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, February 10, 2009 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on February 10, 2009 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:03 PM by Mayor Carl Pickett.

II. INVOCATION

The Invocation was given by Father Ted Smith, St. Stephens Episcopal Church.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American and Texas flags were led by Mallory Fowler and Julie Birdwell, Liberty High School Seniors.

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.

1. Mr. Mike Ely spoke regarding his concerns relative to the Airport Advisory Board.
2. Mayor Pickett reminded everyone of the upcoming Liberty-Dayton Chamber of Commerce Annual Awards Banquet, to be held February 24, 2009.
3. Mayor Pickett expressed his regrets on the passing of Councilperson Al Simonson's father.

V. PRESENTATIONS / REPORTS

1. Information Item 2009-4

SRMPA Update - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported on the Sam Rayburn Municipal Power Agency's most recent agenda, and stated that he would be providing, to the Council Members, minutes of each meeting after their approval.

2. Information Item 2009-5

Statewide Smoking Ban - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported on information received regarding a statewide, comprehensive smoke-free law. This proposed law would eliminate dangerous secondhand smoke exposure for workers and patrons in all indoor public and work places in the state. Mayor Pickett inquired of Council if there were any objections to him signing a letter supporting this smoke-free ban, to be passed to the upcoming 81st Legislative Session. Mayor Pickett will execute the letter.

ATTACHMENTS:

- Attachment #1 - Smoking Ban (PDF)

3. Information Item 2009-6

Financial Report

COMMENTS - Current Meeting:

City Manager Ron Wood reported on the city's current financial status, in the absence of Finance Director Naomi Herrington. Mr. Wood reported that general fund revenues were consistent with budget figures as they should be this time of year. Mr. Wood also reviewed the various funds and year-to-date revenues and expenditures.

ATTACHMENTS:

- Attachment #2 - Jan 2009 encumbrance financial report (PDF)

4. Information Item 2009-7

Hurricane Financial Report

COMMENTS - Current Meeting:

City Manager Ron Wood updated the Council on the status of Hurricane Ike financials, presenting a cash flow analysis of hurricane related costs. Mr. Wood reported on transfers from other funds, tax anticipation notes, insurance payments, and other related issues. Mr. Wood also reported on a FEMA reimbursement for storm debris removal in the amount of $2.9 million. However, the state kept 10% of this amount until the closeout audit is complete, at which time the city will receive the withheld amount.

5. Information Item 2009-8

Public Claims Adjustment-Hurricane Ike - Mark Beausoleil, Atty.

COMMENTS - Current Meeting:

Attorney Mark Beausoleil was present to address the Council regarding a public claims adjustment process, related to Hurricane Ike damages. Mr. Beausoleil is working with representatives from Mordecai Claim Service, whose services include disaster recovery and FEMA Public Assistance consulting services. Mordecai's goal is to maximize federal disaster assistance funding, insurance reimbursements, and to expedite the obligation of those funds to the client. Discussion ensued regarding insurance reimbursements, FEMA project worksheets, fees, and other related topics.

Council gave the City Manager direction to move forward and expedite the process to work toward contracting with Mr. Beausoleil and Mordecai Claim Service.

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, January 13, 2009

2. Tuesday, January 20, 2009

3. Tuesday, January 27, 2009

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2009-10

Consider Raising Compensation Paid to Election Officials for the Conduct of City Elections.

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell requested that Council raise the compensation paid to election officials, to ensure the City keeps a knowledgeable and efficient group of workers. Ms. Tidwell requested the hourly rate be increased to $10.00, in order to retain these community-minded individuals.

A motion was made to increase the hourly rate for election officials from $8.50 to $10.00.

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

2. Ordinance 2009-2

Consider Adoption of an Ordinance Ordering a General Election to be Held in the City of Liberty on Saturday, May 9, 2009.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS ORDERING A GENERAL MUNICIPAL ELECTION TO BE HELD ON THE 9TH DAY OF MAY, 2009; AUTHORIZING A JOINT ELECTION WITH THE LIBERTY INDEPENDENT SCHOOL DISTRICT AND LIBERTY COUNTY HOSPITAL DISTRICT NUMBER 1; DESIGNATING THE POLLING PLACES AND APPOINTING ELECTION OFFICIALS FOR SUCH ELECTION; PROVIDING FOR EARLY VOTING; PROVIDING FOR TWO TWELVE-HOUR DAYS OF EARLY VOTING; PROVIDING FOR THE NOTICE OF ELECTION; PROVIDING A SEVERABILITY CLAUSE; 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."

Those council members whose terms expire are Councilpersons Dennis Beasley, Al Simonson, and Diane Huddleston.

A motion was made to adopt the Ordinance calling for a General Election on Saturday, May 9, 2009.

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

3. Resolution 2009-3

Consider a Resolution Authorizing the City Manager to Enter into an Agreement with the Texas Department of Transportation for the Temporary Closure of Main Street During the Liberty Jubilee.

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, ESTABLISHING THAT THE LIBERTY JUBILEE SERVES A PUBLIC PURPOSE AND AUTHORIZING THE CITY MANAGER, ON BEHALF OF THE CITY OF LIBERTY, TO ENTER INTO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE TEMPORARY CLOSURE OF A PORTION OF STATE RIGHT-OF-WAY DURING SAID LIBERTY JUBILEE."

A motion was made to approve the Resolution.

ATTACHMENTS:

- Attachment #3 - TxDOT Temporary Rd. Closure Agreement (DOC)

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

4. Resolution 2009-4

Consider Approval of a Resolution Ordering the Redemption of City of Liberty General Obligation Refunding Bonds, Series 2003.

COMMENTS - Current Meeting:

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

"A RESOLUTION ORDERING THE REDEMPTION OF CITY OF LIBERTY GENERAL OBLIGATION REFUNDING BONDS, SERIES 2003."

At a meeting of the Liberty Community Development Corporation, held on January 27, 2009, the board members voted to retire the debt incurred for construction of the levee. This Resolution calls for the redemption of the outstanding bonds.

A motion was made to approve the Resolution.

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

5. Council Action 2009-11

Consider Appointments to the 2009 Charter Review Commission.

COMMENTS - Current Meeting:

A motion was made to appoint the following individuals to the 2009 Charter Review Commission:

Councilperson Frank Jordan	Victor Barrance
Marsha LaFour	Jamie Carter
Clarence Martin	

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

6. Council Action 2009-12

Consider Reinstitution of the Airport Advisory Board.

COMMENTS - Current Meeting:

A motion was made to re-institute the Airport Advisory Board, with the Board's authority to cease December 31, 2009.

ATTACHMENTS:

- Attachment #4 - AAB Dec 08 (PDF)

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

7. Council Action 2009-13

Consider Authoriztion to Guarantee Payment to the Sam Rayburn Municipal Power Agency for an Electric Hardware Study.

COMMENTS - Current Meeting:

The City of Liberty proposes to guarantee payment to SRMPA for two System Impact Studies, for a maximum cost of $20,000 each; to survey the current electric hardware's ability to deliver the load required by Boomerang Tube, LLC. This study will be conducted by SRMPA's power supplier, EAM. Although the studies are estimated to be approximately $5000 per study, the City must provide assurance to SRMPA in the amount of $40,000. Boomerang Tube has provided a maximum limited guaranty to the City of Liberty in the amount of $40,000.

A motion was made to approve the guarantee of payment and to instruct SRMPA to move forward with the electric hardware studies.

ATTACHMENTS:

- Attachment #5 - Boomerang Guarantee (PDF)
- Attachment #6 - City's Guarantee SRMPA (PDF)

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

8. Council Action 2009-14

Consider Appointments to the Community Development Advisory Board.

COMMENTS - Current Meeting:

A motion was made to appoint the following individuals to the Community Development Advisory Board:

Sharon Riley Celeste Newton

Martha Goodwin Stephen Dugger

Juan Venegas Beth Takach

ATTACHMENTS:

- Attachment #7 - Comm Dev Adv Brd Info Feb 09 (DOC)

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

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 8:28 p.m.

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

____
Carl Pickett, Mayor

ATTEST:

____
Dianne Tidwell, City Secretary