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, September 8, 2009 **6:00 PM** **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on September 8, 2009 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:03 PM by Mayor Carl Pickett.

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 Angelica Martinez, Liberty High School Senior.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Barrett Guynn, Liberty High School Senior.

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.

Mayor Pickett reported on a 1) schedule provided by Liberty-Dayton Chamber of Commerce, of revenue and expenses relative to the Country Christmas event, which the city contributes $5000 from hotel-motel tax; and 2) information regarding upcoming appointments to the CAD Appraisal Review Board.

V. PRESENTATIONS / REPORTS

A. Information Item 2009-54

Fire Department Public Service Award

COMMENTS - Current Meeting:

Fire Chief Fred Collins presented to Mr. Justin Ezell, an award for unselfish bravery for saving the life of a resident during a house fire, at Milam & Lynch, on August 18, 2009.

Mayor Pickett, on behalf of the City of Liberty and the City Council, thanked Mr. Ezell for his humanitarian efforts.

B. Information Item 2009-60

EMS Billing Report - Chief Collins

COMMENTS - Current Meeting:

Fire Chief Fred Collins addressed the Council regarding EMS billing and collections. Chief Collins stated that of the three EMS providers in Liberty County, the City of Liberty has the lowest collection rate. The Chief further stated that the City's contractor, in 2008, billed out $697,270 and collected $258,000.

Chief Collins reported that options for raising collection rates include changing billing & collection services, or billing in-house. The Chief reported, that after research, the billing company he prefers has much higher collection rates. This company ran numbers based on the City's current run ratio and gave a conservative estimate of collecting $35,000 per month. The billing company, also ran numbers for another EMS provider they service; average collection ratio is approximately $551 per run; the City currently receiving only $186 per run.

Further discussion included an increase in the charge from 8% to 9%, automated system, purchase of tough book computers, additional revenue, and other related issues. This item will be brought before Council for consideration, at a future meeting.

C. Information Item 2009-55

Alarm Ordinance Update - Chief Tidwell

COMMENTS - Current Meeting:

Police Chief Billy Tidwell was present to address Council regarding an alarm ordinance, adopted in 2008 but not implemented, due to Hurricane Ike. Chief Tidwell reported that this ordinance is relative to false alarms, permits, and alarm systems at any residence or business location. Chief Tidwell briefly discussed the fees and other associated issues relative to the ordinance.

In the near future a process will be instituted by which alarms are permitted and false alarms are billed.

D. Information Item 2009-56

Bell Tower Expense - Interim City Manager Larry Shaw

COMMENTS - Current Meeting:

Interim City Manager Larry Shaw reported on options and costs for construction of a new bell tower. Cost estimate for the change order from the contractor, GTT, Inc. is 1) $225,800 to rebuild on the original south side of the Humphreys Cultural Center and 2) $191,000 to build on the City Hall grounds.

Discussion included site plans, parking and walkways, bond counsel and funding, insurance, Woods Family and the original agreement, preference for constructing this tower on the City Hall site, and other relative issues.

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.

Motion was made to approve the Consent Agenda. The Consent Agenda item regarding expenditures for the Humphreys Cultural Center Furniture and Equipment was moved to the Regular Agenda.

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

A. Minutes Approval

1. Tuesday, August 11, 2009

2. Tuesday, August 18, 2009

3. Tuesday, August 25, 2009

4. Tuesday, September 01, 2009

B. Council Action 2009-73

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

ATTACHMENTS:

- Final Plat of the Fontenot Cove Subdivision (PDF)

C. Council Action 2009-74

Consider Appointments to the Liberty Municipal Library Board.

COMMENTS - Current Meeting:

The following individuals were reappointed to the Liberty Municipal Library Board: Donna Barranco, Margaret Gardzina, Paul Henry, and Jerry Ursprung.

D. Resolution 2009-13

Consider a Resolution Appointing a Representative to the Sam Rayburn Municipal Power Agency Board of Directors.

COMMENTS - Current Meeting:

Mr. Bruce Halstead was reappointed to the Sam Rayburn Municipal Power Agency Board of Directors.

E. Resolution 2009-14

Consider a Resolution Regarding a Nomination/S to the Liberty County Central Appraisal District Board of Directors.

COMMENTS - Current Meeting:

Council nominated Mr. Mike Van Etta for a position on the Liberty County Central Appraisal District Board of Directors.

ATTACHMENTS:

- CAD Info 2009 (PDF)

F. Resolution 2009-15

Consider a Resolution Designating the City of Liberty as a Designated Management Agency for Wastewater Collection and Treatment.

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2009-75

Consider Approval of Expenditure for Humphreys Cultural Center Furnishings and Equipment.

COMMENTS - Current Meeting:

Mr. Shaw reported the original budget for furniture for the Humphreys Cultural Center Expansion Project was $400,000. After discussion, it was reduced to $150,000, in hopes of obtaining the remainder of items through grants. $50,000 was achieved through grants, leaving a shortfall of $43, 695 from the original budget, proposed to be taken from the contingency fund.

Motion was made to approve expenditures for Humphreys Cultural Center furnishings and equipment, in the amount of $243,695, of which $150,000 is already budgeted, a grant for $50,000 having already been received, and $43,695 be charged to the Contingency Fund for this project.

ATTACHMENTS:

- 82109 Liberty Library Furniture Proposal rev1 (PDF)
- FF&E spread sheet (XLS)
- theater seating (JPG)

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

2. Council Action 2009-76

Consider Approval of a Lease Agreement for Use of the Liberty Center and Related Rules and Regulations for the Liberty Center and Daniel Pavilion.

COMMENTS - Current Meeting:

Mr. Shaw reported that this document had been given to Council at a previous meeting; several changes having been made since that time. One additional provision is that there will be no raising of, or campaigning for, political funds. After brief discussion, a motion was made to approve the proposed agreement, and rules and regulations for use of the Liberty Center and Daniel Pavilion.

ATTACHMENTS:

- Lease Agreement for Liberty Center (PDF)
- Rules and Regulations for Liberty Center and Daniel Pavilion (PDF)

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

3. Council Action 2009-77

Consider Approval for Hay Baling at the Liberty Municipal Airport.

COMMENTS - Current Meeting:

Airport Director Avon Moore was present to address Council regarding the proposed issue of baling hay at the Liberty Municipal Airport. Lengthy discussion was held regarding options for contracting, costs and number of cuttings, mowing distance from the runway, the current mowing and maintenance contract, safety concerns, and related issues.

Council directed Mr. Moore to further investigate mowing costs, price per bale, mowing distances, and other airport practices.

There was no action taken.

ATTACHMENTS:

- Hay Baling Agreement (PDF)

4. Ordinance 2009-12

Consider Adoption of an Ordinance Establishing Regulations for the Issuance of Citations for Criminal Violations of the City's Code of Ordinances.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS ESTABLISHING REGULATIONS FOR THE ISSUANCE OF CITATIONS STEMMING FROM ALLEGED CRIMINAL VIOLATIONS OF ORDINANCES; PROVIDING FOR THE FOLLOWING: RULES; STANDARDS; PROCEDURES; AND CRIMINAL PENALTIES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

This ordinance authorizes ticket writing ability, by non-peace officers, for code violations.

Motion was made to adopt Ordinance No. 2009-12.

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

5. Council Action 2009-78

Consider Appointments to the 2010 Houston-Galveston Area Council General Assembly.

COMMENTS - Current Meeting:

Motion was made to appoint Councilperson McCarty and Mayor Pickett, respectively, as the representative and alternate to the HGAC 2010 General Assembly.

ATTACHMENTS:

- HGAC Gen Assem Info 2009 (PDF)

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

6. Ordinance 2009-13

Consider an Ordinance Establishing Fees for Heavy Trash Collection and Fees for Various Parks Department Facilities.

COMMENTS - Current Meeting:

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

"AN ORDINANCE ESTABLISHING THE FEES CHARGED BY THE CITY OF LIBERTY SOLID WASTE DEPARTMENT FOR COLLECTION OF HEAVY TRASH; ESTABLISHING FEES FOR RENTAL OF VARIOUS PARKS DEPARTMENT FACILITIES; PROVIDING THAT ALL PRIOR ORDINANCES ESTABLISHING SUCH FEES ARE HEREBY REPEALED; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS."

Mr. Shaw reported that during the budget work session, Council consensus included increasing several city fees. Mr. Shaw recommended approval of the proposed fees for heavy trash pickup and various Parks Department facilities.

Motion was made to adopt Ordinance No. 2009-13.

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

7. Ordinance 2009-14

Consider an Ordinance Adopting the Tax Rate for Fiscal Year 2009-2010.

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the Ordinance into the record as follows: "TAX RATE ADOPTION."

A tax rate for FY 2009-2010, of $0.5900 per $100 was proposed; $0.3379 for maintenance and operations and $0.2521 for debt service.

Motion was made to adopt Ordinance No. 2009-14; adopting a tax rate of $0.5900 per $100.

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

8. Ordinance 2009-15

Consider an Ordinance Adopting the Budget for Fiscal Year 2009-2010.

COMMENTS - Current Meeting:

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

"SETTING AND ESTABLISHING THE 2010 FISCAL YEAR OPERATING BUDGET."

Motion was made to adopt Ordinance No. 2009-15.

On behalf of the City Council, Mayor Pickett expressed appreciation to Interim City Manager Larry Shaw, Finance Director Naomi Herrington and her staff, for hard work during the budget process.

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

9. Ordinance 2009-16

Consider an Ordinance Amending the Fiscal Year 2009 Budget.

COMMENTS - Current Meeting:

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

"APPLYING ADJUSTMENTS FOR AMENDING THE FISCAL YEAR 2009 BUDGET AND FINANCIAL PLAN AS PER THE FISCAL YEAR PROJECTIONS AND ESTIMATED ACTUALS IN THE PROPOSED FISCAL YEAR 2010 BUDGET AND FINANCIAL PLAN."

Finance Director Naomi Herrington stated the purpose of this amendment is to adopt the actuals as the budget for the current year, as of September 30, 2009.

Motion was made to adopt Ordinance No. 2009-16.

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

10. Ordinance 2009-17

Consider a Resolution Regarding Tax Roll Approval and the Tax Levy.

COMMENTS - Current Meeting:

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

"TAX ROLL APPROVAL AND TAX LEVY."

Motion was made to adopt Ordinance No. 2009-17, approving the 2009 tax roll and levy.

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

11. Ordinance 2009-18

Consider Adoption of an Ordinance to Abandon a Dedicated Street in the City of Liberty.

COMMENTS - Current Meeting:

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

"AUTHORIZING THE VACATING AND ABANDONMENT OF A STREET, STREETS, AND/OR PUBLIC RIGHTS-OF-WAY, OR A PORTION THEREOF; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH THEREOF; AUTHORIZING THE INTERIM CITY MANAGER OR CITY MANAGER TO EXECUTE A QUITCLAIM DEED, DIRECTING THAT THE BENEFICIARIES OF THE ABATEMENT PAY ANY APPLICABLE SURVEY, DEED, FAIR MARKET VALUE AS DETERMINED BY APPRAISAL, AND OTHER COSTS RELATED TO THE ABANDONMENT; AND 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."

This abandonment is a result of two pending sales of property, known as the old Chevrolet dealership on Main Street. There are two streets, that were originally layed out that go into this property. This ordinance authorizes the city manager to execute a quitclaim deed, with beneficiaries directed to pay survey, deed, attorney fees, and fair market value relative to the abandonment.

There will be no cost to the City; the city retains a full utility easement, and funds paid by the benenficiary are to be deposited in the street maintenance fund as required by the Local Government Code.

Motion was made to adopt Ordinance No. 2009-18.

ATTACHMENTS:

- Abandon Street Info (PDF)

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

VIII. COUNCIL MEAL

Council shared an evening meal.

IX. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 8:30 p.m.

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

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary