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, November 10, 2009	**6:00 PM**	**City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on November 10, 2009 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:00 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 City Attorney Randy Gunter.

III. PLEDGE OF ALLEGIANCE

Liberty resident, Ms. Linda Street-Ely 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.

Mayor Pickett reported on the Airport Poker Run Fly-In held on October 31, 2009, at the Liberty Municipal Airport. Mayor Pickett thanked Airport Director Avon Moore and Ms. Linda Street-Ely for their work in making this event, which involved approximately thirty airplanes, a great success.

Councilperson Beasley commended the Liberty Fire Department on a job well done in regard to a house fire in the Featherstone Subdivision. The Fire Department responded within five minutes and was able to save the majority of the home.

Ms. Linda Street-Ely addressed the Council regarding airport lease agreements, rates and fees, and radio controlled airplanes.

Street Supt. Harvey Joiner stated that he would like to publicly thank Mr. Herbert Oreschnigg who used his personal slopemower to assist the City by mowing Beaumont Avenue.

V. PRESENTATIONS / REPORTS

A. Information Item 2009-69

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

COMMENTS - Current Meeting:

Mayor Pickett reported that several representatives from Chili's Restaurant, Liberty, came together to help beautify the community. These individuals planted foliage in the median at the entrance to the Liberty Municipal Park. Mr. Jason Burkhalter, General Manager of Chili's accepted Certificates of Appreciation on behalf those that assisted in the enhancement of the park entrance.

ATTACHMENTS:

- Park Entrance (PDF)

B. Information Item 2009-68

Financial Report - Finance Director Naomi Herrington

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on the sales tax report for November. Ms. Herrington reported that October sales tax revenues were down approximately 34%, and this month's revenues down by 23.6%. Ms. Herrington stated that these revenues are down $65,000 from the same time last year.

Ms. Herrington also reported that with the Fiscal Year 2009 now closed, the auditors will begin work soon on the City's audit. Further topics of discussion included the 2009 close out figures, and additional FEMA revenue not yet received. Additional discussion related to the 09-10 budget year included general fund revenue and expenditures, FEMA revenue, current freeze on capital items, and status of other major funds.

Ms. Herrington reported that the October financial report would be available to Council by the end of the week.

C. Information Item 2009-70

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

COMMENTS - Current Meeting:

Mr. Steve Jordan, Schaumburg & Polk, Inc. was present to give Council a brief report on the status of the Wastewater Treatment Plant Improvements. Mr. Jordan reported that the project was approved by the Texas Water Development Board on October 30, and that advertisement for bids would be published within the next week. A pre-bid conference will be held with bids opened in mid-December; followed by Mr. Jordan's recommendation to Council. Construction will begin, pending approval by the TWDB.

Mr. Jordan stated that he had provided Council with a document reflecting the status of other projects that are currently underway by Schaumburg & Polk, Inc.

D. Information Item 2009-71

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that the City of Liberty is sponsoring a "Shred-It Day" on Saturday, December 5th; 9 a.m. to Noon, at the City Hall parking lot. This event is free to the public, and will provide for the shredding of sensitive documents.

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:	Frank Jordan, Councilperson
SECONDER:	Diane Huddleston, Councilperson
AYES:	Pickett, Beasley, Huddleston, McCarty, Potetz, Jordan
ABSENT:	Al Simonson

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.

COMMENTS - Current Meeting:

Ms. Simone Spears, U.S. Postal Service, was not present for the meeting. There was no action taken on this agenda item.

2. Council Action 2009-100

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

COMMENTS - Current Meeting:

Lengthy discussion was held regarding Country Christmas, its many activities, costs to conduct and promote the event, and other related topics. After supplemental discussion of the City's budgeted $5000 expenditure to co-sponsor this event, a motion was made to expend an additional $5000, from hotel/motel tax, to further assist the Chamber of Commerce with Country Christmas. As all the activities are free, this event is "a gift to the community".

RESULT:	**APPROVED [5 TO 0]**
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Mike McCarty, Mayor Pro-Tem
AYES:	Pickett, Beasley, Huddleston, McCarty, Potetz
ABSTAIN:	Frank Jordan
ABSENT:	Al Simonson

3. Resolution 2009-19

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

COMMENTS - Current Meeting:

Mr. Jim Gilley, Coastal Securities, reported to Council that the proposed Resolution is the start of the process for

sidewalks around the schools, new Liberty Bell Tower, and construction of a City Garage Office Building. Mr. Gilley reported the following estimated costs of each project:

Library Renovation	$705,000
Sidewalks	$ 75,000
Bell Tower	$228,000
City Garage	$ 75,000
Police Dept.	$ 1.8 million

Aggregate of $2,883,000.

Ms. Heather De La Garza, Fulbright & Jaworski, addressed Council stating that the Resolution begins the process for the issuing of Certificates of Obligation. Ms. Del La Garza further stated that the Texas Local Government Code, Certificate of Obligation Act, requires that notice be published in order to make local constituents aware that the City contemplates issuing CO's, payable from ad valorem tax. This Resolution authorizes the publication of the Notice of Intent.

After lengthy discussion including issuance costs, tax rate and bond payments, debt service costs, firm project costs, and other related issues, Mayor Pickett read the entire Resolution into the record as follows:

"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 f 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 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.

After lengthy discussion, it was decided that this item will be reconsidered at a later date.

4. Council Action 2009-101

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

COMMENTS - Current Meeting:

Motion was made to appoint Juan Venegas as the seventh voting member to the Liberty Community Development Corporation Board of Directors.

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

5. Council Action 2009-102

Consider and Discuss Future Airport Lease Agreements.

COMMENTS - Current Meeting:

Airport Director Avon Moore was present to address the Council regarding future airport lease agreements and airport operations. Discussion was held regarding the need for additional hangar space, establishing related guidelines and fees, ground lease agreements, fixed base operators, and operating fees for commercial activities and the current gross receipts tax of 9% being unreasonable.

Council will further discuss these issues at a future Council workshop. Mr. Moore was directed by Council to gather additional information regarding competitive lease agreements and other related issues as discussed.

There was no action taken on this agenda item.

6. Ordinance 2009-22

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

COMMENTS - Current Meeting:

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

"AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 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."

Lengthy discussion was held regarding various building permit fees, other related fees, and proposed new fees. These items will be reviewed at a future council workshop. There was no action taken on this agenda item.

ATTACHMENTS:

- Fee Schedule-Final Draft (PDF)

7. Ordinance 2009-23

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

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 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."

Council viewed a powerpoint presentation, and discussed with Neighborhood Services Director Robbie Hood issues regarding parking lots and proposed minimum pavement standards. After discussion, no action was taken on this agenda item. This item will be reconsidered at a later date.

8. Ordinance 2009-24

Consider Adoption of an Ordiance Amending Chapter 8 of the Liberty Code of Ordinances Regarding Mowing 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 PROVIDING FOR AN AMENDMENT TO CHAPTER 8 OF THE LIBERTY CODE OF ORDINANCE 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."

Neighborhood Services Director Robbie Hood discussed with Council that the proposed ordinance extends mowing beyond the property line, addresses issues with grass clippings blown into the street which cause stormwater drainage problems, and the simplifies the notification process. After lengthy discussion, it was decided to review this item at a later date.

There was no action taken on this agenda item.

9. 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).

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 PROVIDING FOR THE AMENDMENT TO CHAPTER 2, SECTION 2-71, 2-75; 2-76; AND 2-78 OF THE LIBERTY CODE OF ORDINANCES AMENDING THE DEFINITION OF VEHICLE; AMENDING TRAFFIC WITH 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."

There was no discussion of this item; it will be reconsidered at a later date. No action was taken.

10. 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.

COMMENTS - Current Meeting:

The City of Liberty recently completed a Notice of Intent to accept funds in the amount of $35,000 of block grant funding, through the American Recovery and Reinvestment Act of 2009. This resolution authorizes the City Manager to pursue all Energy Efficiency and Conservation Block Grant funding; including any additional funds that may become available at a later date. These funds are to be used to stimulate the economy, develop and implement projects that will improve energy efficiency, and reduce energy use and fossil fuel emissions in the community.

Motion was made to approve the Resolution.

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

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.

COMMENTS - Current Meeting:

Motion was made to cast the city's voting entitlement, of 160 votes, for Mr. Mike Van Etta, for a position on the Liberty County Central Appraisal District Board of Directors.

ATTACHMENTS:

- CAD Voting Entitlement Info (PDF)

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

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.

COMMENTS - Current Meeting:

There was no action taken on this agenda item.

2. Council Action 2009-104

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

COMMENTS - Current Meeting:

Motion was made to ratify the actions of the LCDC Board in regard to purchase of real property for a Fire Department Substation, and authorize the President of the LCDC to execute any related earnest money contracts.

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

3. Council Action 2009-105

Consider Disposal of City of Liberty Real Property.

COMMENTS - Current Meeting:

Motion was made to authorize the City Manager to evaluate real property owned by the City, and proceed with the disposal of excessive real property.

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

4. Council Action 2009-106

Consider Acquisition of Real Property for Various City Facilities.

COMMENTS - Current Meeting:

Motion was made to authorize the City Manager to proceed with the acquisition of real property for various city facilities.

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

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 9:43 p.m.

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

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary