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, November 11, 2008 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on November 11, 2008 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:05 PM by Mayor Carl Pickett.

II. INVOCATION

Pastor Edwin Hardy, St. John's Baptist Church gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Enoc Medina, Liberty High School Senior, led the pledge to the American and Texas flags.

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Mayor Pickett welcomed guests and visitors, opening the floor for Public Comment.

Mayor Pickett reported on the following items:

1. Document Shredding Event to be held on Saturday, November 15 at the First Baptist Church.
2. Employee Appreciation Dinner to be held Thursday, November 20th.
3. Sadness at the passing of 15-year employee Shirley David.

V. PRESENTATIONS / REPORTS

1. Information Item 2008-58

Waters-Oldani Executive Recruitment

COMMENTS - Current Meeting:

Mr. Chris Hartung, Waters-Oldani made a presentation regarding services available for the executive recruitment of a Police Chief. Mr. Hartung explained the recruitment process to include a recruitment brochure, advertising, identification of quality candidates, screening, interviews, background checks, a proposed timeline, and other related topics. Cost for these services would be approximately $17, 500.00 plus expenses. This process should take approximately 75-100 days.

2. Information Item 2008-59

Recycling Report - Terry Woodson, Waste Management

COMMENTS - Current Meeting:

Terry Woodson, Waste Management presented a report on the topic of recycling. Ms. Woodson spoke at length about the issue of "Think Green" which includes "reduce, reuse, and recycle". Further discussion included the issues of drop-off facilities, curbside recycling, conservation, air quality and possible once-a-week trash service.

3. Information Item 2008-60

Houston Wilderness - Victoria Herrin, Trails Coordinator

COMMENTS - Current Meeting:

Ms. Victoria Herrin, Houston Wilderness made a presentation on the Sam Houston Trail & Wilderness Preserve Project. Ms. Herrin reported that Southeast Texas is one of the most highly diverse ecological regions in the United States. The project includes undeveloped land encircling Houston and connecting existing parks, refuges, waterways, etc. This loop would be complete with hiking and biking trails, campsites, encourage outdoor recreation, and economic growth.

4. Information Item 2008-61

Texas Water Development Board Project - Status Report

COMMENTS - Current Meeting:

City Manager Ron Wood gave an update on the city's $8.1 million Texas Water Development Board Project. Mr. Wood reported that the design for the rehabilitation of the wastewater treatment plant is due by January 9, 2009. This review will take approximately 90 days and bids are to be let by late spring. In regard to the sewer collection system, smoke testing was complete in the 07-08 budget, which identified sewer line problems and their exact locations. Flow monitoring testing will be conducted within the next few weeks to check for infiltration and inflow.

5. Information Item 2008-62

Financial Report

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on the October financial report. Ms. Herrington reported that the General Fund is over budget due to Hurricane Ike. Ms. Herrington reported that building maintenance line items in the Police and Electric Departments were over budget due to the lease of portable buildings for temporary housing; also due to Hurricane Ike. Ms. Herrington further stated that utility billing and other business were getting back to normal.

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, October 14, 2008

2. Tuesday, October 21, 2008

3. Wednesday, November 05, 2008

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2008-57

Consider Approval of the Method by Which a New Police Chief Will be Selected.

COMMENTS - Current Meeting:

After brief discussion, a motion was made to utilize the services of Waters Oldani Executive Recruitment for the recruitment of a police chief; pursuant to their proposal of $17,500 plus expenses.

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

2. Ordinance 2008-18

Consideration and Approval of an Ordinance Authorizing the Issuance of "City of Liberty, Texas, Tax Anticipation Notes, Series 2008:" Specifying the Terms and Features of Said Notes; Levying a Continuing Direct Annual Ad Valorem Tax for the Payment of the Principal of and Interest on Said Notes; and Resolving Other Matters in Connection Therewith.

COMMENTS - Current Meeting:

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

"AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF LIBERTY, TEXAS, TAX ANTICIPATION NOTE, SERIES 2008; SPECIFYING THE TERMS AND FEATURES OF SAID NOTE; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTE; AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH."

Mr. Jim Gilley, Coastal Securities and Mr. Neil Thomas, Fulbright & Jaworski, were present to address Council regarding management's concern of cash flow issues due to Hurricane Ike. First Liberty National Bank has agreed to extend credit in the amount of 3 million dollars, for a period of two years. These funds will be drawn only as needed and interest will be paid at the amount of 5%, only on what is drawn. This program provides to the Attorney General that this 3 million dollar note will be paid from ad valorem taxes if the city has not received reimbursement from FEMA by February 1, 2010. The final maturity on this note is February 1, 2011.

Motion was made to adopt Ordinance 2008-18.

RESULT:	**ADOPTED [5 TO 0]**
MOVER:	Louie Potetz, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Beasley, McCarty, Simonson, Potetz, Jordan
ABSTAIN:	Carl Pickett, Diane Huddleston

3. Council Action 2008-59

Consider and Approve a Variance Request, from the Sign Ordinance, for the Sonic Drive in Located at 1821 Hwy. 90.

COMMENTS - Current Meeting:

After discussion of a variance request for an LED sign from the Sonic Drive In located at 1821 Hwy. 90, a motion was made to table the request for further review of signage issues.

At a recent meeting of the Planning & Zoning Commission, this board recommended the variance be denied.

ATTACHMENTS:

- Attachment #1 - 1821 Highway 90 Sign Variance Sonic (TIF)

RESULT:	**APPROVED [6 TO 1]**
MOVER:	Mike McCarty, Mayor Pro-Tem
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Beasley, Huddleston, McCarty, Simonson, Jordan
NAYS:	Louie Potetz

4. Council Action 2008-60

Consider and Approve a Variance Request, from the Manufactured Home Ordinance, on Property Located at 1825 Reese Street.

COMMENTS - Current Meeting:

Motion was made to grant a variance request from the manufactured home ordinance, to Ms. Jo Lynn Reynolds, 1825 Reese Street. Ms. Reynolds requested that she be allowed to replace her damaged manufactured home with another single wide home. Because Ms. Reynolds home is inside the "No Manufactured Home Zone" she was entitled to a one-time change out. However, this replacement requires the replacement home be larger than the original single wide, along with other restrictions. Mr. Reynolds home was damaged due to Hurricane Ike.

ATTACHMENTS:

- Attachment #2 - 1825 Reese Mobile Home Variance JoLynn Reynolds (TIF)

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

5. Resolution 2008-25

Consider Approval of a Resolution Regarding a Moratorium on the Issuance of Permits for Travel Trailers in the City of Liberty.

COMMENTS - Current Meeting:

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

"A RESOLUTION OF THE CITY COUNCIL OF LIBERTY, TEXAS, ORDERING A 120 DAY MORATORIUM ON THE ISSUANCE OF PERMITS FOR TRAVEL TRAILERS IN THE CITY OF LIBERTY."

This resolution was approved in order to give Council time to research and prepare an ordinance regarding the placement and permitting of travel trailers in the City of Liberty.

Motion was made to approve the Resolution.

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

6. Council Action 2008-61

Consider and Approve, or Ratify, a Lease Agreement for the Temporary Police Department.

COMMENTS - Current Meeting:

This two-month lease formalizes the agreement that was made under the emergency powers the Mayor had during Hurricane Ike, when the city was without a police department structure. The first month's lease was donated by the Jordans'; the charge for the second month lease was $1.25 per square foot. The lease ended on November 12th for a total payment of $8, 100.00. Motion was made to approve the lease.

Councilperson Jordan excused himself from the Council Chambers during the discussion of this item and abstained from voting.

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

7. Council Action 2008-62

Consider and Approve a New Street Sign Program Using Liberty High School Colors.

COMMENTS - Current Meeting:

Harvey Joiner, Street Supt. was present to address the Council regarding a street sign project to include replacing city street signs, with new signs made from Liberty school colors. The city has approximately 734 signs, with the new signs costing approximately $33 each, for a total expense of $24,000.00. Mr. Joiner proposed working with city staff to set up a new fund whereby citizens could fund the purchase of signs for their street or other additional streets.

Motion was made to approve the project.

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

8. Council Action 2008-63

Consider and Approve a Nomination to the Central Appraisal District Agricultural Advisory Board.

COMMENTS - Current Meeting:

The Central Appraisal District requsted a nomination from each taxing entity, from their respective county precinct, to the Agricultural Advisory Board.

Motion was made to nominate Mr. Fredrick Freeman to the Liberty County Central Appraisal Agricultural Advisory Board.

ATTACHMENTS:

- Attachment #3 - CAD Ag Adv Brd 08 (PDF)

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

9. Council Action 2008-64

Consider and Approve a Nomination to the Central Appraisal District, Appraisal Review Board.

COMMENTS - Current Meeting:

The Central Appraisal District requested a nomination from each taxing entity, from their respective county precinct, to the Appraisal Review Board.

Motion was made to nominate Mr. Bob Walker to the Liberty County Central Appraisal District Appraisal Review Board.

ATTACHMENTS:

- Attachment #4 - CAD App Rev Brd 08 (PDF)

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

VIII. COUNCIL MEAL

The Council shared an evening meal.

IX. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 9:30 p.m.

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

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary