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

I. CALL TO ORDER

The Meeting was called to order on December 9, 2008 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:00 PM by Mayor Carl Pickett.

II. INVOCATION

The Invocation was given by Councilperson Dennis Beasley.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Street Superintendent Harvey Joiner.

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 non-agenda items. There was no comment.

Mayor Pickett wished everyone present a Merry Christmas and Happy Holiday Season.

V. ITEMS OF INTEREST

1. Miscellaneous Correspondence

1. Information Item 2008-63

Comcast Cable

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported that the City had received information from Comcast Cable regarding changes to the channel line-up that will soon take place in our community.

ATTACHMENTS:

- Attachment #1 - Comcast Changes (PDF)

VI. PRESENTATIONS / REPORTS

1. Information Item 2008-64

Mayor's Report

COMMENTS - Current Meeting:

Mayor Pickett reported the following items:

1. The Employee Appreciation Dinner, sponsored by the City Council, on November 20th went well, and Mayor Pickett thanked employees for their work during Hurricane Ike, as well as all year round.

2. The Liberty-Dayton Area Chamber of Commerce sponsored the Country Christmas event held on December 2nd, which was well attended. Mayor Pickett remarked that the City participates in this event and thanked the Chamber for their work.

2. Information Item 2008-65

Recycling Report - Councilperson Diane Huddleston

COMMENTS - Current Meeting:

Councilperson Diane Huddleston reported on the recent free document shredding event, sponsored by the City and held on November 15th, in which 3-4 tons of documents were disposed. Councilperson Huddleston stated this event was a great success and applauded the efforts of Bruce Wright, Chairman. Ms Huddleston also reported that the tire recycling day cancelled due to Hurricane Ike would be rescheduled in the next 30-60 days.

3. Information Item 2008-66

Financial Report - Naomi Herrington, Finance Director

COMMENTS - Current Meeting:

Naomi Herrington, Finance Director reported that the financial report reflects that the city's financial situation is satisfactory with no unexpected abnormalities unrelated to Hurricane Ike. Ms. Herrington reviewed several line items that are experiencing extenuating fluctuation due to Hurricane Ike and that significant capital expenditures were temporarily on hold. The report included that revenues are currently consistent with budget figures as they should be this time of year and the City is waiting on FEMA reimbursements.

ATTACHMENTS:

- Attachment #2 - Council finance Nov08 (XLS)

4. Information Item 2008-67

Hurricane Ike Financial Update - Naomi Herrington, Finance Director

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reviewed expenditures paid-to-date due to Hurricane Ike. Ms. Herrington reported on the various categories submitted for FEMA reimbursement and that funds should be received, from FEMA, 4-6 weeks after submission.

City Manager Ron Wood stated that the City would be closing on a $3 million dollar Tax Anticipation Note the following day to provide a budget loan to pay expenses related to Hurricane Ike, until FEMA and insurance reimbursements are received. Mr. Wood reported that the first draw-down would be in the amount of $1.4 million dollars to cover closing costs of approximately $57,000 and that the balance would carry the city through several months, thereby protecting the fund balance. Subsequent funds will only be drawn as absolutely necessary.

ATTACHMENTS:

- Attachment #3 - Hurricane Ike Detail (XLSX)

5. Information Item 2008-68

Texas Commission on Environmental Quality - Drinking Water Recognition Program Ron Wood, City Manager

COMMENTS - Current Meeting:

City Manager Ron Wood reported that the City had been chosen to receive a Texas Commission on Environmental Quality, 2008 Public Drinking Water Recognition Program Award, in regard to meeting Total Coliform Rule requirements, as set forth by TCEQ. This program recognizes the education and contribution public water suppliers make to the State and to protecting the public health of all citizens. Mayor Pickett thanked Earl McCreight, Water & Wastewater Supt. and his employees for a job well done.

ATTACHMENTS:

- Attachment #4 - TCEQ Recognition Program (PDF)

6. Information Item 2008-69

Airport Advisory Board - Linda Street-Ely, AAB Member

COMMENTS - Current Meeting:

Airport Advisory Board Member, Linda Street-Ely addressed the Council regarding issues relative to the airport including height hazard zoning, security and fencing, airport management, safety, airport access, AAB contributions to improving the airport, a request for extending the tenure of the AAB, and other various related topics.

VII. 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.

1. Minutes Approval

1. Tuesday, November 11, 2008

2. Wednesday, November 19, 2008

3. Monday, December 01, 2008

4. Wednesday, December 03, 2008

VIII. REGULAR AGENDA

A. Regular Session

1. Council Action 2008-65

Consider Extending the Term of the Community Development Advisory Board.

COMMENTS - Current Meeting:

Discussion of this item included using this committee as a tool to assist the City Manager and the LCDC with economic development issues, to work in conjunction with the Liberty-Dayton Area Chamber of Commerce, quarterly reports to Council regarding the committee's progress, various projects, and other related topics.

Motion was made to extend the tenure of this committee until December 31, 2010, to include following the current mission statement addressing tourism, beautification, and economic development.

ATTACHMENTS:

- Attachment #5 - CDAB Dec 08 (PDF)

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

2. Council Action 2008-66

Consider Extending the Term of the Airport Advisory Board.

COMMENTS - Current Meeting:

City Manager Ron Wood expressed his appreciation for the work of the Airport Advisory Board. Mr. Wood reported on current airport related projects and stated that staff is administering and overseeing these projects, working with TxDOT Aviation. Mr. Wood's recommendation was that the Airport Advisory Board not be extended beyond December 31, 2008.

Mayor Pickett read the last paragraph of Mr. Wood's recommendation, contained in the Council's packet, as follows:

"The Airport Advisory Board has fulfilled their mission and we appreciate the members who served. Given the fact that there have been some resignations of board members this year and the fact that an Airport Plan is in place, and that staff is working directly with TxDot Aviation and proceeding with implementing the Airport Plan as funding is available, it is my recommendation not to extend the term of the Airport Advisory Board beyond December 31, 2008."

Discussion ensued regarding other airports and advisory boards, knowledge and advice of the board members at no cost to the city, questions regarding the board's "advisory" role, implementation and administration issues, scope of duty, and other related topics.

Motion was made to table this item.

ATTACHMENTS:

- Attachment #6 - AAB CM Letter (PDF)
- Attachment #7 - AAB Dec 08 (PDF)

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

B. Executive Session

Deliberation Regarding Economic Development Negotiation. Gov. Code §551.087.
Consultation With Attorney. Gov. Code §551.071.

1. Discussion of Freeport Tax Exemption as to Boomerang Tube, LLC.

Deliberation Regarding Economic Development Negotiation. Gov. Code §551.087.
Consultation With Attorney. Gov. Code §551.071.
Meeting Concerning Municipally Owned Utility. Gov. Code §551.086.

2. Discussion of Electric Rate Contract with Boomerang Tube, LLC.

Mayor Pickett recognized Scott Harris, General Manager of Operations for Boomerang Tube, LLC and Lilia Rae, Director of Human Resources.

At 7:10 p.m. Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:55 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2008-67

Consider Approval of a Freeport Exemption Tax as a Business Incentive.

COMMENTS - Current Meeting:

This item was considered together with the following agenda item RES 2008-26.

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

2. Resolution 2008-26

Consider Approval of a Resolution Regarding a Freeport Exemption Tax.

COMMENTS - Current Meeting:

Motion was made to grant the Freeport Exemption Tax as a business incentive, approving the Resolution waiving the right to tax goods-in-transit effective January 1, 2009.

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

3. Council Action 2008-68

Consider Approval of an Electric Rate Contract with Boomerang Tube, LLC.

COMMENTS - Current Meeting:

City Attorney Randy Gunter recommended postponement of this item until a future meeting has been held with the different parties involved, in which the City will receive additional information.

Motion was made to postpone this meeting until a later date.

RESULT:	**TABLED [UNANIMOUS]**	**Next: 1/13/2009 6:00 PM**
MOVER:	Louie Potetz, Councilperson	
SECONDER:	Dennis Beasley, Councilperson	
AYES:	Pickett, Beasley, Huddleston, McCarty, Simonson, Potetz, Jordan	

IX. COUNCIL MEAL

Council shared an evening meal.

X. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 8:59 p.m.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Louie Potetz, Councilperson
SECONDER:	Dennis Beasley, 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