluation.

COMMENTS - Current Meeting:

This agenda item was passed on.

VII. COUNCIL MEAL

Council shared an evening meal.

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 7:58 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