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, February 12, 2008 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

6:00 PM Meeting was called to order on February 12, 2008 at City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:08 PM by Mayor Carl Pickett.

II. INVOCATION

The Invocation was given by Asst. Fire Chief Brian Hurst.

III. PLEDGE OF ALLEGIANCE

The pledge to the American and Texas flags was led by Code Enforcement Officer Robbie Hood.

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.

Mayor Pickett stated there would be a special called meeting of the City Council on April 1, 2008. The Waters Consulting Group will be present to discuss salary structures and other related issues relevant to the city administration organizational structure.

V. ITEMS OF INTEREST

1. Miscellaneous Correspondence

1. Information Item 2008-1

TML Small Cities Problem Solving Clinic

COMMENTS - Current Meeting:

Mayor Pickett reported to Council on the TML Small Cities Problem Solving Clinic to be held in Madisonville, Texas on February 22, 2008. This clinic provides municipalities the opportunity to network with cities of similar size.

ATTACHMENTS:

- Attachment #1 - TML Small Cities' Problem Solving Clinic (PDF)

2. Information Item 2008-2

Surface Transportation Board

COMMENTS - Current Meeting:

Mayor Pickett commented on information regarding the Liberty County Rural Transportation District #1's proposed construction and operation of a new rail line from an area near Dayton, Texas to an area near Cleveland, Texas. The proposed line would alleviate rail congestion in the area.

ATTACHMENTS:

- Attachment #2 - Surface Transportation Board (PDF)

VI. PRESENTATIONS / REPORTS

1. Information Item 2008-3

TML Region XVI Meeting

COMMENTS - Current Meeting:

Mayor Pickett commented on the success of the TML Region XVI Meeting hosted by the City of Liberty on January 17, 2008. Various issues relating to municipal government were addressed by the speaker, State Representative John Otto. There were approximately sixty people in attendance.

2. Information Item 2008-4

Recycling Report

COMMENTS - Current Meeting:

Councilperson Diane Huddleston reported on the City's efforts in working towards a permanent recycling drop-off facility.

3. Information Item 2008-5

Texas Water Development Board/ $8.1 Million Wastewater Project Update

COMMENTS - Current Meeting:

City Manager Ron Wood reported on the city's $8.1 million dollar wastewater infrastructure project. In regard to the wastewater treatment plant , Mr. Wood discussed the preliminary engineering report, environmental issues, and the structural integrity of the facility.

Mr. Wood discussed the Sanitary Sewer Overflow Initiative submitted to the Texas Commission on Environmental Quality regarding overflows in the city's collection system due to inflow and infiltration. Mr. Wood also discussed the Sanitary Sewer Evaluation Survey regarding the collection of data from sewer lines, smoke testing, etc. that will identify corrective measures to be taken.

4. Information Item 2008-6

Utility Billing Update

COMMENTS - Current Meeting:

City Manager Ron Wood reported on the city's utility billing process. Recently there was an occurrence in which the city fell behind in reading meters due to various issues; holiday season, meter reader out, inclement weather. This created additional days on the customers utility bill, causing a higher than normal bill. Mr. Wood apologized to the public for the inconvenience; adding that he was working on ways to improve the process and provide better customer service.

5. Information Item 2008-7

Presentation of the Audit Report for Fiscal Year 2006-2007 by Swaim, Hanagriff & Associates

COMMENTS - Current Meeting:

Swaim, Hanagriff & Associates representative, LeAnn Brents presented the audit report for fiscal year ending September 30, 2007. Ms. Brents reviewed, in detail, the contents of this document with Council.

VII. 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.

Minutes Approval

1. Resolution (ID # 1040)

Minutes of Jan. 8, 2008

ATTACHMENTS:

- Attachment #3 - CM 1-08-08 (DOC)

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

VIII. REGULAR AGENDA

1. Regular Agenda Items

1. Resolution 2008-1

Consider a Resolution Approving a Variance Request to Place a Structure in a Designated Floodway in the South Liberty Oilfield.

COMMENTS - Current Meeting:

Mr. Bill Maynard and Attorney Mark Morefield made a presentation regarding Mr. Maynard's request for a variance for a structure, and construction of a subsequent structure, located on Tract 29 of the D. Minchey Survey, Abstract 85. Lengthy discussion ensued regarding this request, including the issue that these structures are located inside a FEMA designated floodway.

ATTACHMENTS:

- Attachment #4 - Planning Commission Certification Maynard (PDF)
- Attachment #5 - Variance Request (TXT)

RESULT:	**TABLED [UNANIMOUS]**	**Next: 3/11/2008 6:00 PM**
MOVER:	Charles McGuire, Councilperson	
SECONDER:	Dennis Beasley, Councilperson	
AYES:	Pickett, Beasley, Huddleston, McCarty, McGuire, Simonson, Potetz	

2. Resolution 2008-2

Consider Approval of the Proposed Short Form Final Plat of the Merrick Subdivision.

COMMENTS - Current Meeting:

Mr. Chris Merrick, Merrick Homes, has presented a plat which divides an already platted lot out of the San Jacinto Park Subdivision into two separate lots for future development. This final plat was presented under the city's short form process, and approved by the The Planning & Zoning Commission on January 30, 2008.

ATTACHMENTS:

- Attachment #6 - Planning Commission Certification Merrick (PDF)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Charles McGuire, Councilperson
SECONDER:	Diane Huddleston, Councilperson
AYES:	Pickett, Beasley, Huddleston, McCarty, McGuire, Simonson, Potetz

3. Resolution 2008-3

Consider a Resolution Approving a Bridge Replacement Advanced Funding Agreement by and Between the Texas Department of Transporation and the City of Liberty; Also Authorizing the Mayor to Execute the Agreement on Behalf of the City.

COMMENTS - Current Meeting:

This resolution and agreement are relative to the bridge replacement project on Sandune Road at Wood Springs (as referred in these documents as Woodards Spring Creek). Total anticipated cost of this project is approximately $443,000.00, with TXDOT funding 90% of the cost, leaving the city's fund requirement in the amount of $34,561.26. $5,460.00 of these funds will come from the current street maintenance budget with the remaining amount to be budgeted from the FY 08-09 budget.

ATTACHMENTS:

- Attachment #7 - Advance Funding Agreement (PDF)
- Attachment #8 - Explanation: Bridge Replacement (TXT)
- Attachment #9 - Fiscal Impact Note: Bridge Replacement (TXT)

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Charles McGuire, Councilperson
SECONDER:	Mike McCarty, Councilperson
AYES:	Beasley, Huddleston, McCarty, McGuire, Simonson, Potetz
ABSTAIN:	Carl Pickett

4. Resolution 2008-4

Consider Approval of the Local Match for a Mobile Fire Trainer for the Liberty Fire Department Through the Assistance to Firefighters Grant (FEMA).

COMMENTS - Current Meeting:

The Liberty Fire Department has applied for a grant through the Assistance to Firefighters Grant (FEMA) for a Mobile Fire Trainer. This grant is for $415,845.00; the city's portion being $20,782.00 to be expended from the Capital Reserve Fund. This equipment will provide an economical way to train fire department personnel without having to leave the community.

ATTACHMENTS:

- Attachment #10 - AFG Grant Info (PDF)
- Attachment #11 - Fiscal Impact Note: Fire Department Grant (TXT)

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

5. Resolution 2008-5

Consider Approval of an Interlocal Agreement with Liberty County Hospital District Number 1 for Joint Elections.

COMMENTS - Current Meeting:

The Interlocal Agreement with Liberty County Hospital District No. 1 is the same agreement that the city entered into with the Liberty Independent School District in 2007, for joint elections. There will be no sharing of election workers, ballots, ballot boxes, or relevant election materials. This agreement is solely for the use of a common polling place.

ATTACHMENTS:

- Attachment #12 - Explanation: Joint Election (TXT)

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

6. Ordinance 2008-1

Consider Adoption of an Ordinance Ordering a General Election to be Held in the City of Liberty on Saturday, May 10, 2008.

COMMENTS - Current Meeting:

This ordinance orders the city's general election for officers to be held on the uniform election date of May 10, 2008; and addresses all necessary issue to be approved by council relative to the conduct of an election. Those officers whose terms expire are Mayor Carl Pickett and Councilpersons Charles McGuire, Mike McCarty and Louie Potetz.

ATTACHMENTS:

- Attachment #13 - General Election (TXT)

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

7. Resolution 2008-6

Consider Approval of Some or All of the Proposed Charter Amendments As Recommended by the 2007 Charter Review Commission.

COMMENTS - Current Meeting:

City Attorney Randy Gunter discussed changes to the city's charter as proposed by the 2007 Charter Review Commission. Those changes include:

Section 3.02 Qualifications.

The addition that a person filing for office must not have been convicted of a crime involving moral turpitude from which he has not been pardoned.

Section 3.05 Vacancies.

This section to be rewritten to identify the manner in which a vacancy on the city council is filled; specifically that being a majority decision of the remaining council.

Section 3.09 Rules of Procedure.

This proposed amendment corrects the word "dote" to "vote".

Section 3.11 Official Bonds for City Employees.

Changes the word from "may" to "shall" regarding official bonds required for certain city officers and employees.

ATTACHMENTS:

- Attachment #14 - Explanation: Charter Amendments (RTF)

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

8. Ordinance 2008-2

Consider Adoption of an Ordinance Ordering a Special Election to be Held on Saturday, May 10, 2008 for Voter Consideration of Proposed Amendments to the City's Home Rule Charter.

COMMENTS - Current Meeting:

This ordinance orders a special election to be held, in conjunction with the May 10, 2008 General Election, for voter approval or disapproval of amendments to the city's home rule charter. This election will take to the voters the amendments as proposed by the 2007 Charter Review Commission.

ATTACHMENTS:

- Attachment #15 - Explanation: Special Election (TXT)

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

9. Resolution 2008-7

Consider Approval of the City's Share of the Total Cost of the Humphreys Cultural Center Expansion Project.

COMMENTS - Current Meeting:

City Manager Ron Wood discussed, with Council, the Cultural Center Expansion Project. As voted upon and approved, the city will fund a portion of this cost in the amount of $600,000.00. Future discussion will include from which fund this money will be expended.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Charles McGuire, Councilperson
SECONDER:	Mike McCarty, Councilperson
AYES:	Pickett, Beasley, Huddleston, McCarty, McGuire, Simonson, Potetz

2. Executive Session

Consultation with Attorney. Pending Litigation with Liberty-Dayton Community Hospital.
Gov. Code §551.071.

At 8:46 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized by Gov. Code §551.071.

3. Reconvene into Regular Session

At 9.05 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Consider and take action, if any, on pending litigation with Liberty-Dayton Community Hospital.

There was no action taken.

IX. COUNCIL MEAL

Council shared an evening meal.

X. ADJOURNMENT

Motion To: Adjourn

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

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary