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, May 13, 2008 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on May 13, 2008 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:00 PM by.

There are eight names on the Roll Call for this meeting due to newly elected officials taking office and the outgoing members stepping down.

II. INVOCATION

Leanna Moreno, Liberty High School Student.

III. PLEDGE OF ALLEGIANCE

Laura Hernandez, Liberty High School Student.

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.

V. ITEMS OF INTEREST

There were no items of interest for this meeting.

A. Miscellaneous Correspondence

VI. PRESENTATIONS / REPORTS

1. Information Item 2008-16

Geraldine D. Humphreys Cultural Center Expansion Project

COMMENTS - Current Meeting:

Architect Richard Edwards presented a slide show and update of the progress and plans for the Geraldine D. Humpheys Cultural Center Expansion Project.

2. Information Item 2008-17

Texas Water Development Board Project

COMMENTS - Current Meeting:

Mr. Steve Jordan P.E,, Schaumburg & Polk, Inc, gave the Council an update on the progress and financials for the Texas Water Development Board clean Water State Revolving Fund Project.

ATTACHMENTS:

- Attachment #1 - 4_29_08StatuswithFinancials (PDF)

3. Information Item 2008-18

Recycling Report

COMMENTS - Current Meeting:

This item was passed on.

4. Information Item 2008-19

Financial Report

COMMENTS - Current Meeting:

Finance Director Naomi Herrington provided, to Council, a brief overview of the current financial report.

5. Information Item 2008-20

Tree Trimming Report

COMMENTS - Current Meeting:

Electrical Superintendent Randy Wiggins addressed Council regarding an upcoming tree trimming project and price quote of $36,492.10, from Trees, Inc. for trimming around the city's main feeders. This project should be take approximately six weeks to complete.

Mr. Wiggins also reported that he is discussing with Nowlin & Associates, the city's electrical engineers, the possibility of an electric infrastructure evaluation.

ATTACHMENTS:

- Attachment #2 - TREES INC (PDF)

6. Information Item 2008-21

Digital Billboards

COMMENTS - Current Meeting:

City Manager Ron Wood addressed Council regarding new TXDOT rules regarding placement of digital billboards in cities. Mr. Wood stated that a resolution would be put before the Council, at the next meeting, regarding this issue.

ATTACHMENTS:

- Attachment #3 - Scenic Texas Digital Billboards (PDF)

7. Information Item 2008-23

Liberty County Hospital District No. 1

COMMENTS - Current Meeting:

Liberty County Hospital District No. 1 President Bruce Stratton addressed the council regarding Liberty-Dayton Community Hospital's current status regarding change of ownership and the District's position of providing funds to this entity.

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.

A. Minutes Approval

1. Tuesday, April 08, 2008

VIII. REGULAR AGENDA

At this time, Mayor Pickett gave Councilperson McGuire a plaque recognizing him for his service on the City Council and his service to the community. Councilperson McGuire had chosen not to run in the May 10th election, therefore stepping down from his position.

A. Regular Session

1. Resolution 2008-11

Canvass Returns of the City of Liberty General Election Held on May 10, 2008 and Take Action on Resolution for Same.

COMMENTS - Current Meeting:

A Resolution was presented to Council regarding the official canvass of the May 10, 2008 General Election. Council voted to approve the Resolution declaring the following individuals elected to office:

Mayor - Carl Pickett

Council Members - Mike McCarty, Louie Potetz, and Frank Jordan

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

2. Resolution 2008-12

Canvass Returns of the City of Liberty Special Election Held on May 10, 2008 and Take Action on Resolution for Same.

COMMENTS - Current Meeting:

A Resolution was presented to Council regarding the official canvass of the May 10, 2008 Special Election. Council voted to approve the Resolution declaring the following propositions regarding changes to the City's Home Rule Charter, approved by the voters:

Proposition #1

Section 3.02 Qualifications

Proposition #2

Section 3.05 Vacancies

Proposition #3

Section 3.09 Rules of Procedure

Proposition 34

Section 3.11 Official Bonds for City Employees

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

3. Information Item 2008-22

Oath of Office to be Administered to Newly Elected Officials.

COMMENTS - Current Meeting:

Municipal Court Judge Bobby Rader issued the Oath of Office to the newly elected officials and congratulated them on their election.

4. Council Action 2008-7

Elect a Mayor Pro Tem.

COMMENTS - Current Meeting:

Council voted to to re-elect Councilperson McCarty as Mayor Pro Tem, to perform the duties of the Mayor in his absence or disability.

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

5. Ordinance 2008-5

Consider an Ordinance Ordering Adoption of the Charter Amendments Approved by the Voters in the May 10, 2008 Special Election.

COMMENTS - Current Meeting:

This ordinance formally adopts the charter amendments voted upon, and passed by the qualified voters of the City. Those amendments are changes to the following sections of the charter:

Proposition #1

Section 3.02 Qualifications

Proposition #2

Section 3.05 Vacancies

Proposition #3

Section 3.09 Rules of Procedure

Proposition 34

Section 3.11 Official Bonds for City Employees

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

6. Council Action 2008-8

Consider Approval of Compensation to be Paid to the Election Officials for the May 10, 2008 General and Special Elections.

COMMENTS - Current Meeting:

Council voted to approve compensation to the election officials for the May 10, 2008 General and Special Elections, in the amount of $1223.50.

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

7. Council Action 2008-9

Consider Approval of Schaumburg & Polk Task Order on Audit of Hardin & Ames Wastewater Agreements.

COMMENTS - Current Meeting:

Steve Jordan, Schaumburg & Polk, Inc., addressed Council regarding Task Order No. 6, an audit of the Hardin & Ames Wastewater Contracts. This order will provide a detailed report concerning each city's compliance with the provisions of their respective agreements. The estimated cost of this audit is $6000.00.

ATTACHMENTS:

- Attachment #4 - Task Order 6 Hardin Ames Audit (PDF)

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

8. Council Action 2008-10

Consider Approval of the Proposed Preliminary Plat of the Love Subdivision Located on Hwy. 146 North.

COMMENTS - Current Meeting:

Council approved the preliminary plat of the Love Subdivision on Hwy. 146 North. Mr. Love's plat reflects a subdivision of his property in order to acquire a building permit to construct a new home; as there is currently a single family dwelling located on this property.

ATTACHMENTS:

- Attachment #5 - Love Plat (PDF)
- Attachment #6 - Love Subdivision (TIF)

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

9. Council Action 2008-11

Consider Approval of Proposals Received for Medical & Dental Insurance.

COMMENTS - Current Meeting:

Mr. Jim Hall was present to review, with Council, proposals received for medical and dental insurance. Council voted to renew with TriSurant, with the recommended benefit changes as follows:

1. Adopt over the counter medications with a $5 co-pay for specific medications.
2. Adopt treatment guidelines for morbid obesity.
3. Increase orthodontia lifetime maximum from $1000 to $2000.
4. Increase dental annual maximum from $1000 to $1500.
5. Change the payroll deduction from a percentage of pay to a percentage of the premiums, to include single employees, with no dependents, who previously received their insurance at no cost.

Also discussed for future consideration is an Onsite Clinic in conjunction with Liberty County.

ATTACHMENTS:

- Attachment #7 - City of Liberty Group review 6-1-2008 (XLS)
- Attachment #8 - City of Liberty Group Suggestions 6-1-2008 (DOC)

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

10. Council Action 2008-12

Consider Approval of Proposals Received for Group Life Insurance.

COMMENTS - Current Meeting:

Mr. Jim Hall was present to review, with Council, proposals received for life insurance. Council voted to accept the proposal from Ft. Dearborn. The city's life insurance is for two times the employee's annual salary.

ATTACHMENTS:

- Attachment #9 - City of Liberty Group review 6-1-2008 (XLS)
- Attachment #10 - City of Liberty Group Suggestions 6-1-2008 (DOC)

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

11. Council Action 2008-13

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

COMMENTS - Current Meeting:

Council voted to approve the Interlocal Agreement with Liberty County for the maintenance of streets, roads, ditches and recreational areas; with the provision that a request for assistance be requested and approved by the City Manager and the County Judge.

ATTACHMENTS:

- Attachment #11 - Interlocal Agreement with Liberty County Precinct 1 (PDF)

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

12. Council Action 2008-14

Consider Appointments to the Planning and Zoning Commission.

COMMENTS - Current Meeting:

Council voted to reappoint Shelli Ellerbe and David Arnold to the Planning and Zoning Commission. These are three-year terms which will expire in May of 2011.

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

13. Council Action 2008-15

Consider Appointments to the Liberty Community Development Corporation Board of Directors.

COMMENTS - Current Meeting:

Council voted to reappoint Billy Page, Dennis Beasley, Louie Potetz, and Mike Van Etta to the Liberty Community Development Corporation Board of Directors, for additional two-year terms.

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

14. Council Action 2008-16

Consider Setting the Date, Time and Location for a City Council and Staff Workshop to Set Goals, Objectives and Action Plans.

COMMENTS - Current Meeting:

Council voted to conduct its annual Goals and Objectives Workshop on Tuesday and Wednesday, June 17 & 18, 2008 in the upstairs meeting room of the Municipal Library, at 6:00 p.m. This workshop allows Council the opportunity to develop goals, objectives, and action plans for the upcoming year.

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

B. Executive Session

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

At 8:32 p.m. Mayor Pickett closed the open meeting and opened the Executive Session, as authorized by Gov. Code §551.071 for discussion of pending litigation with Liberty-Dayton Community Hospital.

C. Reconvene into Regular Session

At 9:44 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

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

COMMENTS - Current Meeting:

Council voted to enact a cut-off date of 5:30 p.m. on May 26, 2008, to remove power, and all other utilities, from Liberty-Dayton Community Hospital, if the amount due, at that time, is not paid in full.

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

IX. COUNCIL MEAL

Council shared an evening meal.

X. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 9:45 p.m.

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

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary