# 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 10, 2008** | **6:00 PM** | **City Council Chambers**

## I. CALL TO ORDER

The Meeting was called to order on June 10, 2008 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:10 PM by Mayor Carl Pickett.

## II. INVOCATION

Mark McClelland, Liberty County Tax Assessor-Collector

## III. PLEDGE OF ALLEGIANCE

Sara Reiss, daughter of city employee, April Reiss

## 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.

1. Fire Chief Fred Collins reported on the department's recent fundraiser in which they collected approximately $4500.00.
2. Mayor Pickett remarked on the monthly radio program attended by Water & Wastewater Supt., Earl McCreight and commended him for an excellent program.
3. Mayor Pickett reminded Council Members to keep their microphones turned on so that the recording of the meeting is of good quality.

## V. PRESENTATIONS / REPORTS

### 1. Information Item 2008-25

Neighborhood Services

**COMMENTS - Current Meeting:**

Robbie Hood, Neighborhood Services, was unable to attend the meeting, due to a family emergency, to report on activities in the Neighborhood Services Department.

### 2. Information Item 2008-26

Recycling Report

**COMMENTS - Current Meeting:**

Councilperson Huddleston reported on the city's activities regarding proposed recycling efforts, including grants, recycling bags to be distributed to the citizens in the near future, and a tire disposal event scheduled for Saturday, September 20, 2008. Councilperson Huddleston also reported that Waste Management representative, Terry Woodson, would be present at the July council meeting to discuss various option for recycling (containers, curb-side costs, etc).

**3. Information Item 2008-27**

Financial Report

**COMMENTS - Current Meeting:**

Finance Director Naomi Herrington discussed with Council the May, 2008 financial report.

# VI. 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, May 13, 2008

**2.** Tuesday, May 20, 2008

**3.** Tuesday, May 27, 2008

# VII. REGULAR AGENDA

### *A. Regular Session*

**1. Council Action 2008-18**

Consider Approval of a Bid Received for Tax Resale Property.

**COMMENTS - Current Meeting:**

Mark McClelland, Liberty County Tax Assessor-Collector was present to report on tax resale properties. These properties were taken into trust in the early 90's; Liberty ISD being the lead plaintiff. Mr. Lewis Hawthorne has put in a bid for these properties in the amount of 70-75% of the appraised value; the amount bid being less than the court costs and taxes due. All funds received for the properties will go to court costs. None of the taxing entities will recover any tax dollars; however it does get these properties back on the tax roll.

According to the Property Tax Code, if property is resold at private sale, the taxing units giving up tax dollars must give their approval for the sale.

**ATTACHMENTS:**

- Attachment #1 - Resale Tax Property June 08 (PDF)

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

**2. Council Action 2008-19**

Consider Approval of the Final Plat of the Love Subdivision.

**COMMENTS - Current Meeting:**

Mr. Love has presented a final plat for the subdivision of his property described as the B.W. Hardin Survey, Tract 13. Mr. Love subdivided his property in order to make a distinction between property for construction of a new home, and property where an existing dwelling is currently located. The preliminary plat was presented to Council at the May, 2008 meeting.

**ATTACHMENTS:**

- Attachment #2 - Love Final Plat(HTM)

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

## 3. Council Action 2008-20

Consider Approval of the Final Plat of the Oldham Subdivsion.

**COMMENTS - Current Meeting:**

Mr. Oldham presented a plat for subdivision of his property described as the Slay Strip, Lot Tract 13, cut out of the George Orr League, Abstract 91. Mr. Oldham was required to subdivide his property in order to place a commercial building on the back of his property, as an existing family is currently dwelling on the front portion. This plat was presented through the short form plat process.

**ATTACHMENTS:**

- Attachment #3 - Oldham Final Plat (PDF)
- Attachment #4 - Oldham Subdivision Documentation (TIF)

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| **RESULT:** | **APPROVED [6 TO 0]** |
| **MOVER:** | Louie Potetz, Councilperson |
| **SECONDER:** | Mike McCarty, Mayor Pro-Tem |
| **AYES:** | Pickett, Beasley, McCarty, Simonson, Potetz, Jordan |
| **ABSTAIN:** | Diane Huddleston |

## 4. Council Action 2008-21

Consider Lease Agreements Submitted for the Lease of City Property Located at 512 Hwy. 90.

**COMMENTS - Current Meeting:**

The City received proposals from Key Energy and Wedge Well Service for the lease of the city's property located at 512 Hwy. 90. After lengthy discussion and comments from each proposer, each was given time to make a final written proposal for an amount they were willing to expend for a monthly lease on this property. Written amounts were submitted as follows: 1)Wedge Well Service - $4,750.00 and 2) Key Energy - $10,001.00. The motion was made to accept a 5-year Lease Agreement with Key Energy for $10,001.00 per month, with the following changes:

1. The renewal clause in Paragraph 1 of the lease agreement will be removed.
2. The language in Paragraph 4 regarding storage of equipment not in use will be amended.

The funds from the lease of this property directly benefit the Liberty Municipal Library.

**ATTACHMENTS:**

- Attachment #5 - Hwy 90 Property Key (PDF)
- Attachment #6 - Hwy 90 Property Wedge (PDF)

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

### 5. Council Action 2008-22

Consider the Appointment of Mr. Dale Clawson to the Airport Advisory Board.

**COMMENTS - Current Meeting:**

The Airport Advisory Board is comprised of seven members. With the resignation of a previous member, the board has been operating with only six members. The Airport Advisory Board members requested the appointment of Mr. Dale Clawson.

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

### 6. Council Action 2008-23

Consider Approval of a Contract with Trees, Inc. for Tree Trimming Services of the City's Electric System.

**COMMENTS - Current Meeting:**

This contract provides clear cut clearance of 5 feet around distribution electrical lines within the City of Liberty. This contract is for a flat-rate per hour, depending on the type of crew used; invoices will be submitted to the city monthly. Electrical Superintendent Randy Wiggins stated that his budget will allow this contract to carry through to the end of September.

**ATTACHMENTS:**

- Attachment #7 - Trees Inc Agreement (PDF)
- Attachment #8 - Trees Inc Letter (PDF)

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

### 7. Council Action 2008-24

Consider Proposal, from Nowlin & Associates, Inc. for Evaluation of the City's Electric System.

**COMMENTS - Current Meeting:**

Nowlin & Associates, Inc. submitted a proposal for an evaluation of the electric system operated by the City of Liberty. The evaluation includes a review of system mapping, electric department staffing, routine maintenance, and new construction ordinances. The fee for this project will not exceed $14,000.00.

**ATTACHMENTS:**

- Attachment #9 - NOWLIN ASSOCIATES Proposal (PDF)

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

### 8. Council Action 2008-25

Consider Appointments to Fill the Alternate Positions on the Planning & Zoning Commission.

**COMMENTS - Current Meeting:**

City Charter states that Council may appoint two (2) additional members who shall be designated as alternate members, in case any regular member is absent or unable to serve. The motion was made to appoint Mr. Paul Damek as an alternate member of the Planning & Zoning Commission.

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

### 9. Information Item 2008-28

Annual Review and Update of the Community Development Capital Improvement Program.

**COMMENTS - Current Meeting:**

This item was tabled until a later date.

### 10. Council Action 2008-26

Consider an Amendment to the Liberty Community Development Corporation Budget for Fiscal Year 07-08.

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| **RESULT:** | **TABLED [UNANIMOUS]** | **Next: 7/8/2008 6:00 PM** |
| **MOVER:** | Diane Huddleston, Councilperson | |
| **SECONDER:** | Mike McCarty, Mayor Pro-Tem | |
| **AYES:** | Pickett, Beasley, Huddleston, McCarty, Simonson, Potetz, Jordan | |

### 11. Council Action 2008-27

Consider Approval of the Liberty Community Development Corporation Budget for Fiscal Year 08-09.

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| **RESULT:** | **TABLED [UNANIMOUS]** | **Next: 7/8/2008 6:00 PM** |
| **MOVER:** | Diane Huddleston, Councilperson | |
| **SECONDER:** | Mike McCarty, Mayor Pro-Tem | |
| **AYES:** | Pickett, Beasley, Huddleston, McCarty, Simonson, Potetz, Jordan | |

### *B. Executive Session*

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

At 7:37 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized by Gov. Code §551.071 regarding litigation with Liberty-Dayton Community

Hospital.

### *C. Reconvene into Regular Session*

At 8:55 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

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

**COMMENTS - Current Meeting:**

Motion was made that the City move forward with the security agreements offered by the Hospital and that the Mayor be authorized to execute such security and trust agreements to secure money owed to the City.

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

## VIII. COUNCIL MEAL

The Council shared an evening meal.

## IX. ADJOURNMENT

**Motion To:** Adjourn

**COMMENTS - Current Meeting:**

There being no further business before the Council, the meeting was adjourned at 8:56 p.m.

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Louie Potetz, Councilperson |
| **SECONDER:** | Al Simonson, 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