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, March 10, 2009	6:00 PM	City Council Chambers

I. CALL TO ORDER

The Meeting was called to order on March 10, 2009 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:00 PM by Mayor Carl Pickett.

II. INVOCATION

Rev. Gregg Ballard, Olive Bethel Baptist Church, Hardin Tx., gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Capt. Jerry Steagall, Liberty Fire Department gave the Invocation.

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. There were no comments from the public.

Mayor Pickett reported the following:

- a special called meeting to be held on Tuesday, March 17, 2009,
- the annual Liberty Jubilee on Friday & Saturday, March 27 & 28, 2009, and
- the participation of Airport, Maintenance, and Park Director Avon Moore and City Manager Ron Wood on the monthly KSHN radio program.

City Secretary Dianne Tidwell reported that Comcast Cable would be redesigning its bill format to make the bills more clear and understandable to the customer; and that Comcast was also making several changes to the channel lineup.

V. PRESENTATIONS / REPORTS

1. Information Item 2009-9

Pay Plan - Chris Hartung, Waters Consulting

COMMENTS - Current Meeting:

Mr. Chris Hartung, Waters Consulting Group, made a presentation regarding the final report on the city's new pay plan. Topics discussed included job classification and rank, sworn and non-sworn employees, organizational structure, training in the evaluation process, job descriptions ($125 each), demographics, and other related issues.

Mr. Hartung reported that the main objective is to develop strategies that allow the City to be comparable in the marketplace, consistent with its goals and objectives. He further stated that a pay plan should be an equitable system, flexible, and easily understood.

Mr. Hartung will have the final report sent to the City Manager, who will then forward it to each of the Council Members.

2. Information Item 2009-10

SRMPA Report - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported that he had attended two meetings of the Sam Rayburn Municipal Power Agency since being appointed to that board. Mayor Pickett stated the meetings are held at the City of Livingston City Hall and that his future plans include providing the Council with the minutes of each meeting.

ATTACHMENTS:

- Attachment #1 - SRMPA Minutes Jan 09(PDF)

3. Information Item 2009-11

Liberty Bell Tower - Ron Wood

COMMENTS - Current Meeting:

City Manager Ron Wood reported on the status of the Liberty Bell Tower. Mr. Wood stated KSA Engineers had inspected the tower with regard to possible damage from high winds associated with Hurricane Ike, and the potential for further damage and/or collapse. The report stated there were concerns regarding the structural integrity and that repairs to this structure would likely exceed the tower's replacement cost. KSA's recommendation is to demolish the current tower and construct a new one in its place.

Discussion was held regarding costs for demolition of this structure. Mr. Wood reported that GTT, Inc., contractor for the Humphreys Cultural Center Expansion Project, estimated the cost to be approximately $16,000.00. However, since this contractor would already be on-site, a change order to demolish the tower could be submitted for approximately $12,719.00. Further discussion included possible extra costs and opportunities for local vendors. Council's consensus and direction to the City Manager was to contact local vendors and afford them the opportunity to provide the City with a proposal on the demolition of this structure.

ATTACHMENTS:

- Attachment #2 - Bell Tower Inspection (PDF)

4. Information Item 2009-12

Power Plant - Ron Wood

COMMENTS - Current Meeting:

This item was passed on and will be discussed at the Council Meeting of March 17, 2009.

ATTACHMENTS:

- Attachment #3 - Power Plant Struct Insp #2 (PDF)

5. Information Item 2009-13

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that the Tire Recycling Day previously scheduled for the Saturday after Hurricane Ike, would be held on Saturday, April 4, 2009. This event will be held in partnership with John J. Hebert Distributing, 424 Hwy. 90 and is limited to individuals, no businesses. There will be no charge for tire disposal.

ATTACHMENTS:

- Attachment #4 - Tire Recyling Day April 09 (PDF)

6. Information Item 2009-14

Financing Options for the Humphreys Cultural Center Expansion Project and Construction of Electrical Sub-Station - Ron Wood

COMMENTS - Current Meeting:

Mr. Jim Gilley, Coastal Securities, was present to discuss financing options for the Humphreys Cultural Center Expansion Project and proposed electric sub-station to serve Boomerang Tube, LLC.

Lengthy discussion was held regarding the pros and cons of combined financing and separate financing. Topics included Certificates of Obligation, Tax Anticipation Notes, costs of issuance, repayment flexibility, fund sources for repayment, Humphreys Foundation gift of $1 million dollars, amounts to be financed, (CC Expansion Project approximately $700,000 and sub-station $2.5 million), and other related issues.

The City Manager was directed to schedule a workshop with updated and detailed numbers and costs, for further discussion and/or action.

ATTACHMENTS:

- Attachment #5 - Financing Option CC & Substation-Fulbright (PDF)

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, February 10, 2009

B. Items

1. Council Action 2009-15

Consider Approval of an Interlocal Agreement Between the City of Liberty and Liberty County for Lease of Electronic Voting Equipment for the May 9, 2009 General Election.

COMMENTS - Current Meeting:

This agreement is with Liberty County for the lease of electronic voting equipment for the May 9, 2009 General Election. Cost of the equipment is $165.00 per day.

ATTACHMENTS:

- Attachment #6 - Interlocal Agreement DRE (PDF)

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

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2009-16

Consider Approval of an Agreement with Trees, Inc. for Tree Trimming Services of the City's Electric System.

COMMENTS - Current Meeting:

A motion was made to approve the agreement with Trees, Inc. for contract trimming of the city's power lines.

ATTACHMENTS:

- Attachment #7 - Trees, Inc Agreement Feb 09 (PDF)

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

2. Council Action 2009-17

Consider Appointments to the Airport Advisory Board.

COMMENTS - Current Meeting:

At the meeting of February 10, 2009 the City Council re-instituted the Airport Advisory Board. City Manager Ron Wood recommended the following names for appointment to this Board:

Sheryl Mayo - Dale Clawson - Linda Dubois - Charles Grabein

Chet Tims - E.B. Neuman - Tracy Williams

A motion was made to appoint the above-mentioned individuals to the Airport Advisory Board.

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

3. Resolution 2009-5

Consider a Resolution Authorizing Limited Administrative Approval of Minor Variances Related to Natural Disasters.

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the following Resolution into the record:

'A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, AUTHORIZING THE CITY ADMINISTRATION TO GRANT LIMITED EXCEPTIONS TO THE ORDINANCES OF THE CITY OF LIBERTY REGARDING THE PLACEMENT OF FEMA MANUFACTURED HOMES FOR A LIMITED PERIOD OF TIME UPON CERTAIN CIRCUMSTANCES."

Discussion was held regarding the City's recently passed Resolution allowing the permitting department to grant limited placement of FEMA manufactured homes in certain circumstances. The City placed stringent requirements regarding the moving and relocation of these homes, within a certain amount of time. FEMA requested that the Resolution be changed and that FEMA, not the owner, take on that responsibility.

There was no action taken; the Resolution stands as passed and approved at the Council Meeting of January 13, 2009.

4. Ordinance 2009-3

Consider Adoption of an Ordinance Amending the Boundary of the Protected Zones Regarding the Location of Manufactured Homes and Manufactured Home Parks.

COMMENTS - Current Meeting:

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

"AN ORDINANCE AMENDING ORDINANCE NO. 684 AS AMENDED BY ORDINANCES 712, 887, 890, 915, 906, 909, 915, 980, CHANGING THE BOUNDARY OF THE PROTECTED ZONES CONCERNING THE LOCATION OF MANUFACTURED HOMES AND MANUFACTURED HOME PARK SITES IN THE CITY OF LIBERTY, TEXAS AS FURTHER DESCRIBED BY THIS ORDINANCE AND REFERENCED MAPS TO COINCIDE WITH THE CURRENT FLOOD INSURANCE RATE MAP ("FIRM"); PROVIDING FOR EXCLUSIONS BASED ON LOCATIONS IN ZONE X; PROVIDING THAT ENFORCEMENT BE BASED ON THE MOST CURRENT FLOOD INSURANCE RATE MAP; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING FOR 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."

Candice Parker, Inspection Department requested that special flood hazard areas be included inside the No Manufactured Home Zone to prevent future development in these areas. This will specifically affect the east and west side of FM 2864 in Zone AE.

City Attorney Randy Gunter stated that as the river changes, different places flood, and those FIRM status' change, the ordinance incorporates the most recent FIRM map. Mr. Gunter further explained that the ordinance retains the old zones where manufactured homes are not permitted, and does not permit any additional areas. This ordinance expands the geographical area, within the No Manufactured Home Zone, where manufactured homes are not permitted.

A motion was made to adopt the ordinance as presented.

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

5. Resolution 2009-6

Consider Approval of a Resolution Regarding a Moratorium on Mobile Home And/Or Manufactured Home Permitting, Placement or Relocation Within Specified Flood Zone Areas.

COMMENTS - Current Meeting:

This agenda item was passed on; there was no action taken.

6. Ordinance 2009-4

Consider Adoption of an Ordinance Regarding the Placement and Location of Recreational Vehicle Parks in the City of Liberty.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS REGARDING THE PLACING AND LOCATION OF RECREATIONAL VEHICLE PARKS TO BE LOCATED WITHIN THE CITY OF LIBERTY; 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."

The proposed map reflects the same boundary as the initial No Manufactured Home Zone, with the exception of an area around the Trinity River. The new boundary line continues north to Carter Street, across Hwy. 90, continuing on Carter Street, and west on Webster Street towards the Trinity River. The purpose of this exception is to allow recreational vehicle parks along the river, to promote tourism, without being subject to restrictions.

This map does not include the changes adopted in the previous agenda item and related ordinance.

Motion was made to adopt the ordinance as presented.

RESULT:	**ADOPTED [5 TO 0]**
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Al Simonson, Councilperson
AYES:	Pickett, Beasley, Huddleston, Simonson, Potetz
ABSTAIN:	Mike McCarty, Frank Jordan

7. Resolution 2009-7

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

COMMENTS - Current Meeting:

This agenda item was passed on, there was no action taken.

B. Executive Session

Deliberation Regarding Real Property. Gov. Code §551.072
Consultation With Attorney. Gov. Code §551.071

1. Discussion of the Union Pacific Rail Spur.

Personnel Matters. Gov. Code §551.074
Consultation With Attorney. Gov. Code §551.071

2. Discussion of Police Chief applicants and search firm status.

At 7:47 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

Consider any action on the items as discussed in the Executive Section

1. Motion To: Consider action, if any, on the items as discussed in the Executive Session

COMMENTS - Current Meeting:

At 8:38 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

Discussion was held regarding the police chief search, to include a "Meet & Greet" in which the public is afforded the opportunity to meet the candidates on April 2, candidate interviews to be conducted by City Manager Ron Wood and Waters Consulting representative, Chris Hartung on Friday, April 3rd, and a meeting of the City Council to be held the second week of April for discussion of Police Chief candidates. No action was taken regarding this topic.

A motion was made to withdraw any intent to purchase the Union Pacific Rail Spur.

RESULT:	**APPROVED [5 TO 2]**
MOVER:	Mike McCarty, Mayor Pro-Tem
SECONDER:	Diane Huddleston, Councilperson
AYES:	Pickett, Huddleston, McCarty, Simonson, Potetz
NAYS:	Dennis Beasley, Frank Jordan

VIII. COUNCIL MEAL

Council shared an evening meal.

IX. ADJOURNMENT

Motion To: Adjourn

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Frank Jordan, Councilperson
SECONDER:	Louie Potetz, 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