The City of Liberty

City Council

Regular Meeting

~ Agenda ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, June 9, 2009 | **6:00 PM** | **City Council Chambers**

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrival
Mayor Carl Pickett	¨	¨	¨	
Councilperson Dennis Beasley	¨	¨	¨	
Councilperson Diane Huddleston	¨	¨	¨	
Mayor Pro-Tem Mike McCarty	¨	¨	¨	
Councilperson Al Simonson	¨	¨	¨	
Councilperson Louie Potetz	¨	¨	¨	
Councilperson Frank Jordan	¨	¨	¨	

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

V. PRESENTATIONS / REPORTS

1. Information Item 2009-33

2010 Census - Mr. Charles Teel, U.S. Census Bureau

2. Information Item 2009-34

Recycling Report - Councilperson Huddleston

3. Information Item 2009-35

Hurricane Ike FEMA Disbursements - Naomi Herrington

- Attachment #1 - Hurricane Ike Cash Flow - Ron MAY (PDF)

4. Information Item 2009-36

Financial Report - Naomi Herrington

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, May 12, 2009

2. Tuesday, June 02, 2009

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2009-38

Consider Placement of Additional Traffic Signage in the Forest HIlls Subdivision.

2. Council Action 2009-39

Consider Approval of the Final Plat of TheMcGinnis Subdivision.

- Attachment #2 - Final Plat of the McGinnis Subdivision (PDF)

3. Resolution 2009-9

Consider Waiving Library Card Fees for Out-Of-City Municipal Library Patrons.

4. Council Action 2009-40

Consider Approval of an Interlocal Agreement with Liberty County Precinct 1.

- Attachment #3 - Liberty County Prec 1 Agreement (PDF)

5. Council Action 2009-41

Consider Approval of Repairs to the Liberty Bell and Construction of a New Bell Tower.

6. Council Action 2009-42

Consider Authorizing the City Manager to Employ Additional Personnel for the Administration Department.

7. Information Item 2009-37

Annual Review and Update of the Community Development Capital Improvement Program.

8. Council Action 2009-43

Consider Approval of the Liberty Community Development Corporation Budget for FY 09-10.

B. Executive Session

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

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

Personnel Matters. Gov. Code §551.074

2. Discussion of the City Manager's evaluation & salary adjustment.
3. Discussion of finance personnel.

Deliberation Regarding Real Property. Gov. Code §551.072

4. Discussion of possible property acquisition for additional municipal purposes.
5. Discussion of possible sale of real estate owned by the City of Liberty.

C. Reconvene into Regular Session

1. Consider approval of city manager's evaluation and possible salary adjustment.

2. Consider and take action on acquisition of additional property for municipal purposes.

3. Consider and take action on sale of city owned real estate.

VIII. COUNCIL MEAL

IX. ADJOURNMENT

1. Motion To: Adjourn

CERTIFICATION

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 5th day of June, 2009 at 1:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

____
Dianne Tidwell, City Secretary

Notice given to The Vindicator, Liberty Gazette, and KSHN Radio.

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the ________ day of ____________________, 2009.

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 06/09/09 06:00 PM

Department: Administration
Category: Presentations

INFORMATION ITEM 2009-33

DOC ID: 1345

2010 Census - Mr. Charles Teel, U.S. Census Bureau

.

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 06/09/09 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM 2009-34

DOC ID: 1344

Recycling Report - Councilperson Huddleston

.

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 06/09/09 06:00 PM

Department: Finance
Category: Presentations

INFORMATION ITEM 2009-35

DOC ID: 1340

Hurricane Ike FEMA Disbursements - Naomi Herrington

Hurricane Ike Cash Flow

GENERAL FUND	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	
Beginning Cash Balance	**$867,116.88**	$262,485.01	$473,893.41	$1,511,361.50	$1,308,599.81	$1,541,048.11	$1,480,099.51	$2,394,524.80	$2,643,831.19	$2,731,746.25	$3,048,948.80	$4,783,997.48	
Cash Receipts	$355,683.02	$474,149.08	$1,116,767.54	$692,882.57	$752,634.85	$403,128.83	$359,416.54	$342,902.18	$600,000.00	$525,000.00	$510,000.00	$550,000.00	
Certificate of Deposit	$500,000.00												
Transfers from other funds	$480,000.00	$50,000.00		$530,000.00									
Tax Anticipation Notes	$0.00		$1,342,900.00			$9,722.22					$35,000.00		
Insurance Payments	$0.00	$107,037.08		$146,803.43		$52,000.00							
Sub Total Resources	$1,335,683.02	$631,186.16	$2,459,667.54	$309,686.00	$752,634.85	$445,406.61	$359,416.54	$342,902.18	$600,000.00	$525,000.00	$475,000.00	$550,000.00	
Estimated FEMA REIMBURSEMENTS													
Category A 100%					**$185,785.88**								
Category A 100%					**$2,691,921.91**								
Category B 75%							**$20,737.78**		$5,043.00				
Category B 75%								**$2,699.25**	$94,801.66		$65,794.88		
Category B 100%					**$13,164.81**								
Category B 100%								**$268,355.46**					
Category C 75%					**$6,213.00**			**$6,457.50**					
Category D 75%													
Category E 75%								**$211.50**	$2,178.40	$7,533.20	$2,349.80		
Category E 75%							**$8,554.68**	**$105.41**	$3,042.00	$10,714.04	$296,133.00		
Category E 75%								**$213.00**	$1,980.75	$83,762.22	$108,195.00		
Category E 75%								**$213.33**	$2,088.00	$214,576.00	$1,367,576.00		
Category F 75%							**$2,068,118.13**		.				
Category F 75%									$21,132.00	$30,617.09			
Category G 75%					**$3,075.00**								
Category G 75%					**$1,848.00**			**$1,004.25**					
Category G 75%									$7,649.25				
Category G 75%							**$9,558.00**						
Sub-Total-FEMA Reimbursements	$0.00	$0.00	$0.00	$0.00	**$2,902,008.60**	$0.00	**$2,106,968.59**	**$279,259.70**	$137,915.06	$347,202.55	$1,840,048.68	$0.00	$7,613,403.18
Total Resources	$2,202,799.90	$893,671.17	$2,933,560.95	$1,821,047.50	$4,963,243.26	$1,986,454.72	$3,946,484.64	$3,016,686.68	$3,381,746.25	$3,603,948.80	$5,363,997.48	$5,333,997.48	
Cash Disbursements	$714,638.00	$417,049.77	$648,640.30	$421,030.02	$424,599.81	$415,544.36	$455,700.69	$371,707.49	$650,000.00	$555,000.00	$580,000.00	$850,000.00	
Hurricane Cost	$1,225,676.89	$2,727.99	$773,559.15	$91,417.67	$2,997,595.34	$90,810.85	$1,096,259.15	$1,148.00	$0.00	$0.00	$0.00	$0.00	$6,279,195.04
Debt Payback													
Cost Sub-Total	$1,940,314.89	$419,777.76	$1,422,199.45	$512,447.69	$3,422,195.15	$506,355.21	$1,551,959.84	$372,855.49	$650,000.00	$555,000.00	$580,000.00	$850,000.00	$1,334,208.14
Ending Cash Balance	$262,485.01	$473,893.41	$1,511,361.50	$1,308,599.81	$1,541,048.11	$1,480,099.51	$2,394,524.80	$2,643,831.19	$2,731,746.25	$3,048,948.80	$4,783,997.48	$4,483,997.48	
Insurance Proceeds Restricted		$107,037.08		$146,803.43								$253,840.51	
Adjusted Ending Fund Balance												$4,230,156.97	

Debt Payment $1.342,000 + interest Cost

Attachment # 1: Hurricane Ike Cash Flow - Ron MAY (INF-2009-35 : Hurricane Ike FEMA Disbursements)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 06/09/09 06:00 PM

Department: Finance
Category: Presentations

INFORMATION ITEM 2009-36

DOC ID: 1342

Financial Report - Naomi Herrington

EXPLANATION:

Financial Report Thru April 2009.

Naomi Herrington

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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, May 12, 2009 | **6:00 PM** | **City Council Chambers**

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
Carl Pickett	þ	¨	¨	
Dennis Beasley	þ	¨	¨	
Diane Huddleston	þ	¨	¨	
Mike McCarty	þ	¨	¨	
Al Simonson	þ	¨	¨	
Louie Potetz	þ	¨	¨	
Frank Jordan	þ	¨	¨	

II. INVOCATION

The Invocation was given by Pastor Michael Booze, St. Paul Missionary Baptist Church.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given by Jenni and Janna Whitehead, 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, regarding non-agenda items.

Mayor Pickett reported on the following items:
1. Fire Department Muster held on Saturday, May 2nd,
2. Groundbreaking Ceremony at the Liberty Municipal Airport on Wednesday, May 20th, 10:30 a.m. for construction of airport improvements, to include runway lighting, and drainage improvements, and
3. Great job by the Water Department in responding to recent water system issues.

Councilperson Huddleston reported on a Shred-It Day to be held on Saturday, May, 30, 9 a.m.-Noon.

Mrs. Morse asked if there might be a better way of notifying citizens in an emergency event, such as the recent boil water notice. City Manager Ron Wood responded that it was placed on the radio, in the media, and flyers were placed in places where large groups might assemble. He thanked Mrs. Morse and stated he would look for ways to improve the notification process.

V. PRESENTATIONS / REPORTS

1. Information Item 2009-23

Proclamation - Motorcycle Safety & Awareness Month

COMMENTS - Current Meeting:

Mayor Pickett read a proclamation proclaiming Motorcycle Safety and Awareness Month. This proclamation was at the request of the Texas Motorcycle Safety Coalition.

ATTACHMENTS:

- Attachment #1 - Motorcycle Safety Month 09 (DOC)

2. Information Item 2009-30

Oath of Office to be Administered to Newly Appointed Police Chief.

COMMENTS - Current Meeting:

Judge Bobby Rader issued the Oath of Office to newly appointed Police Chief Billy Tidwell. This oath was for ceremonial purposes only, as Chief Tidwell formally took the Oath on April 27th prior to his first day of employment on May 4, 2009.

3. Information Item 2009-24

Employee Recognition - Mayor Carl Pickett

COMMENTS - Current Meeting:

Mayor Pickett presented a plaque to Lt. Ricky Skarpa, in appreciation for 34 years of dedicated service to this community, and for his commitment to the Liberty Police Department serving twice as Interim Police Chief.

4. Information Item 2009-26

WM - Waste Watch Program - Joe W.

COMMENTS - Current Meeting:

Joe Vidovich, Waste Management Southern Group, Corporate Security Director, made a presentation regarding the Waste Watch Program. This program involves training refuse drivers in being observant of and reporting suspicious events while on their routes.

5. Information Item 2009-25

Waste Management Services - Terry Woodson

COMMENTS - Current Meeting:

Terry Woodson, Municipal Marketing Manager for Waste Management made a presentation on the various recycling options available to the City of Liberty.

Option 1 -	Curbside Garbage Collection -	1 x week
	Curbside Recycling Collection -	1 x week

Option 2 -	Curbside Garbage Collection -	2 x week
	Curbside Recycling Collection -	1 x week
Option 3 -	Curbside CART Collection -	1 x week
	Curbside Recycling Collection -	1 x week
Option 4 -	Drop Off Recycling Collection	

A lengthy discussion ensued regarding the details of garbage collection, bin sizes, recycling codes, curbside vs. drop off recycling, costs, public education for these services, and other related issues.

6. Information Item 2009-27

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett commented on the most recent meeting of the Sam Rayburn Municipal Power Agency, held on April 28, 2009. A copy of the minutes of the meeting of February 24, 2009, were distributed to Council.

7. Information Item 2009-28

Financial Report - Naomi Herrington

COMMENTS - Current Meeting:

The financial report was passed on.

8. Information Item 2009-29

Humphreys Cultural Center Expansion Project Draw Down - Ron Wood

COMMENTS - Current Meeting:

A brief discussion was held regarding the status of construction on the Cultural Center Expansion Project and the status of draw-downs. The paid-to-date amount to the contractor is $117,000.00; with 5.31% project completion. Council directed management to conduct monthly inspections on this project.

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, April 14, 2009

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

2. Wednesday, April 22, 2009

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

VII. REGULAR AGENDA

A. Regular Session

1. Resolution 2009-8

Canvass Returns of the City of Liberty General Election Held on May 9, 2009, and Take Action on a Resolution for Same.

COMMENTS - Current Meeting:

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

"A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A GENERAL ELECTION HELD ON SATURDAY, MAY 9, 2009."

Motion was made to declare the following candidates elected to the City Council:

Dennis Beasley

Al Simonson

Diane Haywood Huddleston

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

2. Information Item 2009-31

Oath of Office to be Administered to Newly Elected Officials.

COMMENTS - Current Meeting:

Judge Bobby Rader issued the Oath of Office to newly elected officials: Dennis Beasley, Al Simonson, and Diane Haywood Huddleston.

ATTACHMENTS:

- Attachment #2 - Oath of Office Form (DOC)

3. Council Action 2009-30

Elect a Mayor Pro Tem.

COMMENTS - Current Meeting:

Motion was made to elect Councilperson McCarty as Mayor Pro Tem.

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

4. Council Action 2009-31

Consider Approval of Participation with the State Historical Preservation Office in Developing a Narrative and Pictorial History of the Power Plant Facility.

COMMENTS - Current Meeting:

Ms. Amy Barnes, FEMA Region 6 was present, to address Council, as a result of a project submitted to FEMA for the reimbursement of the demolition of the Power Plant facility, which was heavily damaged during Hurricane Ike. When FEMA allocates funds for this type project, an environmental review must be completed. As part of this assessment, the building was identified as eligible for the National Register of Historic Places for its historic character as an example of a public works building funded by the federal government in the 1930's. For the City of Liberty, this means that the building is being negatively impacted by the demolition. FEMA has to take additional steps before being able to fund the demolition of the building and this is done through negotiation of a Memo of Agreement; working in conjunction with the State Historical Preservation Office and the Governor's Division of Emergency Management.

Brad Patterson, State Historical Preservation Office states that he would normally urge reconsideration to try and save a building, but this building is severely damaged with no alternative, except for demolition. Lengthy discussion was held regarding the process of developing a narrative and pictorial history of this building.

100% of the cost should be submitted as part of this process , but only the normal FEMA share for this disaster of 75% would be reimbursed, if 100% of the cost is found to be eligible.

City Manager Ron Wood recommended that Council give authorization for management to proceed with the Memo of Agreement to move forward with this project.

Motion was made to participate in the project as presented.

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

5. Council Action 2009-32

Consider Approval of a Proposal for Medical and Dental Insurance.

COMMENTS - Current Meeting:

Mr. Jim Hall was present to discuss with Council proposals

received for Medical and Dental Insurance. After further discussion of no changes in coverage, stop smoking programs, wellness initiatives, and other related issues, a motion was made to approve the following:

- Renew with Health First for medical and dental coverage (formerly TriSurant)
- Purchase Stop Loss Aggregate - switch from previous provider to Mutual of Omaha
- Renew with Ft. Dearborn for life insurance coverage - 2 x employee annual salary - $5000 death benefit for retirees
- Renew transplant coverage, and
- Adopt the 4-rate structure funding level which will produce an annual contribution of $1,373,080.

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

6. Council Action 2009-33

Consider Appointments to the Planning and Zoning Commission.

COMMENTS - Current Meeting:

Motion was made to reappoint Bill Takach and Kim Anderson to the Planning & Zoning Commission.

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

7. Council Action 2009-34

Consider Appointments to the Liberty Community Development Corporation.

COMMENTS - Current Meeting:

Motion made to reappoint Ron Wood, Mike McCarty and Robert Ward to the Liberty Community Development Corporation Board of Directors.

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

8. Council Action 2009-35

Consider Authorizing the City Manager to Seek Requests for Qualifications for Architectural and Design Services for a New Liberty Bell Tower.

COMMENTS - Current Meeting:

Motion was made to authorize the City Manager to seek Requests for Qualifications for architectural and design services for a new Liberty Bell Tower.

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

9. Ordinance 2009-8

Consider an Ordinance Amending the Fiscal Year 2008-2009 Budget, Providing for Additional Personnel.

COMMENTS - Current Meeting:

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

"APPLYING ADJUSTMENTS FOR AMENDING THE FISCAL YEAR 2008-2009 BUDGET AND FINANCIAL PLAN FOR THE CITY OF LIBERTY IN THE ADMINISTRATION DEPARTMENT OF THE GENERAL FUND."

This item relates to additional personnel being employed within the Administration Department. City Manager Ron Wood stated that this is specific to a Finance Director and back-up personnel for payroll, accounts payable, and the billing department. Mr. Wood further stated the proposed amendment is for $28,400 for the balance of the fiscal year, for both positions. Proposed salary is $24,000 for the back-up personnel and $63,000 for Finance Director. Annual cost of these positions, is $29,692 and $74,160, respectively, for a total of $103,852.00.

After lengthy discussion including duties, responsibilities, financial reports, and other related issues, a motion was made to adopt the budget amendment, authorize the employment of a clerical position.

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

10. Council Action 2009-36

Consider Approval of Compensation to be Paid to the Election Officials for the May 9, 2009 General Election.

COMMENTS - Current Meeting:

Motion was made to approve compensation due election officials for the May 9, 2009 General Election, in the amount of $1405.00.

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

11. Council Action 2009-37

Consider Setting the Date, Time and Location for a City Council and Staff Work Session to Set Goals, Objectives and Action Plans.

COMMENTS - Current Meeting:

Motion was made to hold a council and staff work session to set goals, objectives, and action plans for Tuesday, June 2, 2009, 6:00 p.m., in the City Council Chambers.

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

12. Work Session 2009-6

Web Site Design / A-1 Tel-Com, Inc.

COMMENTS - Current Meeting:

Matt Lanier, A-1 Tel-Com, Inc. was present to report on the status of the new web site design. Discussed was design templates, functionality within the site, photos, streaming video, links, content, timelines, and other related items. Mr. Lanier stated that he expects to have the site complete in 5-6 weeks.

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 9:50 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

The City of Liberty
City Council
Special Called Meeting
~ Minutes ~

1829 Sam Houston
Liberty, TX 77575
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Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, June 2, 2009 **6:00 PM** **City Council Chambers**

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
Carl Pickett	þ	¨	¨	
Dennis Beasley	þ	¨	¨	
Diane Huddleston	þ	¨	¨	
Mike McCarty	þ	¨	¨	
Al Simonson	¨	þ	¨	
Louie Potetz	þ	¨	¨	
Frank Jordan	þ	¨	¨	

II. INVOCATION

Mayor Pickett dispensed with the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pickett dispensed with the Pledge of Allegiance to the American and Texas flag.

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, regarding non-agenda items.

Ms. Ruth Mosley addressed the Council regarding the amount of money deducted from her security deposit for use of the Liberty Center on April 25, 2009. Ms. Mosley described the clean-up after her event, and stated that it was unclear why she was not refunded the full amount of her deposit.

Ms. Mosley inquired as to the process for being placed on a future council agenda to further discuss this matter.

V. PRESENTATIONS / REPORTS

1. Information Item 2009-32

Progress Report on Employment of Additional Administrative Employee.

COMMENTS - Current Meeting:

City Manager Ron Wood reported that the new accounting clerk's position had been advertised in several venues. Forty-three applications have been received and interviews are being conducted with seven of these individuals. These interviews are being conducted by Mr. Wood and Finance Director Naomi Herrington.

After selection of a qualified applicant, a background check will be conducted and this individual sent for a physical. Mr. Wood remarked that he will have the chosen individual employed at the earliest possible date.

At the conclusion of discussion of this item, Mayor Pickett reopened Public Comment to allow Mr. Dave Green to speak. Mr. Green addressed the Council regarding charges on his utility bill for Hurricane Ike related storm debris.

VI. REGULAR AGENDA

A. Regular Session

1. Work Session 2009-7

Discussion and Formulation of Long-Range Plans and Goals for the City of Liberty.

COMMENTS - Current Meeting:

Council held a lengthy discussion regarding the formulation of goals, objectives and action plans for the City of Liberty. Department heads were present and worked with Council in identifying areas that need to be addressed.

VII. COUNCIL MEAL

Council shared an evening meal.

VIII. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 9:55 p.m.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 06/09/09 06:00 PM

Department: Administration
Category: Misc.

COUNCIL ACTION 2009-38

DOC ID: 1347

Consider Placement of Additional Traffic Signage in the Forest HIlls Subdivision.

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 06/09/09 06:00 PM

Department: Inspection
Category: Plats

COUNCIL ACTION 2009-39

DOC ID: 1343

Consider Approval of the Final Plat of TheMcGinnis Subdivision.

EXPLANATION:

H & H Professional Land Services submitted a plat for property owner, Sharon McGinnis, after she was denied a permit to place a second dwelling on her property. To enable her to place the dwelling on her property, she is subdividing according to the City's Subdivision Ordinance. The plat is presented in the short form format because it is located within the platted Richardson Subdivision and does not have to go through a preliminary phase.

The plat was reviewed by the Planning and Zoning Commission on, May 27, 2009, and was found to conform to the requirements of the Subdivision Ordinance and was recommended to be approved as platted.

Candy Parker

.

CITY OF LIBERTY
PLANNING COMMISSION'S
CERTIFICATION

RE: **Final Plat of McGinnis Subdivision**
Subdivision Name

On the **27th** day of **May, 2009**, the Planning Commission of the City of Liberty, Texas, timely met at a regularly scheduled meeting; notice of said meeting was duly posted; and consideration of the plat of the above-named proposed subdivision was placed on the agenda of such meeting.

The Planning Commission, after reviewing all materials, evidence, documents and recommendations submitted in connection with the above-named plat does herein certify:

✓ the Planning Commission has reviewed the above-named plat and all other materials and evidence submitted in connection therewith; and

hereby recommends the City Council take the following action:

✓ conditionally approve the above named plat.

_____ disapprove the above-named plat for the following reasons:

_____ conditionally approve the above-named plat, with the following modifications, to-wit:

SIGNED this the 27th day of May, 2009.

Shelli Ellerbe
Chairperson
Planning Committee

ATTEST:

Lawrence W. Wagner
Planning Committee

CITY OF LIBERTY
ADMINISTRATOR'S/CITY INSPECTOR'S/
PLANNING DIRECTOR'S
RECOMMENDATION TO PLANNING COMMISSION

RE: **Final Plat of the McGinnis Subdivision**
Subdivision Name

The City Staff, by and through its Administrator/City Inspector/Planning Director, does herein aggregate the preliminary plat of the above proposed subdivision and the attached accompanying data and refers same to the City of Liberty Planning Commission with the following recommendations as to modifications, additions or alterations of such plat and/or data:

✓ No recommendations as to modifications, additions or alterations.

-or-

_______ The following recommendations, modifications, additions or alterations:

SIGNED this the 5th day of May, 2009.

Candice Parker
Administrator/City Inspector, Planning Director

CITY OF LIBERTY
ADMINISTRATOR'S/CITY INSPECTOR'S
PROPOSED SUBDIVISION PLAT APPROVAL CHECKLIST

RE: **Final Plat of the McGinnis Subdivision**

CG A. Preliminary Conference with: H&H Professional Land Services

CG B. Date conference held: May 5, 2009

CG C. Plat Filing: Final-Short Form

Date filed: May 5, 2009

Fee Amount Paid: $ 150.00

D. Plat Checklist (initial and date or ditto for approval)

✓ 1. Proposed name of the subdivision, which shall not have the same spelling or be pronounced similar to the name of any other subdivision currently located within the City or within the extraterritorial jurisdiction of the City.

✓ 2. Names and land use of contiguous subdivisions, and the owners of contiguous parcels of unsubdivided land, and a statement with appropriate references as to whether or not contiguous properties are platted and how they are used.

✓ 3. Description, by metes and bounds, of the subdivision boundaries.

✓ 4. Primary control point locations shown. Descriptions and ties to such control points from which all dimensions, angles, bearings, block numbers, and similar data are referenced and shown.

✓ 5. Subdivision boundary lines indicated by heavy lines; the acreage of the subdivision shown.

✓ 6. Existing conditions as follows:

✓ (1) The exact location, dimensions, name and description of all existing and/or recorded streets, alleys, reservations, easements, or other public right-of-way (including both public and private utility lines) within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries;

CG (2) The exact location, dimensions, description, and flow line of existing water courses and drainage structures within the subdivision or on contiguous tracts;

CG (3) Proposed land use of each subdivided parcel;

CG (4) Flood hazard areas and explanatory notes.

✓ 7. The exact location, dimensions, description, and name of all proposed streets, street grades and cross sections, alleys, drainage structures, parks, other public area, reservation, easements or other rights-of-way, blocks, lots and other sites within the subdivision.

✓ 8. Date of preparation; actual and graphic scale of plat; and north arrow.

✓ 9. Draft of proposed restrictive covenants (if any) to be imposed; areas subject to special restrictions described and mapped.

✓ 10. A number or letter to identify each lot or site on each block.

✓ 11. Building setback lines on fronts of all lots and sites. Side yard building setbacks lines at street intersections and crosswalk ways.

✓ 12. Topographic information shall include contour lines on a basis of: Five (5) vertical feet in terrain with a slope of two (2) percent or more; on (1) vertical foot in terrain with a slope of less than one (1) percent.

✓ 13. Proposed fill or other structure-elevating techniques, levees, channel modifications, and other methods to overcome flood or erosions related hazards.

✓ 14. Designation of all land to be reserved or dedicated for open space or recreational use.

✓ 15. Vicinity sketch or map, at some appropriate scale, which clearly shows existing subdivisions, street easements, right-of-way, parks and public facilities of water, and possible storm sewer, water, gas, electric, and sanitary sewer connections by owner.

✓ 16. Soil information.

✓ E. Preliminary plat conforms with the Most Current Adopted Comprehensive Plan.

F. Approval of City Staff

1. The Engineering Department:

✓ a. Drainage
✓ b. Street layout and proposed street grades
✓ c. Type of paving
✓ d. Boundary Lines
✓ e. Monuments and Bench marks
✓ f. Location and size of alleys
✓ g. Availability of adequate water and sewer mains to the subdivision.
✓ h. Water system layout and fire hydrant locations.
✓ i. Sanitary sewer easements.
✓ j. Soil conditions.

2. The Building Inspector:

✓ a. Occupancy regulations and requirements
✓ b. Building lines and setback requirements.
✓ c. Lot and block numbers.
✓ d. Street numbering layout.
✓ e. Street names.

3. Fire Marshall:

✓ a. Fire code regulations and requirements.

4. Electric Power Department:

✓ a. System layout and requirements.
✓ b. Code regulations and requirements.

G. Comments:

Attachment # 2: Final Plat of the McGinnis Subdivision (CA-2009-39 : McGinnis Subdivision Plat)

MCGINNIS SUBDIVISION

A RE-PLAT SHOWING 1.267 ACRES SITUATED IN THE M. C. WHITE SURVEY, ABSTRACT NO. 117, LIBERTY COUNTY, TEXAS AND BEING ALL OF LOT 14, RICHARDSON SUBDIVISION, A SUBDIVISION IN LIBERTY COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 6, PAGE 79 OF THE MAP RECORDS OF LIBERTY COUNTY, TEXAS. CONSISTING OF 3 LOTS.

REASON FOR RE-PLAT: TO MAKE THREE LOTS

THI
CO

I, SHARON MCGINNIS, OWNER OF THE PROPERTY SUBDIVIDED IN THE ABOVE AND FOREGOING PLAT OF THE 1.267 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING MAP OF MCGINNIS SUBDIVISION, HEREBY MAKE A SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID PROPERTY OWNERS, ACCORDING TO THE LINES, LOTS, BUILDING LINES, STREETS AND ALLEYS THEREON SHOWN AND DESIGNATE AS THE PLAT OF THE DIVISION OF THE HARRYMAN SUBDIVISION, LOCATED IN LIBERTY COUNTY, TEXAS AND ON THE BEHALF OF SAID OWNERS DEDICATE TO THE PUBLIC USE, AS SUCH ALL OF THE STREETS AND ALLEYS SHOWN THEREON FOREVER.

FURTHER, I, SAID OWNER DOES HEREBY DEDICATE FOREVER TO THE PUBLIC A STRIP OF LAND TEN (10) FEET WIDE ON EACH SIDE OF THE CENTERLINE OF ANY GULLIES, RAVINES, DRAWS, SLOUGHS, OR OTHER NATURAL DRAINAGE COURSE LOCATED IN THE SAID SUBDIVISION, AS SHOWN HEREON, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING LIBERTY COUNTY AND/OR ANY OTHER PUBLIC AGENCY THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSES OF CONSTRUCTING AND/OR MAINTAINING DRAINAGE WORK AND/OR STRUCTURES.

IN TESTIMONY WHEREOF, SHARON MCGINNIS HAS CAUSED BY THESE PRESENTS TO BE SIGNED BY US THEREUNTO AUTHORIZED THIS ________ DAY OF ________ 2009.

____
SHARON MCGINNIS

THE STATE OF TEXAS,
COUNTY OF ________

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED SHARON MCGINNIS KNOWN TO ME TO BE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ________ DAY OF ________, 2009.

____
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

I, THE UNDERSIGNED, MAYOR OF THE CITY OF LIBERTY, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY WHEREIN MY APPROVAL IS REQUIRED.

________________ ________
CARL PICKETT, MAYOR DATE

THE ABOVE SUBDIVISION TITLED MCGINNIS SUBDIVISION AS MAPPED IS APPROVED BY CITY OF LIBERTY PLANNING AND ZONING COMMISSION.

________________ ________
PRESIDENT DATE

STATE OF TEXAS
COUNTY OF LIBERTY,

I, DELIA SELLERS, COUNTY CLERK OF LIBERTY COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS FILED FOR REGISTRATION IN MY OFFICE ON ________ 2009, AT ____ O'CLOCK __M. IN FILM CODE NO.________ COUNTY MAP RECORDS.

WITNESS, MY HAND AND SEAL OF OFFICE, AT ________ THE DAY AND DATE LAST ABOVE WRITTEN.

____
DELIA SELLERS, COUNTY CLERK
LIBERTY COUNTY, TEXAS

THIS IS TO DECLARE THAT, I, HOWARD L. MARTIN, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4076 OF THE STATE OF TEXAS, HAVE PLATTED THE ABOVE SUBDIVISION FROM AN ACTUAL SURVEY OF THE GROUND AND THAT ALL CORNERS OF BLOCK LINES, POINT OF INTERSECTIONS OF CURVES, AND TANGENTS OF THE SUBDIVISION ARE PROPERLY MARKED WITH CAPPED IRON RODS MARKED H&H LAND FLUSH WITH FINISH GRADE AND THAT ALL LOT CORNERS ARE PROPERLY MARKED WITH CAPPED IRON RODS MARKED H&H LAND FLUSH WITH THE AVERAGE GROUND ELEVATION OR COUNTERSUNK IF NECESSARY, (UNLESS OTHERWISE NOTED), AND THAT THIS PLAT CORRECTLY REPRESENTS THAT SURVEY MADE BY ME.

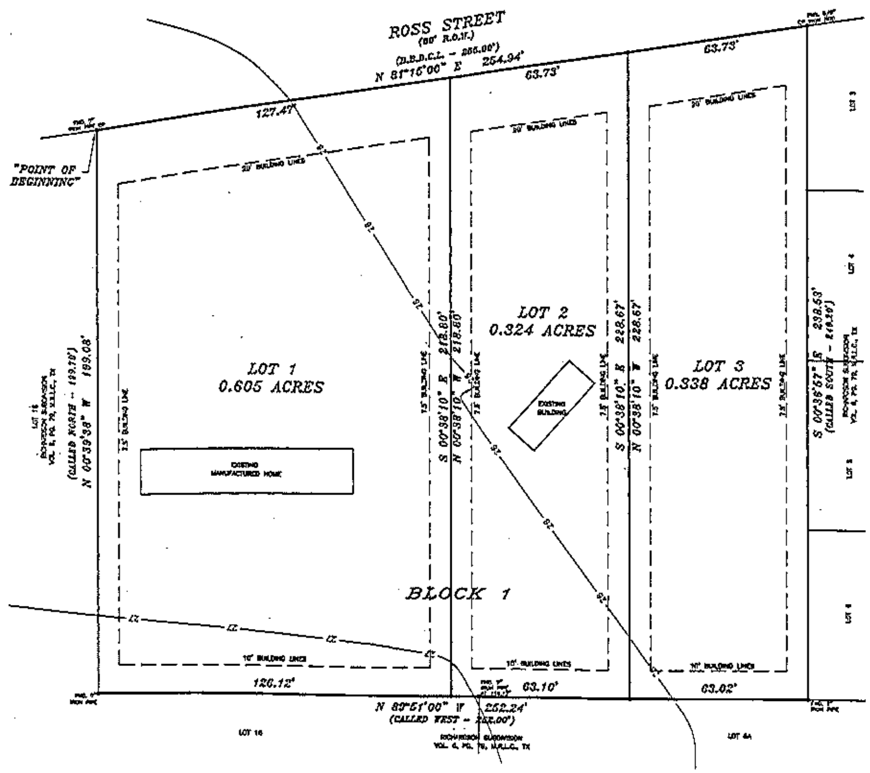
____
HOWARD L. MARTIN, R.P.L.S. NO. 4076, STATE OF TEXAS

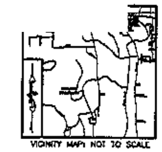
FLOOD ZONE INFORMATION

SUBJECT PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AND IS ZONE "X" ACCORDING TO THE FIRM PANEL NO. 480441 0440C , DATED 05-02-2008.

PROJECT BENCHMARK

NGS MONUMENT A1202 1972, ELEVATION 23.71, NAVD88.





SCALE: 1" = 20'

LEGEND

M.R.L.C. = MAP RECORDS OF LIBERTY COUNTY
VOL. = VOLUME
PG. = PAGE

METES & BOUNDS

FIELD NOTES OF A TRACT OF LAND CONTAINING 1.267 ACRES SITUATED IN THE M. C. WHITE SURVEY, ABSTRACT NO. 117, LIBERTY COUNTY, TEXAS AND BEING ALL OF LOT 14, RICHARDSON SUBDIVISION, A SUBDIVISION IN LIBERTY COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 6, PAGE 79 OF THE MAP RECORDS OF LIBERTY COUNTY, TEXAS, SAID 1.267 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

NOTE: THE NORTH LINE OF SAID LOT 14 WAS USED FOR THE BEARING BASIS DIRECTIONAL CONTROL LINE.

BEGINNING AT A 2" IRON PIPE, FOUND, IN THE SOUTH RIGHT-OF-WAY LINE OF ROSS STREET (60' RIGHT-OF-WAY), THE NORTHERLY NORTHEAST CORNER OF LOT 16 OF SAID SUBDIVISION AND FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 81°15'00" E, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID ROSS STREET, A DISTANCE OF 254.94 FEET (CALLED 255.00') TO A 5/8" IRON ROD, FOUND, BEING THE NORTHWEST CORNER OF LOT 3 OF SAID SUBDIVISION AND FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, S 00°36'57" E, ALONG THE WEST LINE OF SAID LOT 3 TOGETHER WITH THE WEST LINES OF LOT 4, 5 AND 6 OF SAID SUBDIVISION, A DISTANCE OF 238.53 FEET (CALLED SOUTH - 240.00') TO A 2" IRON PIPE, FOUND, IN THE NORTH LINE OF LOT 6A OF SAID SUBDIVISION, THE SOUTHWEST CORNER OF SAID LOT 6 AND FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 89°51'00" W, ALONG THE NORTH LINE OF SAID LOT 6, AT 116.12 FEET PASS A 2" IRON PIPE, FOUND, BEING THE NORTHWEST CORNER OF SAID LOT 6A AND THE SOUTHERLY NORTHEAST CORNER OF SAID LOT 16, IN ALL A TOTAL DISTANCE OF 252.24 FEET (CALLED WEST - 252.00') TO A 2" IRON PIPE, FOUND, BEING AN INTERIOR CORNER OF SAID LOT 16 AND FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 00°39'38" W, ALONG THE EAST LINE OF SAID LOT 16, A DISTANCE OF 199.08 FEET (CALLED NORTH - 199.70') TO THE "POINT OF BEGINNING" AND CONTAINING 1.267 ACRES OF LAND, MORE OR LESS.

JOB NO. 200121
DATE: 03/11/2009

H & H PROFESSIONAL LAND SERVICES
10303 1/2 Eagle Drive, Suite A
Mont Belvieu, TX 77580
Phone: (281) 385-2087
Fax: (281) 385-6792

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 06/09/09 06:00 PM
Department: Library
Category: Fees

RESOLUTION 2009-9

DOC ID: 1339 A

Consider Waiving Library Card Fees for Out-Of-City Municipal Library Patrons.

EXPLANATION:

Since 1976 the City has charged people who live outside the city limits a yearly fee to obtain a library card. The present charge is $10 for one library card or $15 for a family. We brought in $5,500 in out-of-city fees last year and that money went directly into the city's general fund.

The Texas State Library and Archives Commission encourages Texas libraries to provide all Texans with free library cards. To encourage offering free library cards the State Library rewards libraries that do not charge a fee with increased grant funding. We are projected to receive $8,303 from the Loan Star Libraries grant this year and if we do away with out-of-city fees that grant amount could possibly increase to $9,479, based on the latest figures provided by the Texas State Library. That is an increase of $1,176.

The difference between what the library brings in through out-of-city fees and the increase we would receive in our Loan Star Libraries grant would be $4,324. Thus, the city would realize $4,324 less in revenue. This is a miniscule source of revenue for the city. The charge for library cards does not directly benefit the library since the fees go into the general fund. Loan Star Libraries grant funding does benefit the library greatly.

Please consider allowing the library to drop out-of-city fees beginning September 1, 2009. This would be a benefit to those who live outside the city limits of Liberty and use the library. With no library card fees the library will no doubt see increased use of the facility. The benefit to students living outside the city limits would be enormous. The library will benefit by receiving an increase in direct aid from the Texas State Library.

If the City decides to eliminate fees the City Manager will sign an agreement with the State Library, but we can be released from the agreement at any time if Council so chooses.

Dana Abshier

A RESOLUTION BY THE CITY OF LIBERTY WAIVING PAYMENT CHARGES FOR PATRONS WHO LIVE OUTSIDE THE CITY LIMITS OF LIBERTY TEXAS

WHEREAS, since 1976, the City of Liberty Municipal Library has charged a fee to patrons who wish to receive a library card but live outside the city limits of the City of Liberty; and,

WHEREAS, the current charge for a patron wishing to receive a library card but living outside the city limits of the City of Liberty is $10 for an individual or $15 for a family; and,

WHEREAS, the out of City fees generated $5,500 during the last fiscal year, which funds were placed in the general fund of the City of Liberty; and,

WHEREAS, The Texas State Library and Archives Commission encourages Texas libraries to provide all Texas with free library cards, and rewards libraries that do not charge a fee by way of increased grant funding; and

WHEREAS, the Municipal Library of the City if Liberty is currently projected to receive a grant of $8,303 if the Library maintains its policy of charging out of City patrons for library cards, but would be projected to receive a grant of $9,479, a projected increase of $1,176 which would directly benefit the Municipal Library, rather than the general fund of the City of Liberty; and,

WHEREAS, it appears to be in the best interest of the citizens of the City of Liberty and surrounding patrons who make use of the Municipal Library of the City of Liberty through anticipated increased use of the Municipal Library as well as adherence to the recommendations of the Texas State Library and Archives Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Liberty directs the City Manager, Mr. Ron Wood, to sign an agreement with the Texas State Library and Archives Commission on behalf of the City Council to eliminate charges to out of City patrons for library cards beginning September 1, 2009.

PASSED AND APPROVED this 9th day of June, 2009.

CITY OF LIBERTY

____
Carl Pickett
Mayor, City of Liberty

ATTEST:

____
Dianne Tidwell
City Secretary, City of Liberty

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 06/09/09 06:00 PM

Department: Administration
Category: Agreements

COUNCIL ACTION 2009-40

DOC ID: 1346

Consider Approval of an Interlocal Agreement with Liberty County Precinct 1.

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TODD M. FONTENOT
COMMISSIONER PCT. 1

1923 SAM HOUSTON
LIBERTY, TEXAS 7757

THE COUNTY OF LIBERTY

Est. 1836

May 19, 2009

Dear Director,

Enclosed, please find a new and current Interlocal Agreement that must be Signed, dated and returned to this office as soon as possible.

This agreement needs to be placed on Commissioner's court for approval. Should you have any questions, please call 936-587-4922.

Thanks,

Todd M. Fontenot

Todd M. Fontenot
Commissioner
Liberty Co. Pct. #1

TMF/jcb

936/587-4922

FAX: 936/587-5027

936/336-4604

INTER-LOCAL AGREEMENT
COUNTY OF LIBERTY and CITY OF LIBERTY

THE STATE OF TEXAS

COUNTY OF LIBERTY

This agreement is between Liberty County, Precinct 1, hereinafter called "County," and the City of Liberty, hereinafter called "City."

WITNESSETH

WHEREAS, the legislative purpose and intent of the Interlocal Cooperation Act, Section 791.001, Texas Government Code, is to improve the efficiency and effectiveness of local government by authorizing the fullest possible range of inter-governmental contracting authority at the local level, including contracts between counties and other political subdivisions and agencies of the state; and

WHEREAS, the County and City are authorized to enter into contracts and agreements for the performance of governmental functions; and

WHEREAS, the City has streets, roads, ditches and recreational areas which require maintenance which at times exceed temporarily the ability of the City to promptly supply; and,

WHEREAS, the County has streets, roads, ditches and recreational areas which require maintenance which at times exceed temporarily the ability of the County to promptly supply; and,

WHEREAS, the County has manpower and equipment to maintain streets, roads, ditches and recreational areas; and,

WHEREAS, the City has manpower and equipment to maintain streets, roads, ditches and recreational areas; and,

WHEREAS, the parties recognize that cooperation between the governmental agencies will provide better service to the public at reduced expense by avoiding costly duplication of equipment;

NOW, THEREFORE, the County and City in consideration of the mutual covenants and conditions contained herein and in recognition of the benefits to be gained by citizens of the County and City, promise and agree as follows if their work schedules permit:

1. The County agrees to provide manpower and equipment to the City for the maintenance of streets, roads, ditches and recreational areas.

2. The City agrees to provide equipment to the County for the maintenance of streets, roads, ditches and recreational areas.

3. The City agrees to fairly compensate the County, either by comparable time, manpower,

equipment or by monetary or other consideration of equal value from the city's current revenue.

4. The County agrees to fairly compensate the City, either by comparable time, manpower, equipment or by monetary or other consideration of equal value from the county's current revenue.

5. The Commissioner of Precinct 1 and the Liberty City Manager shall plan, schedule and agree in advance as to the equal value consideration to be provided for all mutual sharing projects before any such projects commence.

6. The County and City understand that agreements for mutual sharing may be limited by budgetary restrictions or the authority provided by their respective governing bodies. Notwithstanding any provisions herein, this inter-local agreement is expressly contingent upon the availability of funding for each item and obligation contained herein for the term of the government and any extension thereto. In the event that no funds or insufficient funds are appropriated for the payment due under this contract for the period covered by such budget or appropriation, the contract shall terminate without penalty to County or City.

7. To the fullest extent permissible under Texas law, City of Liberty shall indemnify, defend, and hold harmless Liberty County, their officers, agents, and employees with respect to any claims or demands, actions, damages, costs and other expenses including attorney's fees, court costs or mediation expenses resulting from any errors, omissions, torts or other negligent acts or omissions of City of Liberty, its agents, servants, employees, associates, affiliates or subcontractors. Notwithstanding anything contained in this paragraph or this contract to the contrary, nothing in this contract shall be interpreted or construed as a waiver, relinquishment or abandonment of sovereign immunity granted or available to either or both parties to this contract. Accordingly, this indemnity provision shall apply, but not in such a way as to bypass, override or supercede any sovereign immunity claim by either party to this contract. Furthermore, nothing in this contract shall be deemed as waiver or relinquishment of any Texas constitutional claim pertaining to the application of any indemnity claim under this contract.

8. To the fullest extent permissible under Texas law, Liberty County shall indemnify, defend, and hold harmless the City of Liberty, their officers, agents, and employees with respect to any claims or demands, actions, damages, costs and other expenses including attorney's fees, court costs or mediation expenses resulting from any errors, omissions, torts or other negligent acts or omissions of Liberty County, its agents, servants, employees, associates, affiliates or subcontractors. Notwithstanding anything contained in this paragraph or this contract to the contrary, nothing in this contract shall be interpreted or construed as a waiver, relinquishment or abandonment of sovereign immunity granted or available to either or both parties to this contract. Accordingly, this indemnity provision shall apply, but not in such a way as to bypass, override or supercede any sovereign immunity claim by either party to this contract. Furthermore, nothing in this contract shall be deemed as waiver or relinquishment of any Texas constitutional claim pertaining to the application of any indemnity claim under this contract.

9. Neither party shall be deemed an employee or agent of the other party. This interlocal

agreement does not constitute a joint venture, either expressed or implied. The City will maintain sole discretion and control over the operations for construction and maintenance of the City's streets, roads, ditches and recreational areas. The County will maintain sole discretion and control over the operations for construction and maintenance of the County's streets, roads, ditches and recreational areas.

10. The City agrees to exercise due diligence in the routine maintenance of County equipment under its control and shall accept responsibility for a maximum of $100.00 in expenses per use for minor repairs that may be necessary as a result of the City's use of County equipment.

11. The County agrees to exercise due diligence in the routine maintenance of City equipment under its control and shall accept responsibility for a maximum of $100.00 in expenses per use for minor repairs that may be necessary as a result of the County's use of City equipment.

This agreement shall commence on May _____, 2009 and ends on May _____ 1, 2010.

Either the County or the City may cancel this agreement at any time.

Executed on this the _____ day of _______________, 2009, by Phil Fitzgerald, County Judge, on behalf of Liberty County, Texas, after approval by Commissioners Court.

Executed on this the _____ day of _____________, 2009, by Todd Fontentot, Commissioner Precinct 1, on behalf of Liberty County, Texas, after approval by Commissioners Court.

Executed on this the _____ day of _____________, 2009, by the City Manager, on behalf of the City of Liberty, Texas, after approval by City Council.

COUNTY OF LIBERTY	CITY OF LIBERTY
______________________________	______________________________
Phil Fitzgerald, Liberty County Judge	Manager, City of Liberty
______________________________	
Todd Fotentont, Commissioner Precinct 1	
ATTEST:	
______________________________	______________________________
Delia Sellers, Liberty County Clerk	Secretary, City of Liberty

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 06/09/09 06:00 PM

Department: Administration
Category: Repairs & Construction

COUNCIL ACTION 2009-41

DOC ID: 1349

Consider Approval of Repairs to the Liberty Bell and Construction of a New Bell Tower.

.

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 06/09/09 06:00 PM

Department: Administration
Category: Personnel

COUNCIL ACTION 2009-42

DOC ID: 1348

Consider Authorizing the City Manager to Employ Additional Personnel for the Administration Department.

.

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 06/09/09 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM 2009-37

DOC ID: 1350

Annual Review and Update of the Community Development Capital Improvement Program.

EXPLANATION:
According to LCDC Bylaws, a review and update of the CDCIP will take place once a year to ensure the plan is up to date with current community needs.

The LCDC Board is required to make an annual report to the City Council regarding this plan, no later than December 1st of each year. Typically, this review has been done at the same meeting that the budget is approved by Council.

Dianne Tidwell

.

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 06/09/09 06:00 PM

Department: Administration
Category: Budget Items

COUNCIL ACTION 2009-43

DOC ID: 1351

Consider Approval of the Liberty Community Development Corporation Budget for FY 09-10.

EXPLANATION:
The Corporation Bylaws state that at least 90 days prior to October 1, the Board shall adopt a budget for the next fiscal year; which shall be considered adopted upon formal approval by the City Council.

Dianne Tidwell

.