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

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.

II. INVOCATION

Kelsey Rhodes, Senior Class Vice-President, Liberty High School

III. PLEDGE OF ALLEGIANCE

Dustin De Sha, Senior Class President, Liberty High School

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 remarked on the Texas Municipal League Annual Conference on October 28-31, 2008, in San Antonio.

IV. PRESENTATIONS / REPORTS

1. Information Item 2008-45

Geraldine D. Humphreys Cultural Center Expansion Project

COMMENTS - Current Meeting:

Richard Edwards, Edwards & Associates was present to give Council a report on the status of the Humpreys Cultural Center Expansion Project. Jerry Williams, Interior Designer, was also present to discuss the interior color schemes to be used throughout the project. After fielding questions from the Council, Mr. Edwards remarked that he was working diligently to keep costs down and that his plans were that this project would be out for bid by the end of October.

2. Information Item 2008-46

Recycling Report

COMMENTS - Current Meeting:

Councilperson Huddleston reported on the Tire Recycling Day to be held September 20th at John J. Hebert Distributing on Hwy. 90. Councilperson Huddleston also reported on continuing efforts to bring recycling to the City of Liberty, a possible "Shred-It" Day in November and a paint recycling day.

3. Information Item 2008-47

Financial Report

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on the current financial report, to include all but the last month of the fiscal year. Discussion was held regarding fund balances, estimated actuals, and other related topics.

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.

COMMENTS - Current Meeting:

A motion was made to reappoint the following Liberty Municipal Library Board members for additional two-year terms:

Valerie Braxton, Charlotte Goudeau, Mark Herndon, Amy Milentz, and Paul Schmidt.

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

2. Resolution 2008-21

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

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, APPOINTING A REPRESENTATIVE TO THE SAM RAYBURN MUNICIPAL POWER AGENCY BOARD OF DIRECTORS."

A motion was made to appoint Mr. Charles McGuire to the Sam Rayburn Municipal Power Agency Board of Directors. This term will end September, 2010.

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

3. Council Action 2008-48

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

COMMENTS - Current Meeting:

Representative of the Liberty-Dayton Area Chamber of Commerce were present to request the City of Liberty's co-sponsorship of the 'Country Christmas' event. Lengthy discussion was held to include estimated expenses, event expansion, hotel-motel tax, other entities additional funding of this event, and other related topics. A motion was made to co-sponsor this event with the Liberty-Dayton Area Chamber of Commerce, to offer $5000 from hotel-motel tax towards this event and its expansion, to include additional activities.

Council directed City Attorney Randy Gunter to draw up a contract stating specifics to include assuring the City's funds would be expended in a way that is in compliance with hotel-motel tax rules and regulations.

Councilpersons Huddleston and Jordan abstained from voting as each are Chamber of Commerce Board Members.

RESULT:	**APPROVED [5 TO 0]**
MOVER:	Mike McCarty, Mayor Pro-Tem
SECONDER:	Louie Potetz, Frank Jordan
AYES:	Pickett, Beasley, McCarty, Simonson, Potetz
ABSTAIN:	Diane Huddleston, Frank Jordan

4. Council Action 2008-49

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

COMMENTS - Current Meeting:

Each H-GAC member city, under 25,000, is allowed to designate one representative and one alternate to the General Assembly. A motion was made to designate Councilperson McCarty and Mayor Pickett, respectively, as the representative and alternate. The designees must be elected officials.

ATTACHMENTS:

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

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

5. Ordinance 2008-8

Consider an Ordinance Adopting New Water Rates.

COMMENTS - Current Meeting:

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

"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."

A motion was made to adopt Ordinance No. 2008-8 approving new water rates.

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

6. Ordinance 2008-9

Consider an Ordinance Adopting New Sewer Rates.

COMMENTS - Current Meeting:

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

"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."

A motion was made to adopt Ordinance No. 2008-9 approving new sewer rates.

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

7. Ordinance 2008-10

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

COMMENTS - Current Meeting:

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

"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."

A motion was made to adopt Ordinance No. 2008-10 establishing rates/fees for the collection and disposal of garbage and rubbish.

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

8. Ordinance 2008-11

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

COMMENTS - Current Meeting:

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

"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."

A motion was made to adopt Ordinance 2008-11 establishing new rates/fees charged by the City of Liberty for emergency medical services.

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

9. Ordinance 2008-12

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

COMMENTS - Current Meeting:

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

"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."

After lengthy discussion of alarm systems, false alarm calls, and related issues, a motion was made to adopt Ordinance 2008-12, with the following change:

1. 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 TEN BUSINESS DAYS (was previously written as five days) of the date of the document notifying the person of the false alarm.

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

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.

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 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 IF FULLY FUNDED/REIMBURSED BY STATE OF TEXAS DEPARTMENT OF TRANSPORTATION PER CONTRACT NO. 588XXF6062 AND CHARGE NO. 8OP09G1CJ."

A motion was made to approve the Resolution.

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

11. Ordinance 2008-13

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

COMMENTS - Current Meeting:

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

"SETTING AND ESTABLISHING THE 2009 FISCAL YEAR OPERATING BUDGET."

A motion was made to adopt Ordinance 2008-13 approving the 2009 Fiscal Year Operating Budget, with one change to include $5000 to be expended from hotel-motel tax for co-sponsorship of Country Christmas.

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

12. Ordinance 2008-14

Consider an Ordinance Amending the Fiscal Year 2008 Budget.

COMMENTS - Current Meeting:

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

"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."

A motion was made to adopt Ordinance 2008-14 amending the Fiscal Year 2008 Budget.

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

13. Council Action 2008-50

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

COMMENTS - Current Meeting:

The Local Government Code requires that adoption of a budget that will require raising more revenue from property taxes than in previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget.

A motion was made to ratify the property tax revenue increase reflected in the Fiscal Year 2008-2009 budget.

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

14. Ordinance 2008-15

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

COMMENTS - Current Meeting:

Councilperson Potetz made the following motion: " I move that property taxes be increased by the adoption of a tax rate of $0.5900."

Mayor Pickett, Councilpersons Beasley, Huddleston, McCarty, Simonson, Potetz, and Jordan voting "AYE", NOES none. The vote on this ordinance must be a record vote.

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

15. Ordinance 2008-16

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

COMMENTS - Current Meeting:

A motion was made to adopt Ordinance 2008-16 approving the 2008 tax roll and levy.

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

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.

At 8:02 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 9:54 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2008-51

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

COMMENTS - Current Meeting:

A motion was made to approve the amended tax abatement agreement with Boomerang Tube, LLC, with the following change:

#19 - The term of the seven year exemption will begin JANUARY 1, 2010, not January 1, 2009.

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

2. Council Action 2008-52

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

COMMENTS - Current Meeting:

No action was taken on this agenda item.

3. Council Action 2008-53

Consider Approval of Land Acquisition from Union Pacific Railroad.

COMMENTS - Current Meeting:

No action was taken on this agenda item.

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 9:56 p.m.

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

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary