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

I. CALL TO ORDER

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

II. INVOCATION

Randy Gunter, City Attorney

III. PLEDGE OF ALLEGIANCE

John J. Hebert, Port Commission

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.

Mr. John Hebert gave a brief slide show of Emergency Watershed Protection Project recently completed at the Port of Liberty. Mr. Hebert thanked the city for its assistance in bringing this project to fruition.

Mayor Pickett reported there would be several special called meetings of the City Council on the following dates: August 19, August 26, and September 2; followed by the regular monthly meeting on September 9, 2008.

IV. ITEMS OF INTEREST

A. Miscellaneous Correspondence

1. Information Item 2008-37

Texas Municipal League Annual Conference

COMMENTS - Current Meeting:

Mayor Pickett reminded the Council of the Texas Municipal League Annual Conference to be held in San Antonio, October 28-31, 2008.

V. PRESENTATIONS / REPORTS

1. Information Item 2008-39

Recycling Report

COMMENTS - Current Meeting:

Councilperson Huddleston reported on the city's proposed recycling efforts and that proposals for various recycling options were being prepared by Terry Woodson, Municipal Marketing Manager. Those options include a drop-off facility and single source recycling.

Councilperson Huddleston also reportedd on Tire Recycle Day to be held on Saturday, September 20 at the John Hebert Chevron Distributorship from 9 a.m.-3 p.m.

2. Information Item 2008-40

Financial Report

COMMENTS - Current Meeting:

Finance Director Naomi Herrington was present to discuss with Council the current 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, July 08, 2008

2. Monday, July 14, 2008

3. Tuesday, July 22, 2008

4. Monday, August 04, 2008

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2008-44

Consider Providing Financial Assistance to the Spay-Neuter Assistance Program.

COMMENTS - Current Meeting:

Ms. Susan Lamb of the Spay-Neuter Assistance Program addressed Council regarding the need for the mobile spay-neuter clinic in this community. Ms. Lamb explained that the program originated in Harris County and has been operating in Liberty County since September, 2007. This SNAP program is subsidized by a grant from the State of Texas, which does not cover indirect expenses incurred by the services provided to our community. Ms. Lamb requested financial assistance in the amount of $3000.00 for one year. City Attorney Randy Gunter stated there is a public purpose that includes the reduction in the stray animal population, health benefits to the City, and the reduction in costs to animal control activities. Mr. Gunter also stated that SNAP's commitment to being in the City of Liberty, at least once a month, is reasonable compensation in consideration of payment for services rendered.

A motion was made to provide the $3000 to SNAP on a contract/consulting basis to animal control. The City and SNAP will engage in a letter of agreement for these services.

ATTACHMENTS:

- Attachment #1 - SNAP Program Letter (PDF)

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

2. Council Action 2008-40

Consider an Appointment to Fill the Second of Two Alternate Positions on the Planning & Zoning Commission.

COMMENTS - Current Meeting:

City Charter allows the appointment of two individuals to serve as alternate members of the Planning & Zoning Commission. One alternate position was recently filled by the appointment of Mr. Paul Damek.

A motion was made to appoint Mr. Mark Campbell to fill the second alternate position on the Planning & Zoning Commission.

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

3. Council Action 2008-41

Consider Replacing Councilperson Potetz on the Community Development Advisory Board.

COMMENTS - Current Meeting:

Motion was made to appoint Councilperson Frank Jordan to replace Councilperson Louie Potetz on the Community Development Advisory Board.

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

4. Council Action 2008-42

Consider Expanding the Community Development Advisory Board Mission Statement to Include Economic Development and Tourism.

COMMENTS - Current Meeting:

Mayor Pickett read the proposed revision of the Community Development Advisory Board Mission Statement into the record as follows:

"The mission of the Community Development Advisory Board is to actively promote and provide a plan of action, leadership and involvement in area economic development, tourism, beautification, enhancement and development of the public land within our community. The mission is further to encourage the city and private sector to work together towards this goal; and to offer any recommendations that might improve the quality of life on our city."

A motion was made to approve the new mission statement.

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

5. Council Action 2008-43

Consider Approval of the Final Replat of Picketville II Subdivision.

COMMENTS - Current Meeting:

A final replat of the Picketville Subdivision was presented under the short-form format. Property owner Martin Sifuentes proposes to subdivide Lot 2 of this subdivision to allow for multiple single family dwellings for future development. This final re-plat was approved by the Planning & Zoning Commission.

A motion was made to approve the final re-plat of the Picketville Subdivision.

ATTACHMENTS:

- Attachment #2 - Picketville Plat (PDF)
- Attachment #3 - Picketville Subdivision (TIF)

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

6. Resolution 2008-19

Consider Adoption of a Resolution to Ratify a Tax Abatement Agreement.

COMMENTS - Current Meeting:

City Council passed a resolution authorizing the execution of a Tax Abatement Agreement with Boomerang Tube, LLC at a special called meeting on July 22, 2008. Questions have arisen to the validity of this action taken at a "special-called meeting". This agenda item allows the Council, at a "regular called meeting" to sanction their previous action.

A motion was made to ratify the Tax Abatement Agreement with Boomerang Tube, LLC.

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

7. Information Item 2008-38

Presentation of the Proposed Budget for Fiscal Year 2008-2009.

COMMENTS - Current Meeting:

City Manager Ron Wood presented to Council the proposed budget for Fiscal Year 2008-2009; briefly reviewing this financial plan for the new fiscal year.

8. Council Action 2008-37

Consider Setting the Date, Time and Location for a Public Hearing on the Proposed Budget for Fiscal Year 2008-2009.

COMMENTS - Current Meeting:

A motion was made to set a public hearing on the proposed budget for Fiscal year 2008-2009 for Tuesday, August 26, 2008, 6:00 p.m., in the City Council Chambers.

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

9. Council Action 2008-38

Consider Approval of the Proposed Tax Rate for Fiscal Year 2008-2009.

COMMENTS - Current Meeting:

City Manager Ron Wood proposed a property tax rate of $0.5900 per $100 valuation. Mr. Wood reported the $0.5900 includes a tax rate of $0.3345 for maintenance and operations and a tax rate of $0.2555 for debt service. Discussion ensued regarding property valuations, additional revenue, and other related topics.

A motion was made to propose a tax rate of $0.5900 per $100 valuation for Fiscal Year 2008-2009.

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

10. Council Action 2008-39

Consider Setting the Date, Time and Location for Public Hearings on the Proposed Tax Rate for Fiscal Year 2008-2009.

COMMENTS - Current Meeting:

The Property Tax Code requires that if a governing body proposes a tax rate that exceeds the effective or rollback rate, two public hearings must be held.

A motion was made to set the two required public hearings on the proposed tax rate for Fiscal year 2008-2009 for Tuesday, August 26, 2008 and September 2, 2008, both at 6:00 p.m., in the City Council Chambers.

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

11. Work Session 2008-3

Budget Work Session.

COMMENTS - Current Meeting:

A lengthy discussion was held regarding the proposed budget for the new fiscal year. City Manager Ron Wood stated this document was a work in progress and reviewed topics to include the Jefferson Street sidewalk program, pay plan and salary increases, lease-purchase of equipment, the Cultural Center Expansion Project, departmental needs, his desire to improve the fund balance in all the funds, and various related issues.

B. Executive Session

Consultation With Attorney. Cause No. CV0800719 Hugo Flores v. The City of Liberty, et al. in the 253rd Judicial District, Liberty County Texas pursuant to Gov. Code §551.071.

At 6:54 p.m., Mayor Pickett closed the open session and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 7:54 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Consider action, if any, on the items as discussed in the Executive Session.

There was no action taken.

VIII. COUNCIL MEAL

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 9:15 p.m.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Louie Potetz, Councilperson
SECONDER:	Frank Jordan, 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