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, April 14, 2009	6:00 PM	City Council Chambers

I. CALL TO ORDER

The Meeting was called to order on April 14, 2009 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 Mr. Roy House, Church of Jesus Christ of Latter Day Saints, Liberty, Texas.

III. PLEDGE OF ALLEGIANCE

Kori Jackson, Liberty High School Senior, led the Pledge of Allegiance.

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 commented on the following items:

- Liberty Jubilee
- Park Dept. received award for being the "Best Place to Have a Picnic and Ride a Bike"
- Initiative to rebuild bell tower structure in the near future
- Chamber of Commerce Business Expo
- Fire Dept. Annual Fund Raiser - Saturday, May 2
- Groundbreaking Ceremony for Humphreys Cultural Center Expansion Project - April 16, 9:00 a.m.

V. PRESENTATIONS / REPORTS

1. Information Item 2009-15

Disaster Recovery Funds - J. Rice, Public Management

COMMENTS - Current Meeting:

Mr. J. Rice, Public Management, Inc., reported that the Department of Housing & Urban Development allocated $1.3 billion dollars to the State of Texas for disaster recovery due to Hurricane Ike and Dolly. The Houston-Galveston Area Council, who disperses these funds, recently distributed $842 million to surrounding counties, of which $23 million will be distributed in Liberty County. Mr. Rice stated that he is working with the County on a process for the local distribution of these funds. Mr. Rice's discussion with the County regarding distribution, centered on infrastructure problems, long-term recovery projects, housing needs and other related issues.

These funds were split into housing and non-housing projects, $8 million set aside for housing projects, and $13 million set aside for infrastructure needs to be split up among the municipalities in the county. A formula was used based on population and infrastructure needs for distribution of these funds; with the City of Liberty to receive approximately $2 million dollars. After approval of the distribution method, by the Office of Rural Community Affairs (ORCA), the City will apply for these funds with an application showing projects the City deems necessary.

Mr. Rice explained that the City of Liberty has also applied for a Hazard Mitigation Grant Fund, for generators for the Liberty Fire Department. The City of Liberty should receive a total of over $2 million dollars for disaster recovery.

Mr. Rice further reported on the American Recovery and Revitalization Act (stimulus funds), explaining that these funds are for enhancement of existing programs for various entities, such as the Texas Department of Transportation, Texas Water Development Board, etc. Mr. Rice stated that this stimulus money can affect the City of Liberty in two ways, 1) city has applied for $350,000 CDBG funds to help build the lift station north of the wastewater treatment plant, and 2) the Texas Water Development Board has looked at Intended Use Plans submitted in January; the City having submitted a plan for water and wastewater. After meeting certain criteria, this could result in receiving grant funds or zero-interest loans.

ATTACHMENTS:

- Attachment #1 - Hurricane Ike Disaster Rec April 09 (PDF)

2. Information Item 2009-16

Sanitary Sewer Evaluation Survey - Steve Jordan, Schaumburg & Polk

COMMENTS - Current Meeting:

Mr. Steve Jordan, Schaumburg & Polk was present to discuss the Sanitary Sewer Evaluation Survey (SSES). Mr. Jordan stated that the purpose of this study was to gather information to implement the short and long term plans for addressing the needs of the wastewater collection system infrastructure. Mr. Jordan reviewed the various services performed in relation to this study; the physical inspection, smoke testing, flow monitoring, and hydraulic analysis; all of which result in the final SSES Report which will be submitted to the Texas Commission on Environmental Quality (TCEQ).

Further discussion was held regarding these services, leaks, probable project costs, and funding for year one to include existing Clean Water State Revolving Funds (TWDB), and $350,000 of proposed Community Development Block Grant Funds.

Mr. Jordan also touched on the Sanitary Sewer Overflow Initiative (SSOI). The SSOI is an agreement the City has entered into with the Texas Commission on Environmental Quality in which the City commits to performing certain actions to reduce the possibility of sanitary sewer overflows. In return, TCEQ will withhold further enforcement actions. This is a ten year program.

3. Information Item 2009-17

Presentation of the 07-08 Audit Report - Swaim, Hanagriff & Assoc.

COMMENTS - Current Meeting:

Swaim, Hanagriff & Associates representative, LeAnn Brents presented the audit report for fiscal year ending September 30, 2008. Ms. Brents reviewed, in detail, the contents of this document with Council.

Council will hold a work session, in the very near future, to further review and discuss various issues relating to this report.

4. Information Item 2009-20

Liberty Independent School District, Summer Lunch Program - Dr. Mona Chadwick, LISD Supt.

COMMENTS - Current Meeting:

Mona Chadwick, Liberty Independent School District Superintendent addressed the Council regarding a Summer Meals Ministry and Program. This program unites the resources of the community, citizens, churches, Texas AgriLife and the LISD in providing week day meals to children, in the LISD, from June 8 to August 21, 2009. Distribution sites will be identified and lunches will be prepared and delivered to these sites by LISD. Sites may provide enrichment programs for children and families, utilizing Texas AgriLife materials or Vacation Bible School and Sunday School materials.

5. Information Item 2009-18

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported on the recent Tire Recycling Day held on April 4th, in which 1,792 tires were collected. Ms. Huddleston thanked everyone involved in making this a successful event.

Councilperson Huddleston also reported that another Shred-It Day has been scheduled for Saturday, May 30th.

6. Information Item 2009-19

Financial Report - Naomi Herrington, Finance Director

COMMENTS - Current Meeting:

City Manager Ron Wood stated that the Financial Report would be passed on this month. Incode is now working on a report module to fit the City's needs.

7. Information Item 2009-21

Upcoming Appointments to the Liberty Community Development Corporation

COMMENTS - Current Meeting:

Mayor Pickett reported that appointments to the Liberty Community Development Corporation will be made at the May 12th Council Meeting. This announcement serves as a reminder so that Council may have time to consider qualified individuals to serve on this Board.

8. Information Item 2009-22

Upcoming Appointments to the Planning & Zoning Commission

COMMENTS - Current Meeting:

Mayor Pickett reported that appointments to the Planning & Zoning Commission will be made at the May 12th Council Meeting. This announcement serves as a reminder so that Council may have time to consider qualified individuals to serve on this Board.

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, March 10, 2009

2. Tuesday, March 17, 2009

3. Tuesday, March 24, 2009

4. Monday, April 06, 2009

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2009-29

Consider the Appointment of a Police Chief.

COMMENTS - Current Meeting:

City Manager Ron Wood stated that as a result of the search process for a new Police Chief, and the interviewing of qualified candidates, Mr. Wood's recommendation was to appoint Billy Tidwell to fill this vacant position.

A motion was made to appoint Billy Tidwell as the Chief of the Liberty Police Department.

Mr. Wood and Mayor Pickett both expressed their appreciation to Lt. Ricky Skarpa for serving as Interim Police Chief.

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

2. Council Action 2009-24

Consider the Selection of a Firm for Grant Administration Services for the Office of Rural Community Affairs/Community Development Block Grant 2008 Supplemental Disaster Recovery Fund.

COMMENTS - Current Meeting:

The Council was presented the Office of Rural Community Affairs, Master List of Qualified Administrators, related to the Community Development Block Grant, 2008 Supplemental Disaster Recovery Fund. From this list, a firm must be chosen to provide services required for the Recovery Fund application and administration services for proposed projects.

A motion was made to approve the selection of Public Management, Inc. to provide these services.

ATTACHMENTS:

- Attachment #2 - ORCA 08 Dis Rec Fund Grant Adm (PDF)
- Attachment #3 - ORCA 08 Dis Rec Fund Grant Adm List (PDF)

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

3. Council Action 2009-25

Consider the Selection of a Firm for Professional Engineering Services for the Office of Rural Community Affairs/Community Development Block Grant 2008 Supplemental Disaster Recovery Fund.

COMMENTS - Current Meeting:

The Council was presented the Office of Rural Community Affairs, Master List of Qualified Engineering Firms, related to the Community Development Block Grant, 2008 Supplemental Disaster Recovery Fund. From this list, a firm must be chosen to provide engineering services relative to the recovery fund projects.

A motion was made to approve the selection of Schaumburg & Polk, Inc. to provide these services.

ATTACHMENTS:

- Attachment #4 - ORCA 08 Dis Rec Fund Engineer Firm (PDF)
- Attachment #5 - ORCA 08 Dis Rec Fund Engineer List (PDF)

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

4. Council Action 2009-26

Consider Authorizing Schaumburg & Polk to Move Forward with Changes to the Sanitary Sewer Evaluation Report, and Authorizing Submittal of Report to the Texas Commission on Environmental Quality.

COMMENTS - Current Meeting:

This study is relative to gathered information which will assist in implementing the short and long term plans for addressing the needs of the wastewater collection system infrastructure.

A motion was made to authorize Schaumburg & Polk, Inc. to move forward with changes to the Sanitary Sewer Evaluation Report (SSES), also authorizing submittal of this report, to the Texas Commission on Environmental Quality.

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

5. Council Action 2009-28

Consider Revision of the City's Telecommunications Access Line Rates.

COMMENTS - Current Meeting:

The City received communication from the Public Utility Commission of Texas regarding an increase in the telecommunications right-of-way access line rates. These rates have increased by 2.07%, due to inflaction. Cities may choose to accept the increase, or decline, leaving the rates at the 2008 level.

A motion was made to decline the rate increase, leaving the rates as they currently are.

ATTACHMENTS:

- Attachment #6 - PUC Telecomm Access Line Rates (PDF)

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

6. Ordinance 2009-7

Consider Adoption of an Ordinance Regarding a Freeport Tax Exemption.

COMMENTS - Current Meeting:

City Attorney Randy Gunter stated that this is a revision document. The Central Appraisal District wanted to see this document in different form, with a citation to the Freeport Section of the Tax Code. There is no change in substance; document was presented as an ordinance rather than a resolution. This is essentially the same documentation that was approved in December, 2008.

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

"AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS, REPEALING ORDINANCE NO. 803 DATED, DECEMBER 12, 1989 AND ADOPTION OF ORDINANCE PROVIDING FOR FREEPORT EXEMPTION UNDER ARTICLE VIII, SECTION 1-j, OF THE TEXAS CONSTITUTION BEGINNING WITH THE 2010 TAX YEAR; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING 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 2009-7 as presented.

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

7. Council Action 2009-27

Consider Authorizing the City Manager to Seek Requests for Proposals for Architectural and Design Services for a New Police Department Facility.

COMMENTS - Current Meeting:

A motion was made to authorize the City Manager to seek Requests for Qualifications for architectural and design services for a new Police Department facility.

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

VIII. COUNCIL MEAL

Council shared an evening meal.

IX. ADJOURNMENT

1. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 8:24 p.m.

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

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary