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, July 8, 2008 | **6:00 PM** | **City Council Chambers**

I. INVOCATION

With all members of the Council present, Mayor Pickett called the meeting to order at 6:03 p.m. and Pastor Jay Barnes, First United Methodist Church, Liberty gave the Invocation.

II. PLEDGE OF ALLEGIANCE

Pastor Jay Barnes, First United Methodist Church of Liberty

III. 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 special called meetings of the City Council held on July 14 and July 22, 2008.

Mayor Pickett also commented that David Fisher, husband of city employee Melody Fisher, previously on the heart transplant list, had received his new heart and was doing well.

IV. MISCELLANEOUS COMMUNICATION

1. Information Item 2008-30

Comcast Cable

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported on correspondence from Comcast Cable regarding efforts to fulfill customer demand for additional High Definition programming and advanced digital services.

ATTACHMENTS:

- Attachment #1 - Comcast Communication (PDF)

V. PRESENTATIONS / REPORTS

1. Information Item 2008-31

Recycling - Terry Woodson, Waste Management

COMMENTS - Current Meeting:

Terry Woodson, Municipal Marketing Manager for Waste Management, Inc. made a presentation on the various options for recycling, and encouraged the Council to "Think Green". Discussed was curbside recycling, single-stream recycling, drop-off facilities, recyclable products, and other related issues. Ms. Woodson will prepare written proposals for manned and unmanned drop-off facilities and also for curbside recycling.

2. Information Item 2008-32

June 2008 Utility Aging Report

COMMENTS - Current Meeting:

Finance Director Naomi Herrington was present to report on the amount of, and reasons for, utility accounts that are in arrears.

ATTACHMENTS:

- Attachment #2 - June aging report (PDF)

3. Information Item 2008-33

Proposed Keystone XL Pipeline Project

COMMENTS - Current Meeting:

Mr. Ken Murchy, TransCanada, made a presentation regarding the proposed Keystone XL Pipeline Project, which would route through Liberty County. This project is a crude oil pipeline originating in Canada and extending south to serve markets on the Gulf Coast in Texas. Mr Murchy reported on the design and construction, maintenance, and project timeline, with the completion date targeted for 2011. The proposed 1,980 mile pipeline project is a partnership between TransCanada and ConocoPhillips.

4. Information Item 2008-34

TML Annual Conference

COMMENTS - Current Meeting:

Mayor Pickett reported on the Texas Municipal League Annual Conference to be held in San Antonio on October 28-31, 2008 and encouraged the Council Members to attend.

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, June 10, 2008

2. Wednesday, June 11, 2008

3. Tuesday, June 17, 2008

4. Wednesday, June 18, 2008

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2008-31

Consider Approval of the Final Plat of the Amended Brooklyn Subdivision, Located at the Corner of Cos and Austin.

COMMENTS - Current Meeting:

Mr. Frank Davis purchased an additional strip of undeveloped land on the south side of the two lots of the Brooklyn Subdivision, located at Cos and Austin Streets. This additional property, to be included as part of the two original lots, extends the back property line to enlarge both of these lots.

A motion was made to approve the Final Plat of the Amended Brooklyn Subdivision.

ATTACHMENTS:

- Attachment #3 - Amended Brooklyn Subdivision (PDF)

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

2. Council Action 2008-32

Consider Approval of a Variance Request from the Size Requirement of the One-Time Change Out of a Manufactured Home, as Established in Ordinance No. 906.

COMMENTS - Current Meeting:

Mrs. Jean Hylton addressed Council regarding her request for a variance from the size requirement of the one-time change out of a manufactured home, as established in Ordinance No. 906. The ordinance states the replacement must be at least 24' in width and no more than three model years of age older than the current model year, and must be placed on a concrete foundation.

The Hyltons wish to replace the old manufactured home located at 1604 Browning with a new 16X24' model home. This home is to be used as the parsonage for Dayspring Church. Mrs. Hylton stated they could not place a wider manufactured home in that location as it would interfere with the parking during service times.

A motion was made to approve the variance request.

ATTACHMENTS:

- Attachment #4 - Hylton Variance Request (PDF)

RESULT:	**APPROVED [5 TO 2]**
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Frank Jordan, Councilman
AYES:	Beasley, Huddleston, Simonson, Potetz, Jordan
NAYS:	Carl Pickett, Mike McCarty

3. Council Action 2008-33

Consider Approval of a Public Safety Interoperable Communications (PSIC) Grant.

COMMENTS - Current Meeting:

Fire Chief Fred Collins reported that the city had been approved for a grant through the Department of Homeland Security, to cover the cost of a new radio console. This Public Safety Interoperable Communications Grant Program award is $5600 with a local match requirement of $1400 for a total project amount of $7000.

Only the Fire & EMS Departments will be dispatched through this console; as the Police Department has a separate console. At one time, all three departments were on the same console causing intereference with communication. Separate consoles will allow the telecommunicator to listen to each of these departments at the same time.

A motion was made to approve the grant, to include the local match of $1400.00.

ATTACHMENTS:

- Attachment #5 - PSIC GRANT INFO (PDF)

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

4. Council Action 2008-34

Consider Approval of an Interlocal Agreement with the City of Longview, Texas for Short-Term Shelter During a Mandatory Evacuation.

COMMENTS - Current Meeting:

This agreement addresses provisions for the short-term shelter of Liberty's special needs population during a mandatory evacuation. These individuals will be loaded on buses, taken to Longview, Texas where they will be housed for the length of the disaster, along with their pets.

A motion was made to approve the Interlocal Agreement with the City of Longview.

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

5. Information Item 2008-35

Public Hearing on the 2007 Drinking Water Quality Report.

COMMENTS - Current Meeting:

Mayor Pickett opened the Public Hearing on the 2007 Water Quality Report. Earl McCreight, Water & Wastewater Supt., was present to discuss this document and answer questions. Mr. McCreight reported the city's drinking water contains few contaminants, none higher than the EPA allows, resulting once again in a superior rating from the Texas Commission on Environmental Quality. Mayor Pickett closed the Public Hearing.

ATTACHMENTS:

- Attachment #6 - 2007 Drinking Water Quality Report (PDF)

6. Resolution 2008-14

Consider Approval of a Resolution Requesting Federal Capital Improvement Funds from the Texas Department of Transportation Aviation Division and Authorizing the City Manager to Execute All Related Documents.

COMMENTS - Current Meeting:

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

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, REQUESTING FEDERAL CAPITAL IMPROVEMENT PROGRAM FUNDS FROM THE TEXAS DEPARTMENT OF TRANSPORTATION AVIATION DIVISION FOR IMPROVEMENTS TO THE LIBERTY MUNICIPAL AIRPORT."

This resolution requests Federal Capital Improvement Program Funds from the Texas Department of Transportation, Aviation Division and will be used for planning, engineering, rehabilitation, and construction of runway, taxiway, and terminal areas. Total project cost is $1,050,000 with the City responsible for 10% of the cost, estimated to be $105,000.

A motion was made to approve the Resolution and authorize the City Manager to execute all related documents.

ATTACHMENTS:

- Attachment #7 - Airport CIP Project Breakdown (PDF)
- Attachment #8 - Certification of Project Funds (PDF)
- Attachment #9 - Designation of Authorized Representative (PDF)
- Attachment #10 - Designation of Sponsor's Consultant Selection Committee (PDF)

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

7. Council Action 2008-35

Consider Approval of Amendment No. 3 to the Project Agreement for the City of Liberty, Emergency Watershed Program Project.

COMMENTS - Current Meeting:

This amendment reflects that additional rock riprap is required at the project site. There will be no cost to the city. This will increase the National Resources Conservation Service cost share by $150,000.

A motion was made to approve the Amendment No. 3 to the EWP Project.

ATTACHMENTS:

- Attachment #11 - Amendment No. 3 EWP Project (PDF)

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

8. Resolution 2008-15

Consider Approval of a Resolution Electing to Participate in the Tax Abatement Program Under Texas Tax Code 312.

COMMENTS - Current Meeting:

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

"A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, ELECTING TO PARTICIPATE IN THE TAX ABATEMENT PROGRAM UNDER TEXAS TAX CODE 312."

This Resolution confirms the city's decision to participate in the Tax Abatement Program under Chapter 312 of the Texas Tax Code.

Council voted to approve the Resolution authorizing participation in thIs program.

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

9. Resolution 2008-16

Consider Approval of a Resolution Adopting Guidelines and Criteria for Tax Abatement.

COMMENTS - Current Meeting:

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

"A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, ADOPTING GUIDELINES AND CRITERIA FOR TAX ABATEMENT."

This resolution approves the adoption of the proposed tax abatement guidelines and criteria. Tax abatement criteria have a statutory expiration of two years.

A motion was made to approve the Resolution.

ATTACHMENTS:

- Attachment #12 - Tax Abatement Guidelines and Criteria 2008 (DOC)

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

10. Resolution 2008-17

Consider Approval of a Resolution Indicating Intent to Enter into a Tax Abatement Agreement with Boomerang Tube, LLC.

COMMENTS - Current Meeting:

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

"A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, INDICATING ITS INTENT TO ENTER INTO A TAX ABATEMENT AGREEMENT WITH BOOMERANG TUBE, LLC."

A motion was made to approve the Resolution reflecting the city's intent to enter into a tax abatement agreement with prospective new business Boomerang Tube LLC.

ATTACHMENTS:

- Attachment #13 - PROPOSED TAX ABATEMENT SCHEDULE put with Intent Resolution (DOC)

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

B. Executive Session

Personnel Matters. Evaluation of the City Manager. Gov. Code §551.074.

At 8:30 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized by Gov. Code §551.074 for discussion of the City Manager's evaluation.

At 10:02 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting. There was no action taken.

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 10:02 p.m.

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