



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, November 10, 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

A. Information Item 2009-68

Financial Report - Finance Director Naomi Herrington

B. Information Item 2009-69

Liberty Municipal Park- Recognition of Chili's Restaurant Employee Project

- Park Entrance (PDF)

C. Information Item 2009-70

Tx Water Development Board / Other Current City Projects - Steve Jordan, Schaumburg & Polk

D. Information Item 2009-71

Recycling Report - Councilperson Huddleston

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, October 13, 2009
2. Monday, October 19, 2009

B. Council Action 2009-97

Consider the Appointment of City Manager Gary Broz as the General Manager of the Liberty Community Development Corporation.

C. Council Action 2009-98

Consider Modification of the Liberty Community Development Corporation Bylaws, Estbalishing the City Manager Shall Serve as the General Manager and Ex-Officio Member.

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2009-99

Ms. Simone Spears, U.S. Postal Service, Will be Present to Request Assistance with Her Concerns and Issues Relative to the Animal Ordinance.

2. Council Action 2009-100

Consider Increasing the Allotment to the Liberty-Dayton Area Chamber of Commerce for Sponsorship of the "Country Christmas" Event.

FISCAL IMPACT:

The City budgeted \$5,000 to the Liberty-Dayton Area Chamber of Commerce for this event.

3. Council Action 2009-101

Consider the Appointment of a Seventh Voting Member to the Liberty Community Development Corporation.

4. Council Action 2009-102

Consider and Discuss Future Airport Lease Agreements.

5. Ordinance 2009-22

Consider Adoption of an Ordinance Amending Section 6-7 of the City's Code of Ordinances Regarding Building Permit Fees.

- Fee Schedule-Final Draft (PDF)

6. Ordinance 2009-23

Consider Adoption of an Ordinance Amending Subdivision Ordinance #872, Regarding Parking and Surface Requirements for Commercial Use Property.

7. Ordinance 2009-24

Consider Adoption of an Ordinance Amending Chapter 8 of the Liberty Code of Ordinances Regarding Mowing Regulations.

8. Ordinance 2009-25

Consider an Amendment to Chapter 2, Sections 2-71; 2-75; 2-76 and 2.78 of the City of Liberty Code of Ordinances (Prohibited Vehicles and Prohibited Devices).

9. Resolution 2009-18

Consider Approval of Resolution Authorizing the City Manager to Pursue All Energy Efficiency and Conservation Block Grant Funding through the American Recovery and Reinvestment Act of 2009.

10. Resolution 2009-19

Consider Approval of a Resolution Authorizing Publication of Notice of Intention to Issue Certificates of Obligation Series 2010.

11. Resolution 2009-20

Consider a Resolution Casting the City's Voting Entitlement for the Position(S) of Director on the Liberty County Central Appraisal District Board of Directors.

- CAD Voting Entitlement Info (PDF)

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

Deliberation Regarding Real Property. Gov. Code §551.072

1. Discussion of Electric Rate Contract with Boomerang Tube, LLC.
2. Discussion of real property acquisition for economic development purposes.
3. Discussion of real property acquisition for Fire Department purposes.
4. Update on Pending Litigation, Hugo Flores vs. City of Liberty et al. Cause No. CV08-00719 in 253rd Judicial District, Liberty County, Texas.
5. Discussion of real property disposal.
6. Discussion of possible real property acquisition for various city facilities.

C. Reconvene into Regular Session**1. Council Action 2009-103**

Consider Acquisition of Real Property for Economic Development Purposes.

2. Council Action 2009-104

Consider Approval of Real Property Purchase, by the Liberty Community Development Corporation, for Fire Department Purposes.

3. Council Action 2009-105

Consider Disposal of City of Liberty Real Property.

4. Council Action 2009-106

Consider Acquisition of Real Property for Various City Facilities.

VIII. COUNCIL MEAL**IX. ADJOURNMENT**

A. 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 6th day of November, 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: 11/10/09 06:00 PM

Department: Finance
Category: Reports

INFORMATION ITEM 2009-68

DOC ID: 1474

Financial Report - Finance Director Naomi Herrington

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/09 06:00 PM

Department: Maintenance
Category: Recognitions

INFORMATION ITEM 2009-69

DOC ID: 1476

Liberty Municipal Park- Recognition of Chili's Restaurant Employee Project

EXPLANTION:

Three representatives from Chili's Restaurant, Liberty, have come together to do something nice for the community. These individuals have spent their own time to beautify and enhance the median at the entrance to the Liberty Municipal Park.

Avon Moore

.



**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/09 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM 2009-70

DOC ID: 1478

Tx Water Development Board / Other Current City Projects - Steve Jordan, Schaumburg & Polk

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/09 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM 2009-71

DOC ID: 1479

Recycling Report - Councilperson Huddleston



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, October 13, 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

The Meeting was called to order on October 13, 2009 at the City Council Chambers, 1829 Sam Houston, Liberty, TX at 6:07 PM by Mayor Carl Pickett.

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

II. INVOCATION

The Invocation was given by Ms. Trang Tran, Liberty High School senior.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Ms. Kaci Earp, 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.

Ms. Martrell Fregia addressed the Council requesting permission to cut and bale hay at the Liberty Municipal Airport.

V. ITEMS OF INTEREST

A. Information Item 2009-61

TVE Opening Day Parade

Minutes Acceptance: Minutes of Oct 13, 2009 6:00 PM (Minutes Approval)

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported on information from the TVE Board of Directors regarding participation in the Opening Day Parade.

ATTACHMENTS:

- TVE Parade Info 2009 (PDF)

B. Information Item 2009-62

Comcast Cable

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported on information from Comcast Cable regarding the "Comcast Customer Guarantee". This guarantee is an effort on Comcast's part to make their customers aware of what is to be expected from Comcast, and outlines the customer's rights if Comcast does not live up to the customer expectation.

ATTACHMENTS:

- Comcast Info Sept. 09 (PDF)

VI. PRESENTATIONS / REPORTS**A. Information Item 2009-63**

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

COMMENTS - Current Meeting:

Mr. Steve Jordan, Schaumburg & Polk, Inc. was present to address the Council with a project status report. Mr. Jordan reported on the following:

- Texas Water Development Board Projects -
 1. Wastewater Treatment Plant Improvements - design of the treatment facility improvements are complete. Waiting on TWDB permission to begin the bidding process.
 2. Modified Sanitary Sewer Evaluation Study (SSES) - the study is complete.
 3. Collection System Improvements - proposed improvements include the gravity system along Avenue G, along SH 146 near Ridgewood, Washington Street Lift Station and force main, and Wallisville Road Lift Station and force main. Environmental documentation and topographic surveying for design is all nearly complete.

Mr. Jordan also reported on the ORCA Community Development Block Grant, Hardin-Ames Wastewater Contract Audit, Water System Study, Boomerang Tube LLC Plan Review, and TDRA Disaster Recovery Projects Round 1 and 2.

B. Information Item 2009-64

Financial Report/ Sept 2009 - N. Herrington

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on sales tax revenues, stating revenues are down by \$90,000, approximately 34%; previous month's sales tax down by 32%. Ms. Herrington reported, however, that the year closed out with sales tax revenues being slightly over by 6%. In regard to closing out the year, Ms. Herrington stated that the auditor should be on-site to conduct the city's audit within 30-60 days. Ms. Herrington presented Council with a bound copy of the new budget for Fiscal Year 2009-2010. Ms. Herrington reported the monthly financial report would be ready the following day.

C. Information Item 2009-65

Humphreys Cultural Center Expansion - Project Worksheet - N. Herrington

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on a project spreadsheet for the Humphreys Cultural Center Expansion Project. Ms. Herrington reported that in regard to payment applications, the City is at 49% of construction costs, and that the numbers are taken directly from the payment application documents submitted by the contractor. Ms. Herrington stated that she will update the spreadsheet monthly to reflect the status of the project.

Interim City Manager Larry Shaw reported there had been two change orders since the spreadsheet was sent to Council. One is the relocation of an electrical panel as a result of the abatement, that was somehow not planned for. The other is that the plans did not call for a telephone in the elevator.

Ms. Herrington stated that there is \$30,000 budgeted for change orders, plus a 10% contingency for construction costs.

ATTACHMENTS:

- Library Construction thru Aug09 (XLSX)

D. Information Item 2009-66

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that she is currently working to schedule a "Shred-It Day" for the shredding of sensitive, private documents. Ms. Huddleston stated that this will be a three hour event, held on a Saturday, within the next 30-45 days. News releases will be sent out to advertise the event.

E. Information Item 2009-67

Proposed Permit Fee Schedule- Candice Parker

COMMENTS - Current Meeting:

Ms. Candy Parker, Inspection Department, reported on a proposed permit fee schedule; stating that the fees had not been increased in at least eight years. Ms. Parker stated that the Inspection Department would like to see permit fees increased by at least \$20-\$25. Lengthy discussion was held regarding the various permit fees, types of permits, and comparisons between the City's fees and those of the City of Cleveland. Ms. Parker also reported that the Inspection Department had experienced a huge increase in single family dwelling permits, in the last eighteen months.

After further discussion of current and proposed fees, Interim City Manager Larry Shaw recommended that Council may want to consider taking a smaller step, possibly a \$10-\$15 increase, with a non-binding commitment to make a similar step the following year. Ms. Parker was directed, by Council, to obtain figures for comparison with the City of Dayton relative to water and sewer taps. A new proposed fee schedule will be brought before Council at a later date.

ATTACHMENTS:

- Fee Schedules and Example Permits (PDF)

VII. 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
ABSENT:	Frank Jordan

A. Minutes Approval

1. Tuesday, September 08, 2009
2. Wednesday, September 23, 2009
3. Tuesday, September 29, 2009

B. Council Action 2009-87

Consider Approval of an Interlocal Agreement with National Joint Powers Alliance for Cooperative Purchasing.

FISCAL IMPACT:

No impact at this level.

COMMENTS - Current Meeting:

The National Joint Powers Alliance (NJPA) is a national level purchasing cooperative. The execution of this agreement will allow the city to make purchases through the Alliance; the first purchase being furnishings for the new expanded library.

C. Council Action 2009-88

Consider Ratification of an Expenditure for Purchase of a New Ambulance.

FISCAL IMPACT:

This is a budgeted item.

COMMENTS - Current Meeting:

This item ratifies the purchase of an ambulance budgeted in the new FY 09-10 budget. This ambulance was actually ordered prior to the 09-10 budget year due to the hospital closing and the increased number of out-of-town transfers. Delivery of the ambulance should take place in February, 2010.

D. Council Action 2009-89

Consider Approval of the New City Manager's Employment Contract.

COMMENTS - Current Meeting:

This contract is for the employment of new City Manager, Gary Broz.

E. Council Action 2009-90

Consider Approval of Some or All of the Proposed Charter Amendments, as Recommended by the 2009 Charter Review Commission.

COMMENTS - Current Meeting:

The final report of the 2009 Charter Review Commission was presented to Council on September 23, 2009. Council approved of all the submitted amendments to the City's Home Rule Charter.

Proposed changes are to the following sections:

Section 1.03 - Change of Boundaries and Residents' Rights

Section 3.06 - Powers of the City Council

Section 3.08 - Meetings and of the City Council

Section 3.13 - Audit and Examination of City Books and Accounts

Section 4.04 - Municipal Court

Section 6.03 - Form of Recall Petition

Section 9.12 - Contingent Appropriation

ATTACHMENTS:

- Charter Rev Comm Final Report 2009 (DOC)

F. Resolution 2009-17

Consider and Approve a Resolution for Reimbursement of Expenditures for Facility Costs.

COMMENTS - Current Meeting:

This Resolution is relative to the Certificates of Obligation Series 2010 to be issued for various city projects. Those projects include the following:

- 1) design, construction and equipping of new police station,
- 2) design, construction, renovation, equipping of expanded library,
- 3) construction of sidewalks around local schools,
- 4) design, construction and renovation of Liberty Bell Tower, and
- 5) design, construction and equipping of City Garage Office Building.

VIII. REGULAR AGENDA**A. Regular Session****1. Ordinance 2009-19**

Consider an Ordinance Adopting Liberty Municipal Airport Hazard Zoning Regulations.

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 AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH AND OTHERWISE REGULATING THE USE OF PROPERTY IN THE VICINITY OF THE LIBERTY MUNICIPAL AIRPORT, LIBERTY, TEXAS, BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR RESTRICTIONS OF SUCH ZONES AND THE ENFORCEMENT OF SUCH RESTRICTIONS; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE LIBERTY MUNICIPAL AIRPORT HAZARD ZONING MAP PREPARED BY THE TXDOT AVIATION DIVISION, DATED AUGUST 3, 2009, WHICH IS INCORPORATED IN AND

MADE A PART OF THESE REGULATIONS; PROVIDING FOR A BOARD OF ADJUSTMENT; PROVIDING FOR PENALTIES, AND DISPENSING OF THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

These rules and regulations were adopted by the Liberty Municipal Airport Hazard Zoning Board on September 22, 2009; to follow with adoption by the City Council.

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

2. Ordinance 2009-20

Consider Adoption of an Ordinance Regarding the Discharge of Firearms in the City of Liberty.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS REGULATING THE DISCHARGE OF FIREARMS, PELLET GUNS, BB GUNS, AND BOWS AND ARROWS WITHIN THE CITY LIMITS OF LIBERTY AND ITS EXTRA TERRITORIAL JURISDICTION, AND PROVIDING PENALTIES; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

The following changes were made to the proposed document:

- 1) Section I - Use and Discharge of Center Fire or Rim Fire Rifles or Pistols: "or within ~~300~~ 1000 feet of a residence or occupied building",
- 2) Section II - Use and Discharge of Shotguns: - Deletion of "or its Extra Territorial Jurisdiction", and
- 3) Section III - Air Rifle or Pistol, BB Gun, or Bow and Arrow: - Deletion of "licensed to carry a concealed handgun under the provisions of Article 4413(29ee and 29bb), Title 70, Revised Statutes.

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

3. Council Action 2009-91

Consider Approval of a Contract with PGAL Architects for Architecturer and Design Services for a New Police Department Facility.

COMMENTS - Current Meeting:

Motion was made to approve, and execute a contract, identifying PGAL Architects as the architectural firm that will provide design services for the new Police Department facility.

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

4. Council Action 2009-92

Consider Approval of a Change Order for Construction of a New Bell Tower and Associated Expenses.

FISCAL IMPACT:

The funds for this project are included in the proposed Certificates to be issued in January, 2010.

COMMENTS - Current Meeting:

Interim City Manager Larry Shaw reported on the proposal that was negotiated with the Humphreys Cultural Expansion Project contractor to rebuild the bell tower, and previous debate regarding placement of this structure. Mr. Shaw stated that should Council desire to approve the change order placing the tower in its original location, that they should also consider the additional parking and adjacent walk, from the west, for a total of \$225,800. City Attorney Randy Gunter reported that the heirs to the Woods Family have expressed a desire that the bell tower be placed in a prominent and attractive location. Mr. Gunter stated that the Woods Family heirs have no issue with leaving the tower where it was or moving it to a more prominent site; and have signed a document to that effect.

Mr. Gunter reported that after review of the original gift document, the only contingency was that construction begin within 120 days of execution of the document. As that contingency was met, this structure belongs to the citizens of Liberty who speak through the Council. Mr. Gunter further stated that after consideration of opinions and concerns of the citizens, it is Council's decision, with their being no restrictions on the placement of this structure.

After further discussion, and concerns voiced by several citizens, a motion was made to approve management's recommendation and place the new bell tower near its original location on the south side of the Cultural Center, by use of a change order in the amount of \$225,800.

ATTACHMENTS:

- Bell Tower Letter R. Edwards (PDF)

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

5. Ordinance 2009-21

Consider Adoption of an Ordinance Regulating the Operation of EMS Services Operating in 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 COUNCIL OF THE CITY OF LIBERTY, TEXAS REGULATING THE OPERATION OF EMS SERVICES OPERATING IN THE CITY OF LIBERTY; PROVIDING REQUIREMENTS FOR PERMITS, PROCEDURES FOR HEARINGS AND INSPECTIONS; AND REGULATIONS FOR MEDICAL EMERGENCIES, MUTUAL AID, AND MEDICAL CARE FOR SPECIAL EVENTS; AND DISPENSING OF THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

Fire Chief Fred Collins reported to Council that due to the recent hospital closing, he brought the EMS ordinance to the City Attorney's attention for review. Chief Collins was concerned that some changes were necessary to protect the City's interest in Emergency Medical Services. Chief Collins further explained that City Attorney Randy Gunter had changed several definitions, included additional definitions, and reworded the verbage to strengthen the ordinance.

Motion was made to adopt Ordinance No. 2009-21.

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

6. Council Action 2009-93

Consider and Approve a Nomination(S) to the Central Appraisal District, Appraisal Review Board.

COMMENTS - Current Meeting:

No action was taken on this agenda item.

ATTACHMENTS:

- CAD ARB Nominations 2009 (PDF)

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 real property acquisition for economic development purposes.
2. Discussion of real property acquisition for Fire Department purposes.

Consultation With Attorney. Gov. Code §551.071

3. Consultation with attorney regarding litigation to collect delinquent taxes and utilities from the Liberty-Dayton Community Hospital and/or its owners.

At 8:09 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 9:40 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2009-94

Consider Acquisition of Real Property for Economic Development And/Or Fire Department Purposes.

COMMENTS - Current Meeting:

There was no action taken on this agenda item.

2. Council Action 2009-95

Consider Possible Action Regarding Litigation with the Liberty-Dayton Community Hospital And/Or Its Owners Regarding Monies Owed to the City of Liberty.

COMMENTS - Current Meeting:

There was no action taken on this agenda item.

IX. COUNCIL MEAL

Council shared an evening meal.

X. ADJOURNMENT**A. Motion To: Adjourn****COMMENTS - Current Meeting:**

There being no further business before the Council, the meeting was adjourned at 9:40 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

Minutes Acceptance: Minutes of Oct 13, 2009 6:00 PM (Minutes Approval)



The City of Liberty City Council

Special Called Meeting

~ Minutes ~

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

Dianne Tidwell
City Secretary
(936) 336-3684

Monday, October 19, 2009

12:00 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

The Meeting was called to order on October 19, 2009 at the City Council Chambers, 1829 Sam Houston, Liberty, TX at 12:00 PM by Mayor Carl Pickett.

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

II. 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.

III. REGULAR AGENDA

A. Regular Session

1. Council Action 2009-96

Consider and Approve the Granting of an Easement for Access to Boomerang Tube, LLC Property.

COMMENTS - Current Meeting:

City Attorney Randy Gunter explained that the original easement agreement for this property, located at 1106 FM 3361, incorrectly described the main driveway providing ingress and egress to this property. The proposed amendment to the original documents will correct this error.

A motion was made to adopt the amendment to the Right-of-Way Deed and Easement Agreement, and authorize the City Manager to act on Council's behalf, to execute any last minute, minor changes; to also include any additional access over a portion of the city's property, into any portion of Boomerang Tube's property, if management and staff do not see it as a detriment to the City.

ATTACHMENTS:

- Boomerang Easement Oct 2009 (PDF)

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

IV. COUNCIL MEAL

Council shared an evening meal.

V. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 12:50 p.m.

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

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Oct 19, 2009 12:00 PM (Minutes Approval)

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/09 06:00 PM

Department: Administration
Category: Board Appointments

COUNCIL ACTION 2009-97

DOC ID: 1480

Consider the Appointment of City Manager Gary Broz as the General Manager of the Liberty Community Development Corporation.

EXPLANATION:

LCDC Bylaws state that the General Manager shall be the chief administrative officer of the Corporation and be in general charge of the properties and affairs of the Corporation. The General Manager shall be an employee of the City. Since the creation of this Board, previous practice has been that the City Manager serves as the General Manager of the LCDC.

Dianne Tidwell

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/09 06:00 PM

Department: Administration
Category: Misc.

COUNCIL ACTION 2009-98

DOC ID: 1481

**Consider Modification of the Liberty Community
Development Corporation Bylaws, Estbalishing the City
Manager Shall Serve as the General Manager and Ex-Officio
Member.**

EXPLANATION:

This agenda item will amend the bylaws to specifically state that the City Manager shall serve as the General Manager of the LCDC.

Dianne Tidwell

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/09 06:00 PM

Department: Administration
Category: Misc.

COUNCIL ACTION 2009-99

DOC ID: 1490

**Ms. Simone Spears, U.S. Postal Service, Will be Present to
Request Assistance with Her Concerns and Issues Relative
to the Animal Ordinance.**

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/09 06:00 PM

Department: Administration
Category: Expenditures

COUNCIL ACTION 2009-100

DOC ID: 1482

Consider Increasing the Allotment to the Liberty-Dayton Area Chamber of Commerce for Sponsorship of the "Country Christmas" Event.

EXPLANATION:

The City budgeted to co-sponsor the "Country Christmas" event with the Liberty-Dayton Area Chamber of Commerce, in the amount of \$5000. This agenda item allows Council to consider increasing this amount, if they so choose. This event will be held in Liberty on December 1st.

Dianne Tidwell

FISCAL IMPACT:

The City budgeted \$5,000 to the Liberty-Dayton Area Chamber of Commerce for this event.

.

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/09 06:00 PM

Department: Administration
Category: Board Appointments

COUNCIL ACTION 2009-101

DOC ID: 1483

Consider the Appointment of a Seventh Voting Member to the Liberty Community Development Corporation.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/09 06:00 PM

Department: Airport
Category: Agreements

COUNCIL ACTION 2009-102

DOC ID: 1475

Consider and Discuss Future Airport Lease Agreements.

EXPLANATION:

Prior discussion has been held regarding the use of ground lease agreements and hangar lease agreements at the Liberty Municipal Airport. Currently the City has only one ground lease agreement in effect, and the ordinance regarding the airport does not address rates and fees associated with such agreements. Management is seeking direction relative to types and locations for future construction of airport hangars, and assistance in establishing rates.

Contracts and ground lease agreements for Airport:

Currently the city has one ground lease agreement below are the rates for this lease.

The property is 4,680 square feet.

1-5 years @ .20 per sq.ft.--- 78.00 mo./ 936.00 yr.

6-10 years @ .25 per sq.ft.--- 97.50 mo./ 1,170.00 yr.

11-15 years @ .30 per sq.ft.--- 117.00 mo./ 1,404.00 yr.

16-20 years @ .40 per sq.ft.--- 156.00 mo./ 1,872.00 yr.

Property taxes are paid for by the tenant \$1,884.04 yr.

Ordinance # 787 Airport Rules and Regulations

This ordinance is in need of review for possible changes. Below are some examples:

- **Rule 4:** h. structures built should stand wind loads of 110mph instead of 85mph.
- The requirements for building any structure should include that the City of Liberty must file a 7460 form through TXDOT Aviation for FAA approval before any construction begins.
- **Rule 5:** The operating fees for conducting commercial activity monthly/annually are set at **9%** of the gross income earned to be paid to the City. This needs to be reduced to help encourage commercial business at the airport.
- **Section five:** fire regulations need to be updated current standards are from 1980 NFPA manual

Rules prohibiting the use of radio controlled devices shall include but are not limited to model airplanes, helicopters, cars, trucks.

Avon Moore



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/09 06:00 PM

Department: Inspection
Category: General Ordinances

ORDINANCE 2009-22

DOC ID: 1472 A

Consider Adoption of an Ordinance Amending Section 6-7 of the City's Code of Ordinances Regarding Building Permit Fees.

EXPLANATION:

Enclosed you will find a revised fee schedule that will be manageable for our contractors and also increase revenue for the City. You will find our current rates and proposed rates for the various types of permits.

It is proposed that building permits increase \$10.00 on the minimum charge and slightly on the fraction thereof amount as well. I have included sample equations to show the comparison of the new rates verses the current rates.

Electrical permits will go from a one time standard charge to a fixture count type permit comparable to how the plumbing permits are calculated. Changing the way an electrical permit is calculated will cause a considerable increase to our contractors, however, to become more comparable to other cities, it is necessary.

Plumbing permits are proposed to remain the same. The fees are currently calculated by fixture count and are already comparable to other cities.

Mechanical permits are proposed to increase \$5.00 for a residential permit, and increase \$10.00 for a commercial permit. Residential jobs are a one time charge per job and commercial jobs are charged per unit.

Water tap fees are proposed to increase \$100.00 each to insure all metering equipment and supplies are reimbursed. It is also proposed that sewer tap fees increase \$50.00 each. We recommend removing the fees for highway rates from the policy and each developer be quoted a price for actual costs.

Candy Parker

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTERS 6 AND 17, OUTLINING FEES FOR BUILDING PERMITS, ELECTRICAL PERMITS, PLUMBING PERMITS, MECHANICAL PERMITS, AND UTILITY TAP PERMITS; 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.

WHEREAS, by adoption of previous ordinances, The City Council of the City of Liberty, Texas detailed the appropriate procedures for charging fees for building permits, electrical

permits, plumbing permits, mechanical permits, and utility tap permits.

WHEREAS, the City Council of the City of Liberty, Texas, finds it to be in the public interest to amend the ordinance and require all building permits, electrical permits, plumbing permits, mechanical permits, and utility tap permits fees to be set as follows.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

Section 1: Section 6-7 of the Code of Ordinances of the City of Liberty is amended to read as follows:

Sec. 6-7. Building Permits

- (a) *Information.* No wall, structure, building or part thereof shall be built enlarged or altered within the city, until a plan of the proposed work, together with a statement of the materials to be used, shall have been submitted to the building inspector or designated officer of the city, who shall, if in accordance with the provisions of this chapter, issue a permit for the proposed construction. Before such permit is issued, the builder, his representative or contractor shall be required to furnish detailed information regarding the name of the owner, proposed location, character of occupancy, kind of material, plumbing, wiring, roofing, chimney and flue construction, manner and kind of heat to be used, estimated cost of the building, estimated time for completion and the name of the contractor.
- (b) *Fee.* On securing such information, it shall be the duty of the building inspector or other authorized agent to issue a building permit, upon the payment of a fee established according to the following rates, which gives the builder the right to erect the building.

Building Permits	
Building Cost	Fee Amount
\$100.00 and less	\$15
\$101.00-\$2,000.00	\$30
\$2,001.00-\$15,000.00	\$30 for the first \$2,000.00 plus \$12.00 for each additional thousand or fraction thereof, to and including \$15,000.00
\$15,001.00-\$99,999.99	\$160.00 for the first \$15,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00
\$100,000.00-\$500,000.00	\$415.00 for the first \$100,000.00 plus \$3.50 for each additional thousand or fraction

	thereof, to and including \$500,000.00
\$500,001.00 and above	\$1,515.00 for the first \$500,000.00 plus \$2.50 for each additional thousand or fraction thereof

Mechanical Permits	
Residential Mechanical Permit Fee	\$20.00
Commercial Mechanical Permit Fee is Charged per unit	\$25.00

- (c) *Required; exception.* Permits shall be required on all buildings erected, altered or enlarged within the corporate limits of the city, with the exception of buildings where the total cost does not exceed an amount determined from time to time by the city council. Structures erected without a permit shall be removed.
- (d) *Record.* The building inspector or other designated officer shall keep a record of all building permits issued, which shall be available for the inspection of the public.

Section 2: Section 6-10(a) of the Code of Ordinances of the City of Liberty is amended to read as follows:

Sec. 6-10(a). Permit and security required to move building

- (a) It shall be unlawful for any person to move or cause to be moved a house or building from one (1) location to another within the city, or to move a house or building from without the city to a location within the city, or to move a house or building within the city to a point outside the city, without first securing a permit therefore. The moving permit fee shall be \$60.00.

Section 3: Section 6-11 of the Code of Ordinances of the City of Liberty is amended to read as follows:

Sec. 6-11. Permit to wreck or dismantle building

It shall be unlawful for any person to wreck or dismantle any house or building, the value of which exceeds five hundred dollars (\$500.00), within the city without securing a permit therefore from the city secretary. Such permit will be issued by the city secretary for a fee of \$15.00.

Section 4: Section 6-101 of the Code of Ordinances of the City of Liberty is amended to read as

follows:

Sec. 6-101. Fees

- (a) Permit fees under this division, as established by the following rates, shall be paid for all new electrical work, repairs, renewals and additions.

Electrical Permit	
Temporary Pole	\$25.00
Meter Loop	\$30.00
<i>100, 150 or 200 amp service</i>	
First four outlets	\$5.50
Next 21 outlets	\$9.00
Each outlet over 25	\$0.25
Each transformer	\$3.00
Each motor or generator	\$5.00
Electric signs or other equipment in connection herewith	\$9.00
Electric fans, either exhaust or ventilating, 24" or more in diameter	First fan is \$5.00 Each additional fan is \$3.00
Each moving picture machine and all operating devices used in connection therewith	\$9.00
A/C and heater rough-in	\$6.00
Range, space heaters, dryers	\$2.50

Section 5: Section 6-164(d) of the Code of Ordinances of the City of Liberty is amended to read as follows:

Sec. 6-164(d). Fees

- (d) The fees established by the following rates shall be paid to the city for deposit in the general fund before the issuance of a permit under this section and before any work is started. Such fees shall include the routine inspections required by this article. If any work has to be reinspected for any reason, an additional fee established from time to time by the city council shall be charged for each such reinspection.

Plumbing Permits	
Fixtures are charged as followed:	
Fixtures 1-4	\$10.00
Each additional over 4	\$3.00
Water Heater Inspection	\$15.00
Water/Sewer Line Combination	\$20.00

Water Line Inspection	\$15.00
Sewer Line Inspection	\$15.00
Sprinkler System	\$15.00
Gas Piping Inspection 1 to 4 drops	\$10.00
Each additional gas drops over 4	\$3.00
Gas Test	\$20.00

Section 6: Section 17-1 of the Code of Ordinances of the City of Liberty is amended to read as follows:

Sec. 17-1. Water and sewer connection charges

- (a) Water and sewer connection charges shall be established according to the following rates.

Utility Tap Permits	
Water Tap Fees	Rates
3/4"	\$475.00
1"	\$675.00
1 1/2"	\$975.00
2"	\$1,050.00
Sewer Tap Fees	Rates
4"	\$450.00
6"	\$500.00
8"	\$550.00

- (b) Highway Taps The City of Liberty will issue a work order to the Public Works Department that will result in a quote for the developer that will include total cost to install water and sewer taps to any highway location or to any location in which a main line does not exist. The fee for a highway tap, which shall be determined by the permitting officials in their sole discretion, shall be the actual cost of work required to install the tap.

Section 3: That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two days is hereby dispensed with.

Section 4: This Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of
Liberty, this _____ day of _____, 2009.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

Building Permits

Current Rates

\$100.00 and less

Fee is \$5.00

\$101.00-\$2,000.00

Fee is \$20.00

\$2,001.00-\$15,000.00

\$20.00 for the first \$2,000.00
plus \$10.00 for each additional
thousand or fraction thereof,
to and including \$15,000.00

\$15,001-\$99,999.99

\$150.00 for the first \$15,000.00
plus \$3.00 for each additional
thousand or fraction thereof,
to and including \$100,000.00

\$100,000.00-\$500,000.00

\$405.00 for the first \$100,000.00
plus \$2.75 for each additional
thousand or fraction thereof,
to and including \$500,000.00

\$500,001.00 and above

\$1,505.00.00 for the first \$500,000.00
plus \$2.50 for each additional
thousand or fraction thereof

Moving Permit

\$50.00

Demolition Permit

\$0.00

Proposed Changes

\$100.00 and less

Fee is \$15.00

\$101.00-\$2,000.00

Fee is \$30.00

\$2,001.00-\$15,000.00

\$30.00 for the first \$2,000.00
plus \$12.00 for each additional
thousand or fraction thereof,
to and including \$15,000.00

\$15,001-\$99,999.99

\$160.00 for the first \$15,000.00
plus \$4.00 for each additional
thousand or fraction thereof,
to and including \$100,000.00

\$100,000.00-\$500,000.00

\$415.00 for the first \$100,000.00
plus \$3.50 for each additional
thousand or fraction thereof,
to and including \$500,000.00

\$500,001.00 and above

\$1,515.00.00 for the first \$500,000.00
plus \$2.50 for each additional
thousand or fraction thereof

Moving Permit

\$60.00

Demolition Permit

\$15.00

Building Permits

For Example:

Current Rates

Remodel permit fee based on a
\$2,000.00 valuation

Permit fee is **\$20.00**

Remodel/building permit fee based
on a \$15,000.00 valuation

$\$15,000.00 - \$2,000.00 = \$13,000.00$

$13 \times \$10.00 = \$130.00 + \$20.00 = \mathbf{\$150.00}$

Building permit fee based on a
\$85,000.00 valuation

$\$85,000.00 - \$15,000.00 = \$70,000$

$70 \times \$3.00 = \$210.00 + \$150.00 = \mathbf{\$360.00}$

Building permit fee based on a
\$135,000.00 valuation

$\$135,000.00 - \$100,000.00 = \$35,000.00$

$35 \times \$2.75 = \$96.25 + \$405.00 = \mathbf{\$501.25}$

Building permit fee based on a
\$525,000.00 valuation

$\$525,000.00 - \$500,000.00 = \$25,000.00$

$25 \times 2.50 = \$62.50 + \$1,505.00 = \mathbf{\$1,567.50}$

Proposed

Remodel permit fee based on a
\$2,000.00 valuation

Permit fee is **\$30.00**

Remodel/building permit fee based
on a \$15,000.00 valuation

$\$15,000.00 - \$2,000.00 = \$13,000.00$

$13 \times \$12.00 = \$156.00 + \$30.00 = \mathbf{\$186.00}$

Building permit fee based on a
\$85,000.00 valuation

$\$85,000.00 - \$15,000.00 = \$70,000.00$

$70 \times \$4.00 = \$280.00 + \$160.00 = \mathbf{\$440.00}$

Building permit fee based on a
\$135,000.00 valuation

$\$135,000.00 - \$100,000.00 = \$35,000.00$

$35 \times \$3.50 = \$122.50 + \$415.00 = \mathbf{\$537.50}$

Building permit fee based on a
\$525,000.00 valuation

$\$525,000.00 - \$500,000.00 = \$25,000.00$

$25 \times 2.50 = \$62.50 + \$1,505.00 = \mathbf{\$1,567.50}$

Electrical Permits

Current Rates

Electrical Permit

Temporary Pole **\$15.00**

Meter Loop **\$20.00**

100, 150 or 200 amp service
and wire new home

The City of Liberty does not currently
charge by the fixture.

Proposed Rate Changes

Electrical Permit

Temporary Pole **\$25.00**

Meter Loop **\$30.00**

100, 150 or 200 amp service

First four outlets	\$5.50
Next 21 outlets	\$9.00
Each outlet over 25	\$0.25
Each transformer	\$3.00
Each Motor or generator	\$5.00
Electric signs or other equipment	
in connection herewith	\$9.00
Electric fans, either exhaust or	
ventilating, 24" or more in diameter	
the first fan is	\$5.00
Each additional fan	\$3.00
Each moving picture machine and all	
operating devices used in connection	
therewith	\$9.00
A/C and heater rough-in	\$6.00
Range, space heaters, dryers	\$2.50

For Example:

Typically the electrical contractor will
pull a permit for a single family dwelling
that will include wiring the home and
a temporary pole for service during
construction of the home.

Permit fee for this permit is **\$35.00**

Proposed new fees would calculate as followed

Based on 2,000 sq ft home with a 200 amp service and 50 outlets

Temporary Pole	\$25.00
200 amp main service	\$30.00
First four outlets	\$5.50
Next 21 outlets	\$9.00
Last 25 outlets at \$.50	\$6.25
Two attic fans	\$8.00
Central air and heat rough-in	\$6.00
Range	\$2.50
Dryer	\$2.50

\$94.75

Plumbing Permits

Current Rates

Fixtures are charged as followed:	
Fixtures 1-4	\$10.00
Each additional over 4	\$3.00
Water Heater Inspection	\$15.00
Water/Sewer Line Combination	\$20.00
Water Line Inspection	\$15.00
Sewer Line Inspection	\$15.00
Sprinkler system	\$15.00
Gas piping inspection 1 to 4 drops	\$10.00
Each additional gas drops over 4	\$3.00
Gas Test	\$20.00

A single family dwelling with 14 fixtures
and six gas drops would be figured as followed:

The first four plumbing fixtures	\$10.00
Ten additional fixtures	\$30.00
The first four plumbing fixtures	\$10.00
Two additional gas drops	\$6.00
Gas Test	\$20.00
Water/Sewer combination	\$20.00
Water heater inspection	\$15.00
Total Permit Fee	\$111.00

Gas Test	\$20.00
Water/Sewer combination	\$20.00
Water heater inspection	\$15.00

The plumbing permits are proposed to stay the same. The fees are current with other cities.

Mechanical Permits

Current Rates

Proposed Rate Changes

Residential mechanical permit fee	\$15.00	Residential mechanical permit fee	\$20.00
Commercial mechanical permit fee is charged per unit:	\$15.00	Commercial mechanical permit fee is charged per unit:	\$25.00

Proposed change to mechanical permits are just a \$5.00 increase for residential jobs and a \$10.00 increase for commercial jobs, which are charged by the unit.

Utility Tap Permits

Liberty

Water Tap Fees	Regular Rates	Highway Rates
3/4"	\$375.00	\$1,310.00
1"	\$575.00	\$1,510.00
1 1/2"	\$875.00	\$1,810.00
2"	\$950.00	\$1,885.00
Sewer Tap Fees	Regular Rates	
4"	\$400.00	
6"	\$450.00	
8"	\$500.00	

Dayton

Water Tap Fees	Regular Rates	If the street is cut
3/4"	\$350.00	\$450.00
1"	\$500.00	\$600.00
1 1/2"	\$700.00	\$800.00
2"	\$800.00	\$900.00
Sewer Tap Fees	Regular Rates	If the street is cut
4"	\$500.00	\$600.00
6" and above will be quoted and developer will pay actual supply cost plus labor.		

Cleveland

No issuing fee

The City of Cleveland will issue a work order to the Public Works Department that will result in a quote for the developer that will include total cost to install water and sewer taps to the location.

Proposed Rate Changes

Water taps are proposed to increase \$100.00 to insure all metering equipment and supplies are reimbursed. It is proposed that sewer taps increase by \$50.00 dollars.

It is recommended that the Highway Rates be removed so that jobs that require a bore or street cut can be quoted to the developer for actual costs.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/09 06:00 PM

Department: Administration
Category: General Ordinances

ORDINANCE 2009-23

DOC ID: 1471

Consider Adoption of an Ordinance Amending Subdivision Ordinance #872, Regarding Parking and Surface Requirements for Commercial Use Property.

EXPLANATION:

This amendment will provide pavement standards for parking at commercial use properties.

Robbie Hood

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY LIBERTY, TEXAS PROVIDING FOR AN AMENDMENT TO SUBDIVISION ORDINANCE #872, BY REGULATING THE PARKING AND SURFACE REQUIREMENTS FOR COMMERCIAL USE PROPERTY; 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.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

Section 1. Purpose

It is the purpose of these surfacing requirements to promote the health, safe welfare of the citizens of Liberty. More specifically, the purposes of these requirements are:

- A. The abatement of dust, standing water and the associated health and safety risks resulting from unpaved parking and vehicular use facilities;
- B. To prevent the tracking of gravel and mud onto public streets from unpaved vehicular use facilities, which may result in unsafe driving conditions and unnecessary deterioration of public improvements; and
- C. To protect and enhance property values and public and private investment, and enhance the overall appearance of the City.

Section 2. Minimum Pavement Standards

- A. All commercial off-street parking facilities shall meet the following requirements of Table 2.1

TABLE 2.1	CONCRETE	HMAC	CHIP SEAL
EXISTING UNPAVED PARKING LOTS	6 inches on existing base	2 inches on 12 inch base	12 inch base with single coat sealant

- B. Use of leveling sand under concrete pavement is discouraged. A maximum of 2 inches of leveling sand may be used under concrete pavement in addition to minimum required base prep.
- C. Concrete pavement is to be reinforced with # 3 bars on 24 inch centers. Chairs will be used to support reinforcement.

Section 3. Effective Date

This ordinance shall be in full force and effect from and after the date of its passage.

Section 4. Dispensing with Two Readings

That the requirement contained in section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two separate days is hereby dispensed with.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Liberty this 10th day of November, 2009.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/09 06:00 PM

Department: Administration
Category: General Ordinances

ORDINANCE 2009-24

DOC ID: 1470

Consider Adoption of an Ordinance Amending Chapter 8 of the Liberty Code of Ordinances Regarding Mowing Regulations.

EXPLANATION:

At a previous Special Called Council Meeting on September 23, 2009, a discussion resulted in the proposed ordinance for Council approval, adding additional mowing regulations, accumulation of debris, grass clippings, leaves on City streets, and one-time notification process.

Robbie Hood

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS PROVIDING FOR AN AMENDMENT TO CHAPTER 8 OF THE LIBERTY CODE OF ORDINANCES BY INCLUDING ADDITIONAL MOWING REGULATIONS; PROVIDING FOR REGULATIONS REGARDING DEBRIS, GRASS CLIPPINGS AND LEAVES ON CITY STREETS; PROVIDING FOR A ONE TIME NOTIFICATION PROCESS FOR ORDINANCE VIOLATIONS; 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.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

Section 1. Mowing Beyond Property Line

It shall be unlawful and shall constitute a nuisance for the owner of any lot or premises in the city to allow or permit weeds or grass over twelve (12) inches in height to accumulate beyond their property line to the centerline of the adjoining alley(s), easements(s), or street(s). It shall be the responsibility of the owner to reasonably maintain these areas.

Section 2. Mowing of Undeveloped Lots

It shall be unlawful and shall constitute a nuisance for the owner of an undeveloped lot in the city adjoining commercial and residential development to permit weeds and grass to accumulate within one-hundred fifty (150) feet of said areas.

Section 3. Accumulation of Debris, Grass Clippings and Leaves

It shall be unlawful and shall constitute a nuisance for the owner of any lot or premises in the city to allow or permit the accumulation of debris, grass clippings, or leaves to remain on city streets without causing the removal of the same.

Section 4. One Time Notification

The City of Liberty during the notification process may inform the property owner that if the owner commits another violation of the same kind or nature before the first anniversary date of the notice the city, without further notice, may correct the violation at the owner's expense and assess the expense against the property.

Section 5. Penalty

Each violation under this section is a misdemeanor offense punishable upon conviction by a fine not to exceed five-hundred dollars (\$500.00) per offense. Each day shall constitute a separate offense.

Section 6. Effective Date

This ordinance shall be in full force and effect from and after the date of its passage and publication.

Section 7. Dispensing with Two Readings

That the requirement contained in section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two separate days is hereby dispensed with.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Liberty this 10th day of November, 2009.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/09 06:00 PM

Department: Administration
Category: General Ordinances

ORDINANCE 2009-25

DOC ID: 1473

Consider an Amendment to Chapter 2, Sections 2-71; 2-75; 2-76 and 2.78 of the City of Liberty Code of Ordinances (Prohibited Vehicles and Prohibited Devices).

EXPLANATION:

This amendment will provide regulations prohibiting the use of ATVs, paintball weapons, and remote-control devices within the City Park.

Robbie Hood

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS PROVIDING FOR THE AMENDMENT TO CHAPTER 2, SECTIONS 2-71; AND 2-75; AND 2-76; AND 2-78 OF THE LIBERTY CODE OF ORDINANCES AMENDING THE DEFINITION OF VEHICLE; AMENDING TRAFFIC WITHIN THE CITY PARK; AMENDING PROHIBITED USE OF WEAPONS WITHIN THE CITY PARK; PROHIBITING USE OF REMOTE CONTROL DEVICES; PROVIDING FOR A PENALTY; 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.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

SECTION 1. Definition

That the purpose of this article, “ vehicle” means, but not limited to, automobiles, trucks, tractors, motorcycles, ATVs (dirt bikes, three or four wheelers), gas-powered motor scooters, and electric motorized scooters, tractors, go-carts and any animal-drawn carriage.

SECTION 2. Prohibited vehicles

No person(s) shall operate any ATV, defined herein, gas-powered motor scooter, electric motorized scooter, tractor, go-cart or animal-drawn carriage within the City park. Only automobiles or motorcycles legally licensed for use on public streets shall operate within the city park and only on designated park roads or parking areas. Exempt from these provisions shall be medically necessary motorized scooters used specifically by person(s) with disabilities and vehicles in the service of the City.

SECTION 3. Prohibited use of paintball weapons

The possession or use of paintball guns or similar devices shall be prohibited within the city

park.

SECTION 4. Remote controlled devices

The use of remote controlled devices shall be prohibited within the city park. Such devices shall include but not limited to airplanes, cars, boats, etc.

SECTION 5. Penalty

Each violation under this section is a misdemeanor offense punishable upon conviction by a fine not to exceed five-hundred dollars (\$500.00) per offense. Each day shall constitute a separate offense.

SECTION 6. Effective Date

This ordinance shall be in full force and effect from and after the date of its passage and publication.

SECTION 7 Dispensing With Two Readings

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty that all ordinance be read on two separate days is hereby dispensed with.

PASSED AND ADOPTED at a regular scheduled meeting of the City Council of the City of Liberty, this 10th day of November, 2009.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/09 06:00 PM

Department: Maintenance
Category: Grant Issues

RESOLUTION 2009-18

DOC ID: 1477

Consider Approval of Resolution Authorizing the City Manager to Pursue All Energy Efficiency and Conservation Block Grant Funding through the American Recovery and Reinvestment Act of 2009.

EXPLANATION:

The City recently completed a Notice of Intent to accept funds in the amount of \$35,000. These funds are to be used to stimulate the economy, create or retain jobs and to develop and implement projects that will improve energy efficiency, and reduce energy use and fossil fuel emissions in the community. There also exists the possibility of additional funds, depending on the number of entities that participate in the program. After submittal of the Resolution, the city will receive an application to apply for these funds.

Avon Moore

Whereas, Congress passed the American Recovery and Reinvestment Act (ARRA) of 2009 and the President signed into law on February 17, 2009, to stimulate the economy and create jobs; and,

Whereas, ARRA included \$3.2 billion in funding for the Energy Efficiency and Conservation Block Grants (EECBG) Program authorized in Title V, Subtitle E of the Energy Independence and Security Act (EISA) and signed into law on December 19, 2007; and,

Whereas, the purpose of the EECBG Program is to, 1) reduce fossil fuel emissions in a manner that is environmentally sustainable, and to the maximum extent practicable, maximizes benefits for local and regional communities; 2) to reduce the total energy use of eligible entities; and, 3) to improve the energy efficiency in the building sector, the transportation sector and other appropriate sectors; and,

Whereas, the City of Liberty is a city with limited financial resources and desires to support the development of energy efficiency programs; and,

Whereas, the City of Liberty accepts its allocation of \$35,000 and may also accept additional funds that may become available at a later date; and,

Whereas, the City of Liberty has developed or is interested in developing an EECBG Project, which is sustainable and has measurable energy savings, job creation and economic stimulus effects in to the city; and,

Whereas, the City of Liberty is determined to support energy efficiency projects that leverage federal funds with other public and private resources, including coordinated efforts involving other Federal programs targeting community development; and,

Whereas, the City of Liberty intends to comply with all agreed upon contractual requirements of

ARRA, the EECBG Program, and other federal and state law:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Liberty, Texas, that:

1. The City of Liberty, through the City Manager, pursue all EECBG funding made available through ARRA and being allocated by the State Energy Conservation Office to be used to assist in reaching the City's goals of energy efficiency.
2. The City of Liberty continue its commitment toward energy efficiency for the citizens of Liberty and all of Texas.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/09 06:00 PM

Department: Administration
Category: Certificates

RESOLUTION 2009-19

DOC ID: 1484

Consider Approval of a Resolution Authorizing Publication of Notice of Intention to Issue Certificates of Obligation Series 2010.

EXPLANATION:

This Resolution is one step in the process of issuing certificates of obligation. It directs the City Secretary to have published, in the newspaper, a Notice of Intention to issue the Certificates of Obligation. These certificates will be issued to fund various city projects, to include a new police station, renovation of the municipal library, sidewalks around local schools, renovation of the Liberty Bell Tower, and construction of a City Garage office building.

Dianne Tidwell

A RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION SERIES 2010

WHEREAS, the City Council of the City of Liberty, Texas (the “*Issuer*”), deems it advisable to issue Certificates of Obligation to fund (1) design, construction and equipping of a police station, (2) the design, construction, renovation and equipping of the city library, (3) construction of sidewalks around the Issuer’s local schools, (4) design, construction and renovation of the Liberty Bell tower, (5) design, construction and equipping of the City Garage Office building and (6) certain other costs related and incidental thereto, in accordance with the Notice hereinafter set forth, now therefore,

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

SECTION 1. The facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

SECTION 2. The City Secretary is hereby authorized and directed to cause to be published in the manner required by law a notice of intention to issue Certificates of Obligation in substantially the form attached hereto as “Exhibit A” and made a part hereof.

SECTION 3. The notice set forth in “Exhibit A” to this Resolution shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Issuer, the date of the first publication to be before 30 days prior to the date set in said notice for the issuance of Certificates of Obligation.

SECTION 4. The Mayor, City Secretary, and other officers of the Issuer are hereby authorized and directed to do any and all things necessary or desirable to carry out the provisions of this Resolution.

SECTION 5. This Resolution shall take effect immediately upon its passage.

PASSED, APPROVED, AND ADOPTED this _____.

Carl Pickett, Mayor
City of Liberty, Texas

ATTEST:

Dianne Tidwell, City Secretary
City of Liberty, Texas

EXHIBIT A

NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

TAKE NOTICE that the City Council of the City of Liberty, Texas (the "City"), shall convene at six o'clock p.m. on January 12, 2010, at its regular meeting place in the Council Chambers of City Hall, 1829 Sam Houston, Liberty, Texas, and during such meeting, such City Council will consider the passage of an ordinance authorizing the issuance of a series of certificates of obligation, in an amount not to exceed **\$3,500,000** for the purpose of paying contractual obligations to be incurred for (1) the design, construction and equipping of a police

station, (2) the design, construction, renovation and equipping of the city library, (3) construction of sidewalks around the local schools, (4) design, construction and renovation of the Liberty Bell tower, (5) design, construction and equipping of the City Garage Office building, (6) certain other costs related and incidental thereto and (7) to pay for professional services related thereto and the issuance costs of the certificates. The certificates of obligation will be payable from the levy of an annual ad valorem tax, within the limits prescribed by law, upon all taxable property within the City and from a pledge of certain available net revenues derived from the operation of the City's water and sanitary sewer system. The certificates of obligation are issued, and this notice is given, under and pursuant to the provisions of Texas Local Government Code, Section 271.049, as amended.

Carl Pickett, Mayor


The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/09 06:00 PM

Department: Administration
Category: CAD Voting Entitlement

RESOLUTION 2009-20

DOC ID: 1489

Consider a Resolution Casting the City's Voting Entitlement for the Position(S) of Director on the Liberty County Central Appraisal District Board of Directors.

EXPLANATION:

Please see the attached information and Resolution regarding the casting of the City's voting entitlement for the CAD Board of Directors Election. The City has 160 votes, which may be cast all for one candidate or dispersed among the various candidates.

At the Council Meeting of September 8, 2009, the Council voted to submit Mr. Mike Van Etta as a nominee to this Board.

Dianne Tidwell

WHEREAS, The City of Liberty is a voting taxing unit in the Liberty County Central Appraisal District; and

WHEREAS, it is the intent of the City of Liberty to cast its votes for the position of Director on the Liberty County Central Appraisal District Board;

NOW THEREFORE, BE IT RESOLVED, that the City of Liberty casts its votes as follows:

Frankie Barnett	
Ronnie Danner	
Robert S. (Bob) Edwards	
Kevin Ladd	
Bob Pickle	
Mike Van Etta	

PASSED AND APPROVED this 10th day of November, 2009.

Resolution 2009-20
Page 2

City Council Meeting

November 10, 2009

Carl Pickett
Mayor

ATTEST:

Dianne Tidwell
City Secretary

**LIBERTY COUNTY CENTRAL APPRAISAL DISTRICT
P.O. BOX 10016/2030 SAM HOUSTON, LIBERTY, TEXAS 77575
(936) 336-5722 FAX (936) 336-8390**

DATE: October 16, 2009
TO: City of Liberty
FROM: Liberty County Central Appraisal District
RE: Board of Directors Election- Term 2010-2011

VOTING ENTITLEMENT 160

Attached please find a copy of the official ballot in resolution form with nominees listed in alphabetical order.

You must cast your votes for one candidate or distribute the votes among any number of candidates, but you must cast your votes for persons nominated on the ballot. There is no provision for write-in votes.

Please return your ballot and resolution by the statutory deadline of December 15, 2009, to:

**Liberty County Central Appraisal District
Attn: Alan D. Conner, Chief Administrator
P.O. Box 10016
Liberty, Texas 77575**

Votes received after the statutory deadline will not be counted.

Should you have any questions concerning this election, please feel free to contact me.

Sincerely,



Alan D. Conner
Chief Administrator

ADC/lan

Attachment: CAD Voting Entitlement Info (RES-2009-20 : CAD Board of Directors)

LIBERTY COUNTY CENTRAL APPRAISAL DISTRICT 2009 VOTE CALCULATION CAD DIRECTORS

VOTING TAXING UNITS	2008 TAX LEVY	%	# OF VOTES
LIBERTY COUNTY	\$ 23,665,796	0.2921	1,461
CLEVELAND ISD	\$ 7,247,554	0.0894	447
DAYTON ISD	\$ 16,297,156	0.2011	1,006
DEVERS ISD	\$ 4,380,907	0.0541	270
HARDIN ISD	\$ 2,909,457	0.0359	180
HULL DAISSETTA ISD	\$ 3,242,976	0.0400	200
LIBERTY ISD	\$ 9,760,945	0.1205	602
TARKINGTON ISD	\$ 3,847,235	0.0475	237
CITY OF AMES	\$ 77,026	0.0010	5
CITY OF CLEVELAND	\$ 2,039,540	0.0252	126
CITY OF DAISSETTA	\$ 108,303	0.0013	7
CITY OF DAYTON	\$ 4,777,721	0.0590	295
CITY OF DAYTON LAKES	\$ 8,641	0.0001	1
CITY OF DEVERS	\$ 23,646	0.0003	1
CITY OF HARDIN	\$ 38,367	0.0005	2
CITY OF LIBERTY	\$ 2,601,033	0.0321	160
CITY OF MONT BELVIEU	\$ 3,770	0.0000	-
TOTAL	\$ 81,030,073		5,000

Attachment: CAD Voting Entitlement Info (RES-2009-20 : CAD Board of Directors)

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/09 06:00 PM

Department: Administration
Category: Property Acquisition

COUNCIL ACTION 2009-103

DOC ID: 1485

Consider Acquisition of Real Property for Economic Development Purposes.

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/09 06:00 PM

Department: Administration
Category: Property Acquisition

COUNCIL ACTION 2009-104

DOC ID: 1486

Consider Approval of Real Property Purchase, by the Liberty Community Development Corporation, for Fire Department Purposes.

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/09 06:00 PM

Department: Administration
Category: Disposal of Real Property

COUNCIL ACTION 2009-105

DOC ID: 1487

Consider Disposal of City of Liberty Real Property.

.

.

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/10/09 06:00 PM

Department: Administration
Category: Property Acquisition

COUNCIL ACTION 2009-106

DOC ID: 1488

Consider Acquisition of Real Property for Various City Facilities.