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

CALL TO ORDER

I. INVOCATION

The Invocation was given by Jonathon Sanford, Liberty Church of Christ Minister.

II. PLEDGE OF ALLEGIANCE

Katie & Brooke, representatives from the United Methodist Army Group, were present to lead the pledge to both the American and Texas flags. This group is in the community helping the disabled and elderly by painting, building handicapped ramps, and providing other services.

III. 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.

- Mr. Ernest Kruezer, K & K Towing, addressed Council regarding his concerns with the Police Dept.'s rotation list for wrecker services and the proposal for use of one wrecker service provider for the city.

Mayor Pickett reported on the following items:

- Budget Calendar for future meetings,
- Introduction of Interim City Manager, Larry Shaw, and
- Letter to Police Chief complimenting the actions and professionalism of one of his officers.

IV. PRESENTATIONS / REPORTS

1. Information Item 2009-39

Texas Water Development Board and Other Current City Projects - Steve Jordan, Schaumburg & Polk

COMMENTS - Current Meeting:

Mr. Steve Jordan, Schaumburg & Polk was present to update and review with Council the city's Texas Water Development Board $8.1 million project.

Mr. Jordan addressed the following:

- Wastewater Treatment Plant Improvements - Design of facility submitted to TWDB, final review not yet complete.
- Sanitary Sewer Evaluation Study - Completed study submitted to TCEQ; identifies needed improvements within the collection system.
- Collection System Improvements - Improvements being made along Avenue G, SH 146 near Ridgewood, Washington St. Lift Station, and Wallisville Road Lift Station.

Mr. Jordan also addressed the additional items:

- ORCA Community Development Block Grant - $350,000 for proposed improvements to the Washington Street Lift Station,
- Hardin-Ames Wastewater Contract Audit - evaluating options for adherence to the contract terms
- Water System Study - reviewing fire flow and possible growth areas for future capital improvements
- Boomerang Tube LLC Plan Review - working to complete reviews of plans
- ORCA Disaster Recovery Projects - application submitted for $2.025 million. Working with Public Management on addressing additional requests for information from ORCA
- Temporary Industrial Wastewater Permit - submitted to TCEQ, no response yet.

Mr. Jordan continued his report with comments regarding participation with other projects that will be conducted in regard to the McGuire Road Drainage Evaluation, Sidewalk Program, and SSOI Collection System Operation and Maintenance Manual.

2. Information Item 2009-40

Wrecker Program - Chief Tidwell

COMMENTS - Current Meeting:

Police Chief Billy Tidwell addressed Council regarding the Police Department's current rotation list process for wrecker services. Chief Tidwell reported these services are not currently regulated in the City of Liberty and that, in the near future, he will present an ordinance that will regulate wrecker services and storage yards, to include regulating fees, policies and procedures, etc. Chief Tidwell stated that his main concern is assuring the citizens are provided a safe and effective service.

3. Information Item 2009-41

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Mayor Pickett passed on this report.

4. Information Item 2009-42

Financial Report - Naomi Herrington

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on the financials for June, 2009. Ms. Herrington conveyed that the total general fund budget is under budget, and would be at 64%, if Hurricane Ike expenses were removed. This would leave a general fund balance of approximately $4,785,000. Ms. Herrington stated that all departments are within their percentages, and that the city will fair better than expected if we receive the 90% funding from FEMA, instead of 75%. Other discussion included sales tax revenue, tax anticipation notes, and audited fund balance of the general fund.

5. Information Item 2009-43

Hurricane Ike Report - Naomi Herrington

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on FEMA reimbursements. Ms. Herrington stated that FEMA awards to date are $5,435,000, with out-of-pocket expense at $791,000 (25%). She further stated that the State has kept 10% until after the audit, at which time the City will receive an additional $593,000.

If FEMA approves the 90% disbursement the city's out-of-pocket expense will change to $330,000; the city will receive another $461,000 which is the additional 15%.

Further discussion included a hurricane FEMA expense summary reflecting total estimated awards in the amount of $6.4 million, and expenses in the amount of $6 million; non-funded (city's portion) is approximately $200,000. Also discussed were insurance payments received and related expenditures.

6. Information Item 2009-44

Humphreys Cultural Center Expansion Project Draw Down - June 2009 - Naomi Herrington

COMMENTS - Current Meeting:

The Humphreys Cultural Center Expansion Project report was passed on, as there were no draws for the month of June.

V. 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, June 09, 2009

2. Monday, June 22, 2009

3. Thursday, July 02, 2009

VI. REGULAR AGENDA

A. Regular Session

1. Council Action 2009-48

Consider Mrs. D’Ann Cathriner’s Request for Return of Her Deposit for Use of the Liberty Center on June 20, 2009.

COMMENTS - Current Meeting:

Ms. D'Ann Cathriner was present to address the Council regarding her rental of the Liberty Center on June 20, 2009. Discussion was held regarding Ms. Cathriner's request for return of her security deposit, rules for rental, customer service, facility clean-up, and other related issues.

After lengthy discussion, Interim City Manager Shaw stated that he would recommend return of $400 of the $500 deposit and the refund of the kitchen fee. Council directed Mr. Shaw to work with Ms. Cathriner in coming to a resolution. There was no action taken.

2. Ordinance 2009-9

Consider Adoption of an Ordinance Approving a Change in Rates Requested by Entergy Texas, Inc.'S Statement of Intent.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS (or "City") APPROVING THE CHANGE IN RATES REQUESTED IN ENTERGY TEXAS, INC.'s ("ETI" or "Company") STATEMENT OF INTENT FILED WITH THE CITY ON MAY 26, 2009; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS CONSIDERED WAS OPEN TO THE PUBLIC AND IN ACCORDANCE WITH TEXAS LAW; DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

Entergy Texas representative, Day Syphrett was present to answer questions regarding a proposed rate reduction. This reduction affects Entergy customers in a four-state area, including those Entergy customers living in the City of Liberty. This reduction is relative to generating costs and is a refund of $67 million to be dispersed across the four-state area, within a three month period.

Motion was made to adopt Ordinance 2009-9 approving the rate change.

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

3. Information Item 2009-45

Public Hearing on 2008 Drinking Water Quality Report.

COMMENTS - Current Meeting:

At 7:08 p.m., Mayor Pickett opened the Public Hearing on the 2008 Drinking Water Quality Report. Water & Wastewater Supt. Earl McCreight was present to explain that this report conveys information regarding contaminants in the water and the quality of the city's drinking water. Mr. McCreight reported that all TCEQ regulations had been met and the city received a water quality rating of superior.

Mayor Pickett closed the Public Hearing at 7:11 p.m.

ATTACHMENTS:

- Attachment #1 - CCR Report to Mail (PDF)

4. Council Action 2009-49

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

COMMENTS - Current Meeting:

Discussion was held regarding plans for replacement of the Liberty Bell Tower and necessary repairs to the bell. Mayor Pickett remarked that consideration should be given to the Humphreys Cultural Center Expansion project contractor to rebuild this tower; at an approximate cost of $185,000. Related topics of discussion were location, cost, construction material, design, and time table for completion.

Also discussed was the expense of $19,850 for repairs to parts of the bell; the yoke, hardware, clapper and wheel. Shipping cost is $1,252. The repair company will store the bell until it is ready to be placed in the tower.

Motion was made to authorize the necessary repairs to the Liberty Bell not to exceed a maximum of $21,000.00.

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

5. Council Action 2009-50

Consider Approval of an Interlocal Agreement with Liberty County Precinct 1 for the Performance of Governmental Functions.

COMMENTS - Current Meeting:

This agreement has been signed on an annual basis with Liberty County Precinct No. 1 for the maintenance of streets, roads, ditches, and recreational areas.

Motion was made to approve the Interlocal Agreement with Liberty County Precinct No. 1.

ATTACHMENTS:

- Attachment #2 - Interlocal Agreement Liberty Co. 2009 (PDF)

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

6. Ordinance 2009-10

Consider Adoption of an Ordinance Regulating the Speed on State Maintained Hwy. FM 2684.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS REGULATING THE SPEED ON STATE MAINTAINED HIGHWAY FM 2684 IN THE CITY OF LIBERTY, LIBERTY COUNTY, TEXAS PROVIDING A PENALTY AND REPEALING ALL OTHER ORDINANCES IN CONFLICT THEREWITH."

A traffic survey was conducted as a result of an overturned vehicle on this road, prompting a buffer zone be added between the two exisiting speed limits on FM 2684. This ordinance gives the City the authority to regulate the speed.

Motion was made to adopt Ordinance No. 2009-10.

ATTACHMENTS:

- Attachment #3 - TXDOT Letter Speed Zone FM 2684 (PDF)

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

7. Information Item 2009-46

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

COMMENTS - Current Meeting:

Councilperson Beasley, as President of the Liberty Community Development Corporation, reported on the LCDC's Capital Improvement Program. Councilperson Beasley reported that the prior budget was geared toward paying off the 1995 issued bonds for the levee debt; which was accomplished in March, 2009. LCDC has no outstanding debt and is looking forward to assisting with city infrastructure improvements, and moving forward with other projects to enhance the community.

The LCDC Board is required, by its by-laws, to make an annual report to the City Council no later than December 1st of each year.

8. Council Action 2009-51

Consider Approval of an Amendment to the Liberty Community Development Corporation Budget for FY 08-09.

COMMENTS - Current Meeting:

This proposed amendment to the Fiscal Year 08-09 budget, is for two purposes: 1) amending revenues for an increase in sales tax revenue, and 2) amending expenditures for the payoff of the levee debt, which was in the amount of $2,300,000.

Motion was made to approve the amendment to the LCDC Fiscal Year 08-09 budget.

ATTACHMENTS:

- Attachment #4 - LCDC Budget 09-10 (PDF)

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

9. Ordinance 2009-11

Consider Adoption of an Ordinance Repealing Ordinance No. 2008-6 Regarding Signage Within the City of Liberty.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS REPEALING TO THE EXTENT IT IS INCONSISTENT WITH ORDINANCE 2008-6 REGARDING SIGNAGE WITHIN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION; PROVIDING FOR A PENALTY; 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."

Neighborhood Services Director Robbie Hood presented the new sign ordinance and briefly reviewed the changes as previously discussed.

Motion was made to repeal Ordinance 2008-6 and adopt new sign Ordinance No. 2009-11.

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

10. Council Action 2009-52

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

COMMENTS - Current Meeting:

This budget is not considered adopted until formal approval of the City Council. Following brief discussion, a motion was made to approve the LCDC Budget for Fiscal Year 2009-2010.

ATTACHMENTS:

- Attachment #5 - LCDC Budget 09-10 (PDF)

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

11. Council Action 2009-53

Consider Approval of a Process for Selection of a New City Manager.

COMMENTS - Current Meeting:

Discussion was held regarding the process for selection of a new city manager. Discussion involved executive search firms, in-house screening panels, and assistance from Texas First Group. Mr. Shaw proposed a process that includes advertisement, current or former city managers as a panel to interview and narrow the candidate list, top candidates meeting with staff, social gathering, and final interviews by Council.

Council directed Interim City Manager Larry Shaw to advertise for a new city manager, with an application deadline of September 11, assuming all publication deadlines can be met with a salary of $90,000. No motion was necessary as Mr. Shaw is assisting with this search under his current contract with the City.

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 with Sam Rayburn Municipal Power Agency attorney regarding wholesale electric rate contracts.

Personnel Matters. Gov. Code §551.074

Consultation With Attorney. Gov. Code §551.071

2. Discuss and consider candidates for the position of City Manager.

At 8:10 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 9:05 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2009-54

Consider the Appointment of a City Manager.

COMMENTS - Current Meeting:

No action was taken on this agenda item.

VII. COUNCIL MEAL

Council shared an evening meal.

VIII. ADJOURNMENT

1. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 9:05 p.m.

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

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary