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, August 11, 2009 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on August 11, 2009 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:04 PM by Mayor Carl Pickett.

II. INVOCATION

Mr. Kevin Ladd gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Fire Chief Fred Collins led the Pledge to the American and Texas flags.

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. There were no comments from the audience.

Interim City Manager Larry Shaw addressed the issue of problems identified with a number of city fire hydrants. Mr. Shaw stated that better communication methods have been discussed and that a means of marking out of service hydrants would be used, along with color coding these hydrants when they are placed back in service.

Mayor Pickett remarked on the following:

- A future nomination to the Central Appraisal District Board of Directors
- TML Annual Conference in Fort Worth - October 20-23, 2009.

V. PRESENTATIONS / REPORTS

1. Information Item 2009-47

Recycling Report

COMMENTS - Current Meeting:

Councilperson Huddleston remarked on the success of the recycling event held on May 30th, and acknowledged the assistance of City employees Harvey Joiner and Jose Ibarra, and other volunteers. Ms. Huddleston stated there would possibly be an another recycling event, prior to the end of the year.

2. Information Item 2009-48

Financial Report - July 2009

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on the financials for the month of July, 2009. Ms. Herrington reported that the budget was at 83% in the General Fund; however, if hurricane revenues are removed from this fund, the budget is at approximately 96%. Therefore, the General Fund is over budget in revenues, but under budget in expenditures, at 76%. Ms. Herrington reported the other funds were doing fine, and that the department heads had done well in staying within their budgets.

Ms. Herrington stated that she had received a letter that FEMA that the 90% funding had been approved, providing the City additional funds in the amount of approximately $500,000.

3. Information Item 2009-49

Humphreys Cultural Center Expansion - Construction Draws for June & July 2009

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on the draw downs for the Humphreys Cultural Center Expansion Project. In June, GTT was at 21% of construction completion and at the end of July was at 32%. Ms. Herrington reported that architect Richard Edwards has been conducting inspections of this project.

ATTACHMENTS:

- Attachment #1 - Library Construction thru July09 (PDF)
- Attachment #2 - Library Construction thru June09 (PDF)

4. Information Item 2009-50

Liberty Bell Tower Status Report

COMMENTS - Current Meeting:

Interim City Manager Larry Shaw reported that a change order had been initiated with Architect Richard Edwards several weeks ago, and that Mr. Edwards was currently in the design stage for a new bell tower. Mr. Shaw stated that the architect anticipates having drawings for Council's review at the next meeting. Two different sites will be proposed, along with estimated construction costs. Mr. Shaw also reported that discussion in the budget work session would include ways in which to fund this project.

5. Information Item 2009-51

Liberty Center Rental

COMMENTS - Current Meeting:

Mr. Larry Shaw reported that a rental agreement document had been drafted which identifies various rates, addresses cleaning issues, and is customer friendly. This document will be brought before Council upon its completion.

6. Information Item 2009-52

Police Department 90-Day Status Report

COMMENTS - Current Meeting:

Chief Tidwell addressed the Council reporting on the activities of the Liberty Police Department, after his first 90 days as Chief. The Chief shared the department's vision and mission statements, training, and discussed outdated radio and software systems, along with revenue sources for improving both. The report also included the Department's Community Policing Programs, Civilian Police Academy, Handicap Parking Program, bicycle patrols, neighborhood watches, and the future Police Academy to be held in conjunction with College of the Mainland. Chief Tidwell also reported that the Department would be working on becoming a "Best Practices Department" through the Texas Police Chiefs Association, which will make it a state recognized department, establishing policies and procedures that will provide continuity even through subsequent chiefs.

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.

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

A. Minutes Approval

1. Tuesday, July 14, 2009

B. Council Action 2009-55

Consider Approval of March 26 & 27 as Dates for the 2010 Liberty Jubilee.

C. Council Action 2009-56

Consider the Appointment of Larry Shaw as the Interim General Manager of the Liberty Community Development Corporation.

D. Resolution 2009-10

Consider Approval of a Resolution Providing for Participation in the Waste Management Waste Watch Program.

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2009-57

Consider Approval of the Preliminary Plat of the Fontenot Cove Subdivision.

COMMENTS - Current Meeting:

This property is being divided to accommodate two additional lots for future home sites. A variance has been requested in order to construct a private road with crushed concrete on top of a clay base. Construction of this private road provides both homes with the required 60' road frontage.

Motion was made to approve the preliminary plat of the Fontenot Cove Subdivision.

ATTACHMENTS:

- Attachment #3 - Fontenot Subdivision (PDF)

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

2. Council Action 2009-58

Consider Approval of the Grant Management Services Contract with Public Management Inc. for the Recently Awarded $350,000 ORCA Texas Community Development Block Grant.

COMMENTS - Current Meeting:

Nic Houston, Public Management Inc., was present to address Council regarding the City's award of $350,000 by the Office of Rural Community Affairs, Community Development Block Grant, to assist in replacement of the Washington Street Lift Station.

Motion was made to approve the contract with Public Management Inc. for grant management services for the #350,000 ORCA Texas Community Development Block Grant.

ATTACHMENTS:

- Attachment #4 - 2009 TXCDBG Contract $350,000 (DOC)

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

3. Council Action 2009-59

Consider Request from Dwight Lumpkins for a Variance to the Code of Ordinances, Chapter 11, Article I, Section 11-1(B) Regarding the Discharge of Firearms in the City of Liberty.

COMMENTS - Current Meeting:

Mr. Dwight Lumpkins addressed the Council regarding a variance from the ordinance restricting the discharge of firearms in the city limits. Mr. Lumpkins reported that he would like to open a sporting clay shooting range on a 310 acre tract of land, two miles south of Hwy. 90. This property is isolated and is 1.5 miles from any full-time residences. Mr. Lumpkins also stated this venture would bring revenue to the city as national sporting clay events would be held at this facility, and they would also be able to hold events for charitable purposes. Lengthy discussion was held regarding the safety concerns of this request. Chief Tidwell recommended that instead of a variance, the ordinance be amended to allow this the discharge of firearms in certain areas.

Council directed City Attorney to review and amend the ordinance as discussed and this item would be brought back to the September Council meeting. No action was taken on this agenda item.

4. Council Action 2009-60

Consider Lease Purchase of Back Yard Alley Digger for Electric Department.

COMMENTS - Current Meeting:

This piece of equipment was budgeted in the current year's budget, but purchase was delayed due to Hurricane Ike. The Alley Digger is a trak vehicle used for small areas with little or no access. It may be used to set poles, hang transformers, or place a bucket on it for line work.

Motion was made to approve the lease/purchase of a back yard alley digger for the Electric Department.

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

5. Council Action 2009-61

Consider Authorizing the City Manager to Expend Funds Necessary for Emergency Repairs to the Travis Street Lift Station.

COMMENTS - Current Meeting:

Interim City Manager Larry Shaw reported on issues with the Travis Street Lift Station. Mr. Shaw stated that the city was in the midst of possibly losing the lift station due to groundwater issues that had gone unnoticed. Mr. Shaw further reported that an engineer had been brought in to examine the problem and that the best solution was to inject a poly plastic foam, into the voids, under and around the lift station. Two proposals have been received for this work, however Mr. Shaw recommended the proposal from URETEK for $16,400.

Motion was made to authorize the City Manager to expend the funds in the amount of $16,400 for completion of the proposed work.

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

6. Council Action 2009-62

Consider Approval of the Memorandum of Agreement Among the U.S. Department of Homeland Security, Federal Emergency Management Agency; the Texas Historical Commission; the Governor's Division of Emergency Management; and the City of Liberty Regarding Demolition of the City of Liberty Power Plant Building.

COMMENTS - Current Meeting:

A project was previously submitted to FEMA for funding the demolition of the Power Plant facility on Monta Street, which was damaged beyond repair by Hurricane Ike in September, 2008. The proposed Memo of Agreement sets forth the stipulations for this process. When FEMA is in receipt of all required signatures on this document, hopefully clearance will be given for demolition within 60-90 days.

Motion was made to approve the Memo of Agreement among the U.S. Department of Homeland Security, Federal Emergency Management Agency; the Texas Historical Commission; the Governor's Division of Emergency Management; and the City of Liberty for demolition of the Power Plant.

At this point in the agenda, Mayor Pickett chose to change the order of the agenda items and move to the Executive Session; after which time he will return to items 7,8,9, and 10.

ATTACHMENTS:

- Attachment #5 - MOA for Power Plant (PDF)

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

7. Information Item 2009-53

Presentation of the Proposed Budget for Fiscal Year 2009-2010.

COMMENTS - Current Meeting:

Interim City Manager Larry Shaw presented to Council the proposed budget for Fiscal Year 2009-2010, through use of a powerpoint presentation. Mr. Shaw reported that the after discussion of needs with the department heads, there was a million dollars difference between revenues and expenditures. Mr. Shaw stated that the challenge was to present, to Council, a filed budget that was balanced with no tax increase.

Mr. Shaw reviewed all the components of the budget, and estimated that the end of the year fund balance will be $2.8 million. At the conclusion of the presentation, Council was given a copy of the budget filed with the City Secretary and a copy of the powerpoint presentation.

8. Council Action 2009-63

Consider Setting the Date, Time and Location for a Public Hearing on the Proposed Budget for FY 09-10.

COMMENTS - Current Meeting:

Motion was made to set the dates of August 25 and September 1, 2009 as dates for public hearings on the budget.

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

9. Council Action 2009-64

Consider Approval of the Proposed Tax Rate for FY 2009-2010.

COMMENTS - Current Meeting:

After brief discussion, a motion was made to propose the effective tax rate of $.6228; which can be adjusted at a later date, prior to budget adoption, from anywhere between $.5900 and $.6228, without raising taxes.

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

10. Council Action 2009-65

Consider Setting the Date, Time and Location for Public Hearings on the Proposed Tax Rate for Fiscal Year 2009-2010.

COMMENTS - Current Meeting:

Motion was made to set the dates of August 25 and September 1, 2009 as dates for public hearings on the tax rate.

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

B. Executive Session

Deliberation Regarding Economic Development Negotiation. Gov. Code §551.087.
Deliberation Regarding Real Property. Gov. Code §551.072.
Consultation With Attorney. Gov. Code §551.071

1. Discussion of possible property acquisition for economic development purposes.

At 7:55 p.m, Mayor Pickett closed the open meeting, and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

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

1. Council Action 2009-66

Consider and Take Action, If Any, on Acquisition of Property for Economic Development Purposes.

COMMENTS - Current Meeting:

There was no action taken on this agenda item.

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 9:54 p.m.

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

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary