The City of Liberty

City Council

Regular Meeting

~ Agenda ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, September 9, 2008 | **6:00 PM** | **City Council Chambers**

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

This meeting will be called to order on September 9, 2008 at the City Council Chambers, 1829 Sam Houston, Liberty,TX.

Attendee Name	Present	Absent	Late	Arrival
Mayor Carl Pickett	¨	¨	¨	
Councilperson Dennis Beasley	¨	¨	¨	
Councilperson Diane Huddleston	¨	¨	¨	
Mayor Pro-Tem Mike McCarty	¨	¨	¨	
Councilperson Al Simonson	¨	¨	¨	
Councilperson Louie Potetz	¨	¨	¨	
Councilperson Frank Jordan	¨	¨	¨	

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

IV. PRESENTATIONS / REPORTS

1. Information Item 2008-45

Geraldine D. Humphreys Cultural Center Expansion Project

2. Information Item 2008-46

Recycling Report

3. Information Item 2008-47

Financial Report

V. 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, August 12, 2008

2. Tuesday, August 19, 2008

3. Tuesday, August 26, 2008

4. Tuesday, September 02, 2008

VI. REGULAR AGENDA

A. Regular Session

1. Council Action 2008-47

Consider Appointments to the Liberty Municipal Library Board.

2. Resolution 2008-21

Consider a Resolution Regarding an Appointment to the Sam Rayburn Municipal Power Agency Board of Directors.

3. Council Action 2008-48

Consider Co-Sponsorship of the ‘Country Christmas’ Event with the Liberty-Dayton Area Chamber of Commerce.

4. Council Action 2008-49

Consider Appointments to the 2009 Houston-Galveston Area Council General Assembly.

- Attachment #1 - 2009 HGAC General Assembly (PDF)

5. Ordinance 2008-8

Consider an Ordinance Adopting New Water Rates.

FISCAL IMPACT:

This is the second year that the City of Liberty will be raising the base charge on all water connections serviced. As the Council is aware this had to be done in order to finance the $8.1 million TWDB bond issue. Included with the increase in the base charge is another increase in the usage charge so that the fund balance in this account can build.

6. Ordinance 2008-9

Consider an Ordinance Adopting New Sewer Rates.

FISCAL IMPACT:

This is the second year that the City of Liberty will be raising the base charge on all sewer connections serviced. As the Council is aware this had to be done in order to finance the $8.1 million TWDB bond issue. Included with the increase in the base charge is another increase in the usage charge so that the fund balance in this account can build.

7. Ordinance 2008-10

Consider an Ordinance Adopting New Rates Charged by the City of Liberty for Garbage and Rubbish Collection.

8. Ordinance 2008-11

Consider an Ordinance Adopting New Rates Charged by the City of Liberty for Medical Services.

9. Ordinance 2008-12

Consider an Ordiance Amending Ordinance No. 902 Regarding Emergency Response Alarm Systems.

10. Resolution 2008-22

Consider a Resolution Authorizing the Police Department's Support of a Selective Traffic Enforcment Grant (S.T.E.P.) for Speed Limit Enforcement.

11. Ordinance 2008-13

Consider an Ordinance Adopting the Budget for Fiscal Year 2008-2009.

12. Ordinance 2008-14

Consider an Ordinance Amending the Fiscal Year 2008 Budget.

13. Council Action 2008-50

Consider Ratification of the Property Tax Revenue Increase Reflected in the Fiscal Year 2008-2009 Budget.

14. Ordinance 2008-15

Consider an Ordinance Adopting the Tax Rate for Fiscal Year 2008-2009.

15. Ordinance 2008-16

Consider Approval of an Ordinance Regarding Tax Roll Approval and the Tax Levy.

B. Executive Session

Deliberation Regarding Economic Development Negotiation. Gov. Code §551.087
Meeting Concerning Municipally Owned Utility. Gov. Code §551.086

1. Discussion of proposed amendment to the Tax Abatement Agreement with Boomerang Tube, LLC.
2. Discussion of electric rate services for Boomerang Tube, LLC.

Deliberation Regarding Real Property. Gov. Code §551.072

3. Discussion of land acquisition from Union Pacific Railroad.

C. Reconvene into Regular Session

1. Council Action 2008-51

Consider Approval of an Amendment to the Tax Abatement Agreement with Boomerang Tube, LLC.

2. Council Action 2008-52

Consider Approval of Provisions for Electric Services to Boomerang Tube, LLC.

3. Council Action 2008-53

Consider Approval of Land Acquisition from Union Pacific Railroad.

VII. COUNCIL MEAL

VIII. ADJOURNMENT

Motion To: Adjourn

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 5th day of September, 2008 at 3:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

____
Dianne Tidwell, City Secretary

Notice given to The Vindicator, Liberty Gazette, and KSHN Radio.

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the ________ day of ____________________, 2008.

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/09/08 06:00 PM

Department: Library
Category: Presentations

INFORMATION ITEM 2008-45

DOC ID: 1145 A

Geraldine D. Humphreys Cultural Center Expansion Project

EXPLANATION:

Architect Richard Edwards and Jerry Williams will present a color scheme proposal with visuals for the Cultural Center expansion, and will also give a progress report.

Dana Abshier

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/09/08 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM 2008-46

DOC ID: 1173

Recycling Report

EXPLANATION:
Councilperson Huddleston will report on the City's recycling efforts, to include the 'Tire Recycling Day' to be held on Saturday, September 20, 2008. This event will be held at John J. Hebert Distributing, 424 Highway 90, Liberty, from 9 a.m. - 3 p.m.

Dianne Tidwell

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/09/08 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM 2008-47

DOC ID: 1175

Financial Report

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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**

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

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.

Attendee Name	Present	Absent	Late	Arrived
Carl Pickett	þ	¨	¨	
Dennis Beasley	þ	¨	¨	
Diane Huddleston	þ	¨	¨	
Mike McCarty	þ	¨	¨	
Al Simonson	þ	¨	¨	
Louie Potetz	þ	¨	¨	
Frank Jordan	þ	¨	¨	

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

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

2. Monday, July 14, 2008

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

3. Tuesday, July 22, 2008

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

4. Monday, August 04, 2008

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

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

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 7th day of August, 2008 at 3:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

____
Dianne Tidwell, City Secretary

Notice given to The Vindicator, Liberty Gazette, and KSHN Radio.

Minutes Acceptance: Minutes of Aug 12, 2008 6:00 PM (Minutes Approval)

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the ________ day of ____________________, 2008.

The City of Liberty
City Council
Special Called Meeting
~ Minutes ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, August 19, 2008 | **6:00 PM** | **City Council Chambers**

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

The Meeting was called to order on August 19, 2008 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:02 PM by Mayor Carl Pickett.

Attendee Name	Present	Absent	Late	Arrived
Carl Pickett	þ	¨	¨	
Dennis Beasley	þ	¨	¨	
Diane Huddleston	þ	¨	¨	
Mike McCarty	þ	¨	¨	
Al Simonson	þ	¨	¨	
Louie Potetz	þ	¨	¨	
Frank Jordan	¨	þ	¨	

II. INVOCATION

Mayor Pickett dispensed with the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pickett dispensed with the Pledge.

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

V. REGULAR AGENDA

A. Executive Session

Meeting Concerning Municipally Owned Utility. Gov. Code §551.086.
Deliberation Regarding Economic Development Negotiation. Gov. Code §551.087.

1. Deliberate the offer of a financial or other incentive to a business prospect.

Deliberation Regarding Real Property. Gov. Code §551.072

2. Discussion of land acquisition from Union Pacific Railroad.

At 6:05 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

B. Reconvene into Regular Session

At 8:21 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

There was no action taken on the items discussed in the Executive Session.

C. Budget Work Session

A work session was held on the proposed budget for Fiscal Year 2008-2009. Lengthy discussion ensued regarding revenues, expenditures, capital items, options for cutting expenses to increase the fund balance, EMS rates, charges for false alarm calls, the Cultural Center Expansion Project, and numerous related topics.

VI. COUNCIL MEAL

Council shared an evening meal.

VII. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 9:24 p.m.

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

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 14th day of August, 2008 at 3:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

____
Dianne Tidwell, City Secretary

Notice given to The Vindicator, Liberty Gazette, and KSHN Radio.

NOTICE

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Minutes Acceptance: Minutes of Aug 19, 2008 6:00 PM (Minutes Approval) persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the ________ day of ____________________, 2008.

The City of Liberty

City Council

Special Called Meeting

~ Minutes ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, August 26, 2008 | **6:00 PM** | **City Council Chambers**

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

The Meeting was called to order on August 26, 2008 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:15 PM by Mayor Carl Pickett.

Attendee Name	Present	Absent	Late	Arrived
Carl Pickett	þ	¨	¨	
Dennis Beasley	þ	¨	¨	
Diane Huddleston	þ	¨	¨	
Mike McCarty	þ	¨	¨	
Al Simonson	þ	¨	¨	
Louie Potetz	þ	¨	¨	
Frank Jordan	¨	þ	¨	

II. INVOCATION

Mayor Pickett dispensed with the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pickett dispensed with the Pledge.

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. REGULAR AGENDA

A. Regular Session

1. Work Session 2008-4

Budget Work Session.

COMMENTS - Current Meeting:

A work session was held on the proposed budget for Fiscal Year 2008-2009. City Manager Ron Wood and Finance Director Naomi Herrington reviewed the various funds and changes made to this document since the previous work session on August 19.

2. Information Item 2008-41

Public Hearing on the Proposed Budget for Fiscal Year 2008-2009.

COMMENTS - Current Meeting:

At 8:14 p.m., Mayor Pickett opened the Public Hearing on the proposed Fiscal Year 2008-2009 budget. After further review of various budget related issues, the Public Hearing was closed at 8:27 p.m.

3. Information Item 2008-42

Public Hearing on the Proposed Tax Rate for Fiscal Year 2008-2009.

COMMENTS - Current Meeting:

At 8:28 p.m., Mayor Pickett opened the first public hearing on the proposed tax rate for Fiscal Year 2008-2009. City Manager Ron Wood reported that the proposed rate is $0.5900; which includes a rate of $0.3345 for maintenance and operations and $0.2555 for debt service. After brief discussion, Mayor Pickett closed the Public Hearing at 8:30 p.m.

4. Council Action 2008-45

Consider Postponement of Final Vote on the Fiscal Year 2008-2009 Budget Until September 9, 2008.

COMMENTS - Current Meeting:

At the conclusion of the public hearing, the governing body shall take action on the proposed budget. If the budget is not adopted at the same meeting as the public hearing, the Council must take action to postpone adoption until a later date (LGC §102.007).

A motion was made to postpone the final vote on adoption of the Fiscal Year 2008-2009 budget until September 9, 2008.

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

VI. COUNCIL MEAL

There was no evening meal.

VII. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 8:30 p.m.

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

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 21st day of August, 2008 at 4:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

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Dianne Tidwell, City Secretary

Notice given to The Vindicator, Liberty Gazette, and KSHN Radio.

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the ________ day of ____________________, 2008.

The City of Liberty
City Council
Special Called Meeting
~ Minutes ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, September 2, 2008 | **6:00 PM** | **City Council Chambers**

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

The Meeting was called to order on September 2, 2008 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:00 PM by.

Attendee Name	Present	Absent	Late	Arrived
Carl Pickett	þ	¨	¨	
Dennis Beasley	þ	¨	¨	
Diane Huddleston	þ	¨	¨	
Mike McCarty	þ	¨	¨	
Al Simonson	þ	¨	¨	
Louie Potetz	þ	¨	¨	
Frank Jordan	¨	þ	¨	

II. INVOCATION

Mayor Pickett dispensed with the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pickett dispensed with the Pledge.

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.

Mr. Kenny Weaver, Commander, Chambers-Liberty Narcotics Task Force addressed the Council, stating that the State will be disbanding the Task Force December 31st after twenty years of service to this community. Mr. Weaver reported Sheriff Greg Arthur is organizing a task force which will be comprised of three individuals from the Sheriff's Department and one individual from the City of Dayton. Mr. Weaver asked that the Council consider placing someone to serve on the new "special crimes unit".

Mayor Pickett thanked Fire Chief Fred Collins and Police Chief Mike Cummings for their work during the impending hurricane and expressed his appreciation for the cooperation of all the entities in working together.

V. Presentations/Reports

1. Information Item 2008-43

Texas Water Development Board Project Update

COMMENTS - Current Meeting:

Mr. Steve Jordan, Project Manager, Schaumburg & Polk, Inc. was present to update the Council on the progress of the $8.1 Million Dollar Water Development Board Project.

Mr. Jordan reported on the 2-part project; the collection system and the wastewater treatment plant. Mr. Jordan stated the WWTP portion has been approved and is currently in the design phase. The field work on the collection system is complete, and further discussed flow monitoring and a hydraulic analysis of the system. The goal is to get the sewer system up to par and satisfy the Texas Commission on Environmental Quality. Mr. Jordan reported that this project is in a state of planning and design and that there has only been approximately $200,000 expended at this time. Mr. Jordan will return to a future meeting, as the project progresses, with a detailed list of expenditures.

VI. REGULAR AGENDA

A. Regular Session

1. Council Action 2008-46

Consider Approval of an Agreement Between the Texas Commission on Environmental Quality and the City of Liberty Regarding the Sanitary Sewer Overflow Initiative to Rehabilitate the Wastewater Collection System.

COMMENTS - Current Meeting:

This agreement is in regard to the Sanitary Sewer Overflow Initiative, a program of the Texas Commission on Environmental Quality, in which the City has addressed to TCEQ the deficiencies in its system and the City's plan to resolve these deficiencies over the next ten years.

This agreement lists the deficiencies as reviewed by TCEQ and the action or technical requirements necessary to correct these deficiencies.

A motion was made to approve the execution of this document.

ATTACHMENTS:

- Attachment #1 - TCEQ Agreement SSOI (PDF)
- Attachment #2 - TCEQ Ltr Agreement SSOI (PDF)

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

2. Resolution 2008-20

Consider Approval of a Resolution Authorizing Submission of a Texas Community Development Block Grant Program Application and Authorizing the Mayor to Act as the City's Representative in All Matters Pertaining to the City's Participation in the Community Development Program.

FISCAL IMPACT:

The matching portion is to come from the TWDB Bond Proceeds.

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, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE OFFICE OF RURAL COMMUNITY AFFAIRS FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM."

Mr. J. Rice, Public Management, Inc., was present to address Council regarding the submission of an application to the Texas Community Block Grant Program, for a grant in the amount of #350,000.00. Mr. Rice explained that these grant funds, if awarded, would be used for improvements at the Washington Street Lift Station, and will be used in conjunction with the loan from the Texas Water Development Board. The City's matching portion will come from the TWDB bond proceeds. Total cost of the project is approximately $852,000.00.

A motion was made to approve submission of the application to the Texas Community Block Grant Program.

ATTACHMENTS:

- Attachment #3 - Schaumburg & Polk Ltr Lift Station Project (PDF)

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

3. Work Session 2008-5

Budget Work Session.

COMMENTS - Current Meeting:

A work session was held regarding the proposed budget for Fiscal Year 2008-2009. Management reviewed with Council the various funds in this document and discussed new line items, the proposed tax rate, raising various utility rates, and other related topics.

4. Information Item 2008-44

Public Hearing on the Proposed Tax Rate for Fiscal Year 2008-2009.

COMMENTS - Current Meeting:

At7:46 p.m., Mayor Pickett opened the Public Hearing on the proposed tax rate for Fiscal Year 2008-2009. This was the second of two required hearings, the first being held on August 26, 2008.

City Manager Ron Wood stated the proposed rate of $0.5900 per $100 valuation includes a rate of $0.3345 for maintenance and operations and $0.2555 for debt service. After brief discussion, Mayor Pickett closed the Public Hearing at 7:50 p.m.

VII. COUNCIL MEAL

Council shared an evening meal.

VIII. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 8:20 p.m.

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

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 29th day of August, 2008 at 1:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

____
Dianne Tidwell, City Secretary

Notice given to The Vindicator, Liberty Gazette, and KSHN Radio.

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the ________ day of ____________________, 2008.

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/02/08 06:00 PM
Department: Administration
Category: Reports

INFORMATION ITEM 2008-43

DOC ID: 1172

Texas Water Development Board Project Update

EXPLANATION:

Mr. Steve Jordan, Project Manager, Schaumburg & Polk will be present to update the Council on the status of the $8.1 Million Dollar Water Development Board Project.

Dianne Tidwell

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/02/08 06:00 PM

Department: Administration
Category: Agreements

COUNCIL ACTION 2008-46

DOC ID: 1170

Consider Approval of an Agreement Between the Texas Commission on Environmental Quality and the City of Liberty Regarding the Sanitary Sewer Overflow Initiative to Rehabilitate the Wastewater Collection System.

EXPLANATION:
This agreement lists the deficiencies addressed by the Sanitary Sewer Overflow Initiative and the necessary actions, to be taken by the City of Liberty, to resolve these deficiencies.

At this time, changes are being made to items 1, 3, and 6 under "Provisions". Mr. Steve Jordan, Project Manager, Schaumburg & Polk, Inc., will be present to review the agreement and answer any questions.

Dianne Tidwell

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

Minutes Acceptance: Minutes of Sep 2, 2008 6:00 PM (Minutes Approval)

Texas Commission on Environmental Quality

AGREEMENT

CITY OF LIBERTY
RN102078128
Enforcement Case No. 35607
Liberty County, Texas

The Texas Commission on Environmental Quality ("Commission" or "TCEQ") is the state agency charged with enforcing TEX. WATER CODE ch. 26 (the "Code") and the regulations promulgated pursuant to the Code.

The City of Liberty ("the City") owns and operates a wastewater collection system located in Liberty County, Texas (the "System").

The City has reported 31 unauthorized discharges totaling more than 100,000 gallons during the period between July 2005 and January 2008. The majority of these discharges were due to infiltration and inflow ("I/I"). The City will be required to rehabilitate the System to insure a reduction of risk to the public health and the environment and to comply with Commission requirements.

PROVISIONS

In response to these deficiencies and in an effort to eliminate the potential threat to public health, the City and the Commission have entered into an Agreement. This Agreement formalizes the commitments made by the City in its letter to the TCEQ dated December 4, 2007 (amended on April 24, 2008 and on May 19, 2008) (see Attachment A). The provisions of this Agreement are as follows:

1. Within 90 days after the effective date of this Agreement and on an annual basis thereafter, the City shall smoke test 20% of the System.

2. By January 31, 2009, the City shall complete a sanitary sewer evaluation survey ("SSES") of the System to identify locations where defects exist and potential blockage are most likely to occur.

3. By January 31, 2009, the City shall complete Phase I of the wastewater treatment facility improvements, as identified in Appendix 2 of Attachment A.

4. By December 31, 2009, the City shall clean 30,000 linear feet of the System.

5. By January 31, 2010, the City shall implement the Operation and Maintenance ("O&M") Program. The City shall provide a copy of the O&M Program, in accordance with Provision No. 8 below.

6. By January 31, 2010, the City shall complete Phase I of the collection system improvements, as identified in the SSES.

7. The City shall evaluate the effectiveness of its corrective actions by monitoring sanitary sewer overflow ("SSO") records, wastewater treatment facility flow records, lift station pump run-time records, and customer complaints via the O&M Program.

8. Within 90 days of the effective date of this Agreement, and on an annual basis thereafter, the City shall submit a progress report to the Commission. These reports shall include information regarding actions taken by the City towards completion of the Provisions in this Agreement.

9. By December 31, 2010, the City shall submit a written Final Report that contains the following:

   a. A summary of all corrective actions that have been completed in accordance with the Provisions in this Agreement;

   b. A summary of all Provisions in this Agreement that were not completed, including reasons why specific corrective actions were delayed; and

   c. A description of the overall improvement the corrective actions had on the System.

10. By July 31, 2011, the City shall submit an SSO Initiative plan including a list of the recommended corrective actions to the System and an implementation schedule for the corrective actions based on the evaluation of the results of the completed SSES and all improvements made to the system prior to the submission of this plan. The City shall submit the plan to the Regional Office for review, modification, and approval, in accordance with Provision No. 12 below. Upon the Regional Office's approval, the plan shall be incorporated by the TCEQ into an Agreement that will formalize the commitments made by the City through the year 2018.

11. The Executive Director may grant an extension to any provisions of this Agreement upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the TCEQ. Extensions are not effective until the City receives written approval from the TCEQ. The determination of what constitutes good cause rests solely with the TCEQ.

12. The City shall submit copies of all correspondence, reports, and documentation required by Provision Nos. 1 through 11 to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Manager, Water Section
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

In return for the City's agreement and adherence to these terms, the Commission will withhold further enforcement actions related to the noted deficiencies. Should unforeseen circumstances indicate a need to alter the above mentioned schedule, the City must immediately notify the Commission so that an amendment can be discussed.

The effective date of this Agreement is the signature date of the City's authorized representative. Acceptance of the terms of this Agreement is indicated by the signature below.

Authorized representative of the City of Liberty

Date

Printed name of authorized representative for the City of Liberty

Title

Susan Johnson

Susan Johnson, Manager
Water Enforcement Section, Enforcement Division

8/4/08
Date

Instructions: Send this signed, original Agreement to Stephen Thompson, Enforcement Division, MC 169, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087

THE STATE OF TEXAS

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 6, 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED 91 7108 2133 3935 1961 2127

The Honorable Carl Pickett
Mayor of Liberty
1829 Sam Houston Street
Liberty, Texas 77575

Re: Sanitary Sewer Overflow ("SSO") Initiative
City of Liberty; Liberty County
RN102078128; Enforcement Case No. 35607

Dear Mayor Pickett:

On February 13, 2008, a member of our regional staff conducted a record review of the City of Liberty to determine compliance with applicable laws and regulations pertaining to wastewater collection systems. Based on a letter dated December 4, 2007 (amended on April 24, 2008 and May 19, 2008) from Mr. Ron Wood, City Manager, it was recommended that the City of Liberty be placed into the Sanitary Sewer Overflow ("SSO") Initiative Program.

We propose that the Texas Commission on Environmental Quality ("Commission" or "TCEQ") and the City of Liberty enter into the enclosed Agreement. The Agreement lists the deficiencies addressed by this action and any specific technical requirements necessary to resolve the deficiencies. Please review the Agreement, affix your signature and the date, and return it to this office within 30 days after the date of this letter. A copy of the Agreement is provided for your files. Also, enclosed for your convenience is a return envelope.

If you observe any inaccuracies in the document, please contact us immediately so that an amended Agreement can be considered within the 30-day deadline. If you have any questions, please contact Ms. Lynley Doyen of my staff at 512-239-1364.

Sincerely,

Susan Johnson

Susan Johnson, Manager
Enforcement Division

SJ/LD

Enclosures: Original Agreement with Attachments, File Copy, Return Envelope

cc: Mr. Steve Smith, Manager, Water Section, Houston Regional Office, TCEQ
Mr. Ron Wood, City Manager, City of Liberty, 1829 Sam Houston Street, Liberty, Texas 77575
Steve Jordan, P.E., Project Manager, Schaumburg & Polk, Inc., 8865 College Street, Beaumont, Texas 77707

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/02/08 06:00 PM

Department: Administration
Category: Tx Comm Dev Block Grants

RESOLUTION 2008-20

DOC ID: 1171 B

Consider Approval of a Resolution Authorizing Submission of a Texas Community Development Block Grant Program Application and Authorizing the Mayor to Act as the City's Representative in All Matters Pertaining to the City's Participation in the Community Development Program.

EXPLANATION:
These grant funds, in the amount of $350,000, will be used for improvements at the Washington Street Lift Station, and will be used in conjunction with the loan from the Texas Water Development Board. Total project cost is approximately $852,000.

Mr. J. Rice, Public Management, Inc. will be present to report on details of the grant and the proposed project.

Dianne Tidwell

FISCAL IMPACT:

The matching portion is to come from the TWDB Bond Proceeds.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE OFFICE OF RURAL COMMUNITY AFFAIRS FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM.

WHEREAS, the City Council of the City of Liberty desires to develop a viable urban community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low/moderate income; and

WHEREAS, certain conditions exist which represent a threat to the public health and safety; and

WHEREAS, it is necessary and in the best interests of the City of Liberty to apply for funding under the 2009-2010 Texas Community Development Block Grant Program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

1. That a Texas Community Development Block Grant Program application for the Community

Development Fund is hereby authorized to be filed on behalf of the City with the Office of Rural Community Affairs.

2. That the City's application be placed in competition for funding under the Community Development Fund.

3. That the application is for $350,000.00 of grant funds for sewer system improvements.

4. That the City Council directs and designates the Mayor as the City's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the City's participation in the Texas Community Development Block Grant Program.

5. That it further be stated that the City of Liberty is committing $502,423.00 from its approved Texas Water Development Board loan funds and its utility fund for this project.

Passed and approved this 2nd day of September, 2008.

____
Carl Pickett, Mayor

ATTEST:

____
Dianne Tidwell, City Secretary

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

SPI SCHAUMBURG & POLK,
BEAUMONT HOUSTON TYLER

July 18, 2008

Mr. Ron Wood, City Manager
City of Liberty
1829 Sam Houston Street
Liberty, Texas 77575-4742

Re: 2008/2009 ORCA Community Development Block Grant Project

Dear Mr. Wood:

I was recently contacted by Mr. Jay Rice concerning the eligibility of the City of Liberty to pursue a project under the Community Development Block Grant (CDBG) program. Mr. Rice asked for our assistance in identifying a project for the City to pursue for the grant funding. The grant provides approximately $350,000. Mr. Rice was aware of the current $8.1 million project, and indicated the proposed Grant project could be dove-tailed with the loan so that the City's match would be part of the loan.

In selecting a project, we consulted with City Staff and reviewed the field work we have gathered to date for the on-going SSES project. In addition, Schaumburg & Polk, Inc. recently reviewed several of the City's lift stations. As a result, we are proposing a project which would provide improvements at the existing Washington Street Lift Station. This facility currently serves a major portion of the City. The flows are pumped via force main to the wastewater treatment plant from this point. There is a small portion of gravity system which accepts flows from Washington Street and from the lift station overflow. This system flows by gravity to the wastewater plant across a swampy area. The pipe material is in very poor shape and is believed to be a major source of inflow and infiltration.

The proposed project would include an additional wet well with additional pumps to accept the overflows from the existing lift station. The gravity system from the Washington Street area would be re-routed to the new wet well. A new force main would be installed by directional drilling across the swamp to the wastewater plant. With this configuration, the existing problematic gravity line across the swamp could be abandoned, thus eliminating a large source of inflow and infiltration.

The proposed project and the area served are illustrated on the attached drawings.

CITY OF LIBERTY - WOOD
SPI No. 19007 - CORR
DF:F:\City of Liberty\2008 CDBG Project\WoodltrDraft.doc

Our opinion of probable project cost for these improvements is approximately $828,000. It is our understanding $350,000 would be grant funds, with the remainder as part of the Texas Water Development Board Loan.

Upon your review and concurrence, this information will be submitted to Mr. Rice to begin the grant application process.

Please call me if you have any questions or require further information.

Sincerely,
SCHAUMBURG & POLK, INC.

Stephen J. Jordan, P. E.
Project Manager

Attachments

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/02/08 06:00 PM

Department: Administration
Category: Budget

WORK SESSION 2008-5

DOC ID: 1168

Budget Work Session.

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/02/08 06:00 PM

Department: Administration
Category: Public Hearings

INFORMATION ITEM 2008-44

DOC ID: 1169

Public Hearing on the Proposed Tax Rate for Fiscal Year 2008-2009.

EXPLANATION:

This is the second of two public hearings required by Property Tax Code Section 26.05(d). This Code requires a taxing unit to hold two public hearings before adopting a tax rate that exceeds the rollback or effective rate. The second public hearing may not be held earlier than the third day after the date of the first hearing. The first public hearing was held on Tuesday, August 26th.

At each of the public hearings, the governing body must announce the date, time and place of the meeting at which it will vote on the tax rate. The meeting to vote on the tax rate must take place no less than three days and no more than 14 days after the second public hearing. This vote will take place on September 9, 2008.

Dianne Tidwell

.

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/09/08 06:00 PM

Department: Library
Category: Board Appointments

COUNCIL ACTION 2008-47

DOC ID: 1163

Consider Appointments to the Liberty Municipal Library Board.

EXPLANATION:
The Liberty Municipal Library Board is comprised of nine citizens of the City of Liberty who are approved by Council for two-year terms. Current members include: Donna Barranco, Valerie Braxton, Margaret Gardzina, Charlotte Goudeau, Paul Henry, Mark Herndon, Amy Milentz, Paul Schmidt, and Jerry Ursprung.

Terms for Valerie Braxton, Charlotte Goudeau, Mark Herndon, Amy Milentz, and Paul Schmidt will expire in September 2008 and all have agreed to serve another term. Council is asked to re-appoint these board members for another two-year term to begin on October 1, 2008.

Dana Abshier

.

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/09/08 06:00 PM

Department: Administration
Category: SRMPA Appointments

RESOLUTION 2008-21

DOC ID: 1178

Consider a Resolution Regarding an Appointment to the Sam Rayburn Municipal Power Agency Board of Directors.

EXPLANATION:
Appointments for two-year staggered terms are made to the SRMPA Board of Directors in September of each year. Each member city is allowed two representatives. Our current representatives to this Board are Bruce Halstead and Charles McGuire.

Charles McGuire's term expires this month.

Dianne Tidwell

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, APPOINTING A REPRESENTATIVE TO THE SAM RAYBURN MUNICIPAL POWER AGENCY BOARD OF DIRECTORS

WHEREAS, on October 31, 1979, the City of Liberty, Texas, enacted the concurrent ordinance, establishing Sam Rayburn Municipal Power Agency with the City of Jasper, Texas and the City of Livingston, Texas; and,

WHEREAS, said concurrent ordinance provides that each of the three (3) cities involved in the Sam Rayburn Municipal Power Agency, each appoint a Director to serve with the Agency for a period of two (2) years.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

That ____________ be appointed to serve as Director for the Agency for the City of Liberty, Texas, for a period of two (2) years, said term ending September, 2010.

PASSED AND APPROVED THIS 9TH DAY OF SEPTEMBER, 2008.

____
Carl Pickett
Mayor

ATTEST:

____
Dianne Tidwell
City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/09/08 06:00 PM

Department: Administration
Category: Requests for Financial Assistance

COUNCIL ACTION 2008-48

DOC ID: 1174 A

Consider Co-Sponsorship of the 'Country Christmas' Event with the Liberty-Dayton Area Chamber of Commerce.

The LIBERTY ★ DAYTON AREA Chamber of Commerce

September 3, 2008

The Honorable Mayor Carl Pickett
Members of City Council
City of Liberty
1829 Sam Houston
Liberty, Texas 77575

Re: Liberty *Country Christmas*

The Liberty-Dayton Area Chamber of Commerce is sponsoring *Country Christmas* in Liberty Tuesday, December 2, 2008. The event begins with Santa and Mrs. Claus leading the night parade that begins on Grand Street at 6:00 p.m. This has always been a very popular parade with many decorated and brightly lit entries winding their way past businesses and homes. A great amount of care and labor is put into the many entries in order to look 'just right' for this nighttime parade.

Following the parade, there will be festivities held at the City of Liberty Municipal Complex/Liberty Center and the Vara Faye Daniel Pavilion. Local entertainers will perform, mule drawn wagons will carry passengers to view the decorated homes, refreshments will be served and pictures with Santa and Mrs. Claus will be offered. All of this at no charge to the public.

This will be the 19th year we have sponsored *Country Christmas* in Liberty. In the past, the Liberty-Dayton Area Chamber of Commerce has taken care of the expenses incurred with this event, but this year the necessity has arisen to ask for assistance. The Chamber would be grateful if the City of Liberty will co-sponsor this event with the Liberty-Dayton Area Chamber of Commerce to assist with expenses of the Liberty *Country Christmas.*

The Liberty-Dayton Area Chamber of Commerce is 31 years old this year. The Chamber has many businesses and individuals in its membership located in Liberty. The Board consists of fourteen directors and officers representing Liberty who are very interested in the city, its growth, prosperity and jobs.

The Liberty-Dayton Area Chamber of Commerce is asking you to consider and please grant our request for the City of Liberty to co-sponsor to assist us in bringing this very popular and enjoyable family event to the community in celebration of this very special time of the year.

Respectfully,

Jo Anne Smith, Chairman
Bryan Reynolds, Vice Chairman
Mary Anne Campbell, Chamber President

LIBERTY-DAYTON AREA CHAMBER OF COMMERCE
936-336-5736 OR E:MAILCHAMBER@IMSDAY.COM

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/09/08 06:00 PM

Department: Administration
Category: Board Appointments

COUNCIL ACTION 2008-49

DOC ID: 1184

Consider Appointments to the 2009 Houston-Galveston Area Council General Assembly.

EXPLANATION:
Each HGAC member city, under 25,000, is allowed to designate one representative and one alternate to the General Assembly. The designees must be elected officials of the governing body.

Councilperson McCarty and Mayor Pickett were the representative and alternate to the 2008 General Assembly.

Dianne Tidwell

.

Houston-Galveston Area Council
Office of the Executive Director

August 28, 2008

The Honorable Carl Pickett
Mayor, City of Liberty
1829 Sam Houston
Liberty, TX 77575

Dear Mayor Pickett:

I am writing regarding the appointment of your city's representative to H-GAC's 2009 General Assembly.

H-GAC's Bylaws provide that each member home rule city under 25,000 population as of the last (2000) Federal Census is entitled to designate one representative and one alternate to the H-GAC General Assembly, which will meet in early 2009.

I am enclosing the appropriate form for your city's use in officially designating a representative and an alternate. The two designees must be elected official members of your city's governing body.

A dinner meeting of home rule city representatives will be scheduled for November. At that meeting, your 2008 Home Rule Cities' H-GAC Board of Directors representatives will report on this year's activities and look ahead to issues and progress in 2009.

We are sending a copy of these designation materials to your city secretary as well. We would appreciate receiving your city's designation form no later than October 3. If you have any questions or problems in this designation process, please call Mary Spain, 713-993-4598.

Sincerely,

Jack Steele

JS/ndg

Enclosure

cc: City Secretary

Mailing Address
PO Box 22777
Houston, Texas 77227-2777
Phone 713-627-3200

Recycled

Physical Address
3555 Timmons Lane, Suite 120
Houston, Texas 77027-6466
Phone 713-627-3200

DESIGNATION OF REPRESENTATIVE AND ALTERNATE

HOUSTON-GALVESTON AREA COUNCIL

2009 GENERAL ASSEMBLY

****

BE IT RESOLVED, by the Mayor and City Council of __________________________, Texas, that __________________________________ be, and is hereby designated as its Representative to the **GENERAL ASSEMBLY** of the Houston-Galveston Area Council for the year 2009.

FURTHER, that the Official Alternate authorized to serve as the voting representative should the hereinabove named representative become ineligible, or should he/she resign, is ______________________________________.

THAT the Executive Director of the Houston-Galveston Area Council be notified of the designation of the hereinabove named representative and alternate.

PASSED AND ADOPTED, this __________ day of ______________________________, 2008.

APPROVED:

____
Mayor

ATTEST:

By: __________________________________

DesForm GL and HR

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/09/08 06:00 PM
Department: Administration
Category: Utility Rates

ORDINANCE 2008-8

DOC ID: 1176 A

Consider an Ordinance Adopting New Water Rates.

FISCAL IMPACT:

This is the second year that the City of Liberty will be raising the base charge on all water connections serviced. As the Council is aware this had to be done in order to finance the $8.1 million TWDB bond issue. Included with the increase in the base charge is another increase in the usage charge so that the fund balance in this account can build.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS PROVIDING FOR THE AMENDMENT OF ORDINANCE 1017, AMENDING THE RATES CHARGED BY THE CITY OF LIBERTY FOR WATER BE AMENDED; PROVIDING THAT ALL RATES OR SCHEDULES OF RATES CONFLICTING HEREWITH ARE AMENDED, CHANGED AND REPEALED; PROVIDING FOR AN EFFECTIVE DATE, AND, DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

SECTION 1.

That the rates charged by the City of Liberty for water as established by the ordinances of the City of Liberty, Texas, be amended so as to read as follows, to wit:

RESIDENTIAL SERVICE

APPLICABILITY:

This rate is applicable under the regular terms and conditions of the City of Liberty for all domestic purposes in a single family residence or individual apartments. All water rates are based on water consumption which must be taken through a single meter.

MONTHLY RATE:

	GALLONS	WATER CHARGE
Minimum	2M	$ 16.99
Excess Over	2M	$ 3.25 / M Gals

COMMERCIAL SERVICE

APPLICABILITY:

This rate is applicable under the regular terms and conditions of the City of Liberty for all commercial, business and/or manufacturing purposes and is also applicable to residences or apartments serving two or more families. All water rates are based on water consumption which must be taken through a single meter.

MONTHLY RATE:

	GALLONS	WATER CHARGE
Minimum	2M	$19.99
Excess Over	2M	$ 2.95 / M Gals.

NOTE: “M” means thousand.

SECTION 2.

That all rates or schedules of rates which are in conflict herewith are to the extent of such conflict only, expressly amended, changed and repealed.

SECTION 3.

That this ordinance shall be in full force and effect upon the 1st day of October, 2008.

SECTION 4.

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two separate days is hereby dispensed with.

PASSED AND ADOPTED at a regular called meeting of the City Council of the City of Liberty, this 9th day of September, 2008.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/09/08 06:00 PM
Department: Administration
Category: Utility Rates

ORDINANCE 2008-9

DOC ID: 1177 A

Consider an Ordinance Adopting New Sewer Rates.

FISCAL IMPACT:

This is the second year that the City of Liberty will be raising the base charge on all sewer connections serviced. As the Council is aware this had to be done in order to finance the $8.1 million TWDB bond issue. Included with the increase in the base charge is another increase in the usage charge so that the fund balance in this account can build.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS PROVIDING FOR THE AMENDMENT OF ORDINANCE 1018, AMENDING THE RATES CHARGED BY THE CITY OF LIBERTY FOR SEWER BE AMENDED; PROVIDING THAT ALL RATES OR SCHEDULES OF RATES CONFLICTING HEREWITH ARE AMENDED, CHANGED AND REPEALED; PROVIDING FOR AN EFFECTIVE DATE, AND, DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

SECTION 1.

That the rates charged by the City of Liberty for sewer as established by the ordinances of the City of Liberty, Texas, be amended so as to read as follows, to wit:

RESIDENTIAL SERVICE

APPLICABILITY:

This rate is applicable under the regular terms and conditions of the City of Liberty for all domestic purposes in a single family residence or individual apartment. All sewer rates are based on water consumption which must be taken through a single meter. This rate has been capped at 15,000 gallons so that citizens no longer pay for sewer service on their usage above 15,000 gallons per month.

MONTHLY RATE:

	GALLONS	SEWER CHARGE
Minimum	2M	$17.74
	3M - 15M	$ 2.30 / M Gals.
Excess	Over 15M	No Charge

COMMERCIAL SERVICE

APPLICABILITY:

This rate is applicable under the regular terms and conditions of the City of Liberty for all commercial, business and/or manufacturing purposes and is also applicable to residences or apartments serving two or more families. All sewer rates are based on water consumption which must be taken through a single meter.

MONTHLY RATE:

	GALLONS	SEWER CHARGE
Minimum	2M	$21.24
Excess Over	2M	$ 2.80 / M Gals.

NOTE: “M” means thousand.

SECTION 2.

That all rates or schedules of rates which are in conflict herewith are to the extent of such conflict only, expressly amended, changed and repealed.

SECTION 3.

That this ordinance shall be in full force and effect upon the 1st day of October, 2008.

SECTION 4.

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two separate days is hereby dispensed with.

PASSED AND ADOPTED at a regular called meeting of the City Council of the City of Liberty, this 9th day of September, 2008.

____
Carl Pickett, Mayor

ATTEST:

____
Dianne Tidwell, City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/09/08 06:00 PM

Department: Administration
Category: Garbage Issues

ORDINANCE 2008-10

DOC ID: 1186

Consider an Ordinance Adopting New Rates Charged by the City of Liberty for Garbage and Rubbish Collection.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ESTABLISHING RATES OR FEES CHARGED BY THE CITY OF LIBERTY FOR THE COLLECTION AND DISPOSAL OF GARBAGE AND RUBBISH; THAT ALL PRIOR ORDINANCES ESTABLISHING SUCH RATES OR FEES ARE HEREBY REPEALED; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

SECTION 1.

That the rates charged by the City of Liberty for garbage and rubbish collection as established by this Ordinance of the City of Liberty, Texas, shall read as follows, to wit:

CHARGES FOR COLLECTION

(1) RESIDENTIAL. The fee for collection from each residential shall be Fifteen Dollars and Twenty Eight Cents ($15.28) and each dwelling unit shall be considered a residential establishment even though such dwelling unit may be a part of an apartment or duplex.

(2) COMMERCIAL. The fee for collection from each commercial establishment shall be Twenty Seven Dollars and Fifty Cents ($27.50) for twice-a-week pick-up of three (3) Thirty-Two (32) Gallon Containers or Thirty Three Dollars and Eighty Seven Cents ($33.87) for twice-a-week pick-up of one (1) Ninety (90) Gallon Container unless that commercial establishment shall have container(s) collection which fees are established as follows:

Pick-ups Weekly	2 Yard Containers
1	$ 46.14
2	$ 92.30
3	$140.49
4	$177.85
5	$222.35
6	$278.99

Extra P/U	$ 28.83

Pick-ups Weekly	3 Yard Containers
1	$ 71.04
2	$135.35
3	$172.38
4	$217.36
5	$279.73
6	$354.26
Extra P/U	$ 32.76

Pick-ups Weekly	4 Yard Containers
1	$ 82.05
2	$160.18
3	$205.33
4	$254.60
5	$314.72
6	$386.37
Extra P/U	$ 36.70

Pick-ups Weekly	6 Yard Containers
1	$100.96
2	$182.90
3	$219.25
4	$298.06
5	$360.93
6	$431.86
Extra P/U	$ 45.87

Pick-ups Weekly	8 Yard Containers
1	$113.42
2	$222.09
3	$275.25
4	$385.56
5	$484.76
6	$568.05
Extra P/U	$ 52.43

FEE FOR A COMMERCIAL OR BUSINESS ESTABLISHMENT USING A ROLL-OFF CONTAINER:

Delivery Fee (one Time Charge)……………………………….. $131.25
Rental Fee for Permanent Use Per Month……………………… $150.00
Rental Fee for Temporary Use Per Month……………………... $ 4.00

20 Cubic Yard Roll-Off Container per pick-up………………………… $347.87
30 Cubic Yard Roll-Off Container per pick-up………………………… $440.25
40 Cubic Yard Roll-Off Container per pick-up………………………… $529.01

FEE FOR A COMMERCIAL OR BUSINESS ESTABLISHMENT USING A COMPACTOR:

Compactor per pick-up………………………………………….. $35.00

FEE FOR A COMMERCIAL OR BUSINESS ESTABLISHMENT WITH LOCKS:

Lock - Per Month……………………………………………... $20.00

SECTION 2.

That all rates, fees, or schedules of such for the City of Liberty garbage and rubbish collection are hereby established with this Ordinance. Any prior stated rates, fees or schedules of such established by any prior Ordinances adopted by the City of Liberty are hereby repealed.

SECTION 3.

That this ordinance shall be in full force and effect upon the 1st day of October, 2008.

SECTION 4.

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty that all ordinances be read on two separate days is hereby dispensed with.

PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, THIS THE 9th DAY OF SEPTEMBER, 2008.

Carl Pickett
Mayor

ATTEST:

Dianne Tidwell
City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/09/08 06:00 PM

Department: Administration
Category: EMS Rates

ORDINANCE 2008-11

DOC ID: 1183 A

Consider an Ordinance Adopting New Rates Charged by the City of Liberty for Medical Services.

AN ORDINANCE ESTABLISHING THE RATES OR FEES CHARGED BY THE CITY OF LIBERTY FOR EMERGENCY MEDICAL SERVICES, PROVIDING THAT ALL PRIOR ORDINANCES ESTABLISHING SUCH FEES OR RATES ARE HEREBY REPEALED; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

SECTION 1. EMERGENCY MEDICAL SERVICES

That the fees charged for certain services of the Emergency Medical Service of the City of Liberty be amended additionally to provide as follows, to-wit:

Basic Level Service (BLS)	$800.00
Advanced Level Service (ALS)	$900.00
Mileage	$ 10.00/mile
Oxygen	$100.00
Additional attendant	$ 75.00 for each additional Attendant needed

Service Calls outside the legal boundary of the City of Liberty shall be charged at the rate of $800.00 for BLS and 900.00 for ALS with an additional fee of $50.00 for each service performed with mileage charged at TEN ($10.00) DOLLARS PER MILE.

On Residential Calls if treatment is made and transport of patient is refused there will be a fee of $25.00 plus the associated costs of the treatment.

SECTION 2.

That all rates, fees or schedules of such for the City of Liberty Emergency Medical Services are hereby established with this Ordinance. Any prior stated rates; fees or schedules of such established by any prior Ordinances adopted by the City of Liberty are hereby repealed.

SECTION 3.

That this Ordinance shall be in full force and effect upon the 1st day of October, 2008.

SECTION 4.

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two (2) separate days is hereby dispensed with.

PASSED and ADOPTED at a regular meeting of the City Council of the CITY OF LIBERTY, Texas, this 9th day of September, 2008.

CITY OF LIBERTY, Texas

By:________________________
Carl Pickett, Mayor

ATTEST:

____

Dianne Tidwell, City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/09/08 06:00 PM
Department: Administration
Category: Misc. Rates

ORDINANCE 2008-12
DOC ID: 1192

Consider an Ordiance Amending Ordinance No. 902 Regarding Emergency Response Alarm Systems.

EXPLANATION:
The proposed amendment includes four changes to the original ordinance. They are as follows:
1. Section 1(h) Fees have been increased
2. The service fee will be assessed for each police or fire response to a false alarm notification after the 3rd false alarm notification in any twelve month period. (Old ord.- 5th false alarm notification)
3. Section 1(b) The following sentence has been removed: "Alarm sites in existence before the effective date of this section must be permitted within ninety (90) days of the effective date of this section."
4. Application for a permit for the operation of an alarm system shall be made with the Liberty Police Department. (Old ord. - City Secretary)

Dianne Tidwell

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, PROVIDING FOR THE AMENDMENT OF ORDINANCE NO. 902, AMENDING REGULATIONS OF EMERGENCY RESPONSE ALARM SYSTEMS; INCLUDING PERMITTING REQUIREMENTS, GROUNDS FOR DENIAL OR REVOCATION, ESTABLISHING FEES AND PENALTIES; PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE THEREOF; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

SECTION 1.

(a) DEFINITIONS for the below mentioned terms, as used in the section, shall be as follows:

ALARM SITES means a single premise or location with one street address served by an alarm system or systems that are under the control of one or more owners or lessees. Alarm site includes all residential and commercial locations served by an alarm system or systems.

ALARM SYSTEMS means a device or assembly of equipment that emits, transmits, or relays a signal intended to summon, or that would reasonably be expected to summon police and/or fire services of the City of Liberty.

Alarm system does not include:

(1) an alarm system installed on a motor vehicle

(2) an alarm system designed to alert only the inhabitants of a premise which does not emit a signal audible or visible from exterior of a structure.

(3) an alarm system installed upon the premises occupied by the United States Government, the State of Texas, or the City of Liberty.

(4) a Varda alarm.

ALARM SYSTEM USER means the owner, agent, lessee, or person in control of the property on which an alarm system or systems is maintained within the corporate limits of the City of Liberty.

FALSE ALARM NOTIFICATION means notification intended to summon police or fire personnel which is transmitted or relayed to the Police Department when the police personnel respond within (30) minutes of alarm notification and find no evidence of an attempted or actual unauthorized intrusion, burglary, robbery, theft, hostage taking, fire, smoke, or other illegal activity for which the alarm was intended to report.

False alarm notification does not include:

(1) any activation of an alarm system which is caused by hurricanes, tornadoes, lightning, earthquakes, or gale force winds or higher.

(2) any activation of an alarm system which is caused by loss of electrical power by the premises' electrical power service provider.

PERSON means an individual, corporation, partnership or association, organization, or any legal entity.

(b) PERMIT REQUIRED. It shall be unlawful for any person to operate, cause to be operated, or allow to be operated an alarm system or systems at an alarm site unless a valid permit has been issued by the City of Liberty.

An alarm user or his agent shall obtain a permit for each alarm site.

(c) PERMIT APPLICATION. Application for a permit for the operation of an alarm system shall be made with the City of Liberty Police Department by the owner, agent, lessee or person having control over the property on which the alarm system will be installed and operated. Application shall be made in writing by a person at least eighteen (18) years of age, on a form designated by the City. The application shall include at least the following information:

(1) the name, address, and telephone number of the owner, agent, lessee or person in control of the property to be protected;

(2) the address other alarm site and whether it is residential or commercial, including the name of all businesses at the site:

(3) the name, address and telephone number of the alarm protective service or person who will install and/or monitor the alarm system;

(4) the business and residence addresses and telephone numbers of the primary person designated to respond to an alarm site (within 30 minutes) when requested by the City of Liberty, Police or Fire personnel, and at least one other contact person who can respond within the required time limit.

(d) PERMIT ISSUANCE AND RENEWAL. A permit is issued for one (1) year and is renewable annually.

It is the responsibility of the permit holder to submit an application for renewal at least ten (10) days prior to the permit expiration date. The City will not issue a permit if it determines there is a false statement of a material matter in the application. A permit cannot be transferred to another person.

The date of issuance will be the date the application is approved, unless false alarm calls have been responded to by the Police or Fire Department. In this case, the date of issuance will be the date of the first call.

(e) DENIAL OR PERMIT. A permit may be denied for:

(1) any false statement on the application; or

(2) an applicant who has failed to pay a service fee assessed thereunder, or has had an alarm site revoked, and the violation causing the revocation has not been corrected.

(f) PERMIT REVOCATION. The Chief of Police or Fire Chief may revoke an alarm system permit if he determines that:

(1) there is a false statement of material matter in the application;

(2) the permit holder has violated this section or any of its provisions;

(3) the permit holder has failed to pay a service fee assessed under this section within thirty (30) days of receipt of false alarm notification; or

(4) the permit holder does not maintain the alarm system in a manner that minimizes false alarm notifications or ensures proper operation of the alarm system.

It shall be unlawful for any person to operate an alarm system during the period in which his alarm permit is revoked.

(g) OPERATION AND MAINTENANCE OF AN ALARM SYSTEM. A permit holder or person in control of an alarm system shall respond or cause a representative to respond within a reasonable period of time, not to exceed thirty (30) minutes when requested by the City of Liberty Police or Fire personnel to repair or inactivate a malfunctioning alarm system, to provide access to the premises or to provide security for the premises.

A permit holder or person in control of an alarm system shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal will sound for no longer than fifteen (15) minutes after being activated. If an alarm system sounds a broadcast signal for longer than fifteen (15) minutes after being activated, police or fire personnel may disable the alarm and costs to the City associated with disabling the alarm system shall be assessed to the person required to have a permit and shall be paid to the City within thirty (30) days after notification that costs have been assessed. Application for a permit constitutes a grant of approval to the City to disable the alarm as provided herein.

A permit holder or person in control of an alarm system that causes an alarm notification to be sent to the Police Department Communications Center shall adjust the mechanism or cause the mechanism to be adjusted so that upon activation the system will not transmit another alarm signal without first being manually reset.

A permit holder or person in control of an alarm system shall not manually activate an alarm system for any reason other than occurrence of an event that the alarm system was intended to report.

(h) FEES. Fees under this section shall be as follows:

Application fee	$25.00
Renewal fee	$25.00
Reinstatement fee	$40.00
False Alarm Notification fee	$50.00
Late payment fee	$10.00
Response to alarms without permit	$100.00

A person who is required to obtain a permit shall pay a service fee within thirty (30) days of receipt of each false alarm notification emitted from an alarm site. The service fee will be assessed for each police or fire response to a false alarm notification after the fifth (5th) false alarm notification in any twelve (12) month period.

The late payment fee will be due for fees not paid within the time limit established.

The City shall not consider an alarm to be false unless a response is made by the Police and/or Fire Department within thirty (30) minutes of the alarm notification and the department determines from an inspection of the interior or exterior of the premises that the alarm was false.

Those persons assessed a fee for a response to an alarm without a permit may have the fee waived by obtaining an alarm system permit within five (5) days of the date of the document notifying the person of the false alarm.

(i) POLICE AND/OR RESPONSE. The response, if any, made to a signal from a permitted alarm system shall be subject to the policies and procedures of the Police and/or Fire Department and will be in accordance with the priorities set for the police and fire response.

The issuance of a permit authorizing the use of an alarm system is not intended to nor shall it create a contract, either express or implied, nor does it create a duty or guarantee a response by the Police and/or Fire Department. Any and all liability and consequential damages resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is maintained.

(j) APPEAL FROM DENIAL OR REVOCATION. The applicant or permit holder may appeal the decision to deny or revoke a permit by filing with the City Secretary a written request for a hearing, setting forth the reason for the appeal, within ten (10) calendar days after notice of the decision to deny or revoke a permit. The appeal shall be heard by the City Manager, or his designee, whose decision shall be final.

(k) VIOLATION, PENALTY. The failure to comply with the provisions of this chapter is a Class “C” misdemeanor punishable by a fine of not more than $500.00. A person who violates a provision of this chapter is guilty of a separate offense for each day or portion of a day during which the violation is committed or continued.

Any person who operated, causes to be operated, or allows to be operated an alarm system without a valid permit shall be charged a fee for each response by the City to each notification of activation. This is an addition to ay criminal penalty imposed for violation of this chapter.

SECTION 2.

The requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty that all ordinances be read on two separate days is hereby dispensed with all members present vote affirmatively for the adoption of this ordinance; and that this ordinance shall be in full force and effect from and after the date or its passage and publication.

The textual and fee changes in this Ordinance shall amend and supersede those in its predecessor, Ordinance No. 902.

PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, THIS THE 9TH DAY OF SEPTEMBER.

____

Carl Pickett
Mayor

ATTEST:

____

Diane Tidwell
City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/09/08 06:00 PM

Department: Police
Category: Grant Issues

RESOLUTION 2008-22

DOC ID: 1187

Consider a Resolution Authorizing the Police Department's Support of a Selective Traffic Enforcment Grant (S.T.E.P.) for Speed Limit Enforcement.

EXPLANATION:

This is a100% TxDOT grant, in the amount of $40,169.61 to fund overtime for enforcement of speed limit laws through the "TxDOT STEP Speed Grant Program".

MIke Cummings

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, AUTHORIZING THE CITY OF LIBERTY POLICE DEPARTMENT TO SUPPORT A SELECTIVE TRAFFIC ENFORCEMENT GRANT (S.T.E.P.) FOR SPEED LIMIT ENFORCEMENT, IN THE AMOUNT OF $40,169.61, THAT IS FULLY FUNDED/REIMBURSED BY STATE OF TEXAS DEPARTMENT OF TRANSPORTATION PER CONTRACT NO. 588XXF6062 AND CHARGE NO. 8OP09G1CJ.

WHEREAS, the City of Liberty has a documented traffic safety problem with regard to speed limit compliance. The City's mission is to save lives, decrease crashes, fatalities, and injuries making the roads safer.

WHEREAS, the Liberty City Council and the Liberty Police Department are dedicated to maintaining the highest degree of safety for the motoring public in Liberty; and,

WHEREAS, there are funds available from the State of Texas Department of Transportation (TxDOT) for Comprehensive Selective Traffic Enforcement Program (S.T.E.P.), which would allot funds for the Liberty Police Department officers to work overtime during their off-duty hours in problem areas to conduct traffic enforcement in order to reduce traffic accidents and the injuries and fatalities associated with these accidents, as delineated in attached Exhibit "A"; contract attached and,

WHEREAS, this program is authorized in Chapter 723 of the Texas Transportation Code, the Traffic Safety Act of 1967 and the Highway Safety Performance Plan for Fiscal Year 2009.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

SECTION 1.

That the facts and opinions in the preamble are true and correct.

SECTION 2.

That the City Council of the City of Liberty will support the Liberty Police Department in administering a Comprehensive Selective Traffic Enforcement Program Grant with 100% grant funding for the project provided by the Texas Department of Transportation and that the Mayor is herein authorized to sign the grant documents in substantially the same form attached as the contract “Exhibit A”.

SECTION 3.

The effective dates for the S.T.E.P. “Speed" Grant are October 1, 2008 to September 30, 2009, which includes pre-media and post-media campaign dates.

SECTION 4.

That nothing in this agreement shall be interpreted as a requirement, formal or informal, that a peace officer issues a specified or predetermined number of citations and/or arrests.

SECTION 5.

That a copy of the caption of this Resolution be spread upon the minutes of the City Council.

READ, PASSED AND APPROVED on this, the ____day of_______________, 2008 at a meeting of the City Council of the City of Liberty, Texas.

____
Carl Pickett, Mayor

ATTEST:

____
Dianne Tidwell, City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/09/08 06:00 PM

Department: Administration
Category: Budget Adoption

ORDINANCE 2008-13

DOC ID: 1179 A

Consider an Ordinance Adopting the Budget for Fiscal Year 2008-2009.

EXPLANATION:
The City's charter requires that the budget shall be adopted not later than fifteen (15) days prior to the beginning of the fiscal year. Should the City Council fail to so adopt a budget prior to such date, the budget as submitted by the City Manager shall be deemed to have been finally adopted by the City Council.

Dianne Tidwell

SETTING AND ESTABLISHING THE 2009 FISCAL YEAR OPERATING BUDGET

WHEREAS, The City of Liberty, in accordance with the City Charter and the laws of the State of Texas, and acting by and through its City Council has received the proposed budget and financial plan for the fiscal year beginning October 1, 2008, and ending September 30, 2009; and

WHEREAS, The City Council of the City of Liberty, Texas, finds that the proposed budget and financial plan for Fiscal Year 2009 is a balanced budget in keeping with the City Charter; and

WHEREAS, The total expenditures for all funds for Fiscal Year 2009 are $27,439,856.00.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

That the budget and plan for Fiscal Year 2009 be established at $27,439,856.00 as a combined total budget for the City of Liberty's operations for said fiscal year.

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two (2) separate days is hereby dispensed with and all Council Members present vote affirmatively for the adoption of this Ordinance.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Liberty, Texas on the 9th day of September, 2008.

Carl Pickett
Mayor

ATTEST:

Dianne Tidwell
City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/09/08 06:00 PM

Department: Finance
Category: Budget Adoption

ORDINANCE 2008-14

DOC ID: 1191

Consider an Ordinance Amending the Fiscal Year 2008 Budget.

EXPLANATION:
The estimated actuals in revenues and expenditures are to be adopted as the amended budget for the Fiscal year 2008.

Naomi Herrington

APPLYING ADJUSTMENTS FOR AMENDING THE FISCAL YEAR 2008 BUDGET AND FINANCIAL PLAN AS PER THE FISCAL YEAR PROJECTIONS AND ESTIMATED ACTUALS IN THE PROPOSED FISCAL YEAR 2009 BUDGET AND FINANCIAL PLAN.

WHEREAS, The budget and financial plan for the City of Liberty for the fiscal year 2008 has been reviewed and is in need of adjustments due to changes in estimated revenues and expenditures during the course of the year; and

WHEREAS, These changes in estimated revenues and expenditures have been duly noted in the Fiscal Year 2009 budget and financial plan under estimated actuals.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

That the amounts estimated as actuals in revenues and expenditures be adopted as the amended City budget for the Fiscal Year 2008.

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two (2) separate days is hereby dispensed with and all Council Members present vote affirmatively for the adoption of this Ordinance.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Liberty, Texas on the 9th day of September, 2008.

Carl Pickett
Mayor

ATTEST:

____
Dianne Tidwell
City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/09/08 06:00 PM

Department: Administration
Category: Tax Issues

COUNCIL ACTION 2008-50

DOC ID: 1180

Consider Ratification of the Property Tax Revenue Increase Reflected in the Fiscal Year 2008-2009 Budget.

EXPLANATION:
"Adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget. A vote under this subsection is in addition to and separate from the vote to adopt the budget or a vote to set the tax rate." LGC §102.007

Dianne Tidwell

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/09/08 06:00 PM

Department: Administration
Category: Tax Rates

ORDINANCE 2008-15

DOC ID: 1181 A

Consider an Ordinance Adopting the Tax Rate for Fiscal Year 2008-2009.

EXPLANATION:
The vote on the ordinance, resolution, or order setting a tax rate that exceeds the effective tax rate must be a RECORD vote.

A motion to adopt an ordinance, resolution or order setting a tax rate that exceeds the effective tax rate must be made in the following form:

"I MOVE THAT PROPERTY TAXES BE INCREASED BY THE ADOPTION OF A TAX RATE OF $0.5900." (Tax Code Section 26.05(b).

Dianne Tidwell

TAX RATE ADOPTION

WHEREAS, A tax rate of $0.3345 for maintenance and operations and a tax rate of $0.2555 for the debt service fund for a total tax rate of $0.5900 is necessary and appropriate for the funding of the FY 2008 City of Liberty budget; and

WHEREAS, Said budget has been heretofore regularly adopted by the City Council of the City of Liberty; and

WHEREAS, All other things required by law to be done have been done properly by the appropriate officials.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

That the 2008 maintenance and operations tax rate in the amount of $0.3345 per $100.00 and the debt service tax rate of $0.2555 per $100.00 for a total tax rate of $0.5900 per $100.00 is set and adopted.

“THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR’S TAX RATE.”

“THE TAX RATE WILL RAISE TAXES FOR MAINTENANCE

AND OPERATIONS ON A $100,000 HOME BY APPROXIMATELY $13.60.

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two (2) separate days is hereby dispensed with and all Council Members present vote affirmatively for the adoption of this Ordinance.

PASSED AND ADOPTED at a regular called meeting of the City Council of the City of Liberty, Texas on the 9th day of September, 2008.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/09/08 06:00 PM
Department: Administration
Category: Tax Rates

ORDINANCE 2008-16
DOC ID: 1182 A

Consider Approval of an Ordinance Regarding Tax Roll Approval and the Tax Levy.

TAX ROLL APPROVAL AND TAX LEVY

WHEREAS, A tax rate of $0.3345 for maintenance and operations and a tax rate of $0.2555 for the debt service fund for a total tax rate of $0.5900 were adopted for the tax year 2008 by the City Council of the City of Liberty, Texas; and

WHEREAS, All other things required by law to be done have been done properly by the appropriate officials.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

That the 2008 appraisal roll with tax amounts entered is hereby approved as the tax roll for 2008 and the taxes for said year are hereby levied in the amounts shown on said tax roll.

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two (2) separate days is hereby dispensed with and all Council Members present vote affirmatively for the adoption of this Ordinance.

PASSED AND ADOPTED at a regular called meeting of the City Council of the City of Liberty, Texas on the 9th day of September, 2008.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/09/08 06:00 PM

Department: Administration
Category: Abatements

COUNCIL ACTION 2008-51

DOC ID: 1193

Consider Approval of an Amendment to the Tax Abatement Agreement with Boomerang Tube, LLC.

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/09/08 06:00 PM

Department: Administration
Category: Economic Development Issues

COUNCIL ACTION 2008-52

DOC ID: 1194

Consider Approval of Provisions for Electric Services to Boomerang Tube, LLC.

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/09/08 06:00 PM

Department: Administration
Category: Acquisitions

COUNCIL ACTION 2008-53

DOC ID: 1195

Consider Approval of Land Acquisition from Union Pacific Railroad.

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