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, February 9, 2010 | **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 2010-8

Presentation of the Audit Report for Fiscal Year 08-09 by Swaim, Hanagriff, & Associates.

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, January 12, 2010

2. Tuesday, January 26, 2010

3. Wednesday, January 27, 2010

4. Wednesday, February 03, 2010

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2010-16

Consider Proposal for Bank Depository Services for the City of Liberty.

- Bank Depository Analysis (DOC)

2. Resolution 2010-3

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

3. Resolution 2010-4

Consider Approval of a Resolution Expressing Official Intent to Reimburse, with Tax-Exempt Obligation Proceeds, for Costs Associated with Acquiring Vehicles and Equipment for Varius City Departments and Constructing a Maintenance Barn Primarily for the Parks Department.

4. Resolution 2010-5

Consider a Resolution Authorizing the City Manager to Enter into an Agreement with the Texas Department of Transportation for the Temporary Closure of Main Street During the Liberty Jubilee.

- TxDOT Temporary Rd. Closure Agreement (DOC)

5. Ordinance 2010-4

Consider Adoption of an Ordinance Requiring All Residents and Businesses to Utilize and Make Payment for Refuse Collection Services.

6. Ordinance 2010-5

Consider Adoption of an Ordinance Ordering a General Election to be Held in the City of Liberty on Saturday, May 8, 2010. Considere Una Aceptación a La Ordenanza Que Manda a Una Elección General Que Tendrá Lugar En La Ciudad De Liberty, El Sábado 8 De Mayo Del 2010.

7. Ordinance 2010-6

Consider Adoption of an Ordinance Ordering a Special Election to be Held in the City of Liberty on May 8, 2010 for Voter Consideration of Proposed Amendments to the City's Home Rule Charter. Considere Una Aceptación a La Ordenanza Que Manda a Una Elección Especial Que Tendrá Lugar En La Ciudad De Liberty, El Sábado 8 De Mayo Del 2010 Para La Consideración Del Votante De Las Enmiendas Propuestas a La Ciudad Acerca De La Regla De Contrato De Casa (Home Rule Charter).

B. Executive Session

Deliberation Regarding Economic Development Negotiation. Gov. Code §551.087.
Consultation With Attorney. Gov. Code §551.071.
Meeting Concerning Municipally Owned Utility. Gov. Code §551.086.

1. Discussion of electrical services and/or incentives for Boomerang Tube, LLC.

C. Reconvene into Regular Session

1. Council Action 2010-17

Consider Approval Regarding Electrical Services And/Or Incentives to Boomerang Tube, LLC.

VIII. COUNCIL MEAL

IX. ADJOURNMENT

A. Motion To: Adjourn

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 5th day of February, 2010 at 3:00 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 ____________________, 2010.

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 02/09/10 06:00 PM

Department: Finance
Category: Audits

INFORMATION ITEM 2010-8

DOC ID: 1565

Presentation of the Audit Report for Fiscal Year 08-09 by Swaim, Hanagriff, & Associates.

EXPLANATION:
Lee Ann Brents with Swaim, Hanagriff, & Associates will be here to present the audit report.

NRH

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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, January 12, 2010 **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 January 12, 2010 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 Brother Harry Laxton, Central Baptist Church.

III. PLEDGE OF ALLEGIANCE

Det. Chip Fairchild and Sgt. Tony Stines 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.

Police Chief Billy Tidwell introduced members of the new Police Department Bicycle Patrol. Chief Tidwell reported that the four bicycles and officers will soon be seen in the evening, in the neighborhoods, at special events; etc. and that the equipment and uniforms were all paid for with drug seizure funds. Chief Tidwell further stated that the public response has been most favorable and the Bike Patrol has already been an asset in deterring crime.

V. PRESENTATIONS / REPORTS

A. Information Item 2010-1

Water System Study - Schaumburg & Polk, Inc.

COMMENTS - Current Meeting:

Mr. Steve Jordan, Schaumburg & Polk, Inc., addressed the Council, presenting a completed Water System Study and Analysis. This study provides a hydraulic model of the City's existing water system, determines current deficiencies, and addresses proposed improvements.

Mr. Jordan reported that the City has lines ranging from 1.5" to 12", with many 2" and 6" lines. The lines are made up of 40% PVC, 6% cast iron, and 54% asbestos cement. This makeup only denotes the age of the system, does not currently present a problem, but at some point in the future will need to be replaced. Mr. Jordan further reported on a pressure analysis of the existing distribution system, different elevations across town which relate to various pressure capabilities, fire flow capabilities, number of connections for future growth, rehab of several elevated storage tanks, and related issues.

Also, discussed were the proposed improvements, with associated costs, that would provide the greatest benefit. They are briefly described below:

1) MLK to Independence - new 12" line

2) Travis Park - new 12" line

3) Minglewood Road - new 6" line

4) FM 1011 - new 6" line

5) Hwy. 146 - three tie-ins

6) Elevated Tank Rehab - Monta St. & San Jacinto St. storage tanks.

After further discussion, Mr. Jordan was directed to gather some additional figures, and prepare a report for Council's review.

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:	**APPROVED [6 TO 1]**
MOVER:	Frank Jordan, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Beasley, Huddleston, Simonson, Potetz, Jordan
NAYS:	Mike McCarty

A. Minutes Approval

1. Tuesday, December 08, 2009

2. Monday, December 21, 2009

3. Monday, December 21, 2009

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2010-1

Consider Declaring a 1999 Ambulance as Surplus Property.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the new 2009 ambulance had been received, was placed in operation, and requested that the 1999 EMS unit be declared surplus property. Brief discussion was held regarding keeping the this equipment as a backup unit, possible use at a future Fire Department substation, and depreciation and maintenance costs. Further discussion concluded that a minimum bid of $25,000-$30,000 be placed on this unit, to test the market and see if it can be sold.

Motion was made to declare the 1999 ambulance surplus property.

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

2. Ordinance 2010-1

Consider Adoption of an Ordinance Providing New Requirements for Manufactured Homes Located in Non-Restricted Areas.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS AMENDING ORDINANCE NO. 684, AS AMENDED; TO PROVIDE NEW REQUIREMENTS FOR MANUFACTURED HOMES LOCATED IN NON-RESTRICTED AREAS; PROVIDING FOR INSPECTION OF HOMES FOR HABITABILITY; PROVIDING A DEFINITION OF HABITABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT OR CONFLICTING ORDINANCES; 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."

City Manager Gary Broz reported that this ordinance had been discussed in a previous workshop and proposes that a new or replacement manufactured home be no more than ten model years of age older than the current year model. Mr. Broz also stated that this ordinance addresses habiltability as it applies to manufactured housing, in that the home must be in good shape.

City Attorney Randy Gunter clarified that this requirement applies to manufactuared homes, within the City, but not located in the manufactured home zone. Mr. Gunter also stated that habilitability refers to electrical and plumbing standards, secure doors and windows, etc.

Motion was made to adopt Ordinance No. 2010-1.

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

3. Ordinance 2010-2

Consider Adoption of an Ordinance Amending the City's Authority to Remove, and Bill For, Refuse Collection 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 OF LIBERTY, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 13, GRANTING THE CITY OF LIBERTY AUTHORITY TO REMOVE REFUSE FROM WITHIN THE RIGHT-OF-WAY OF A STREET OR ALLEY, AND TO REMOVE ANY REFUSE NOT PREVIOUSLY COLLECTED VIA REGULAR GARBAGE COLLECTION SERVICES AND BILL CITIZENS FOR SAID REMOVAL; 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."

City Attorney explained that this ordinance addresses large items that are hauled to the street, that are beyond what is normally picked up by the city's contractor, Waste Management. The ordinance gives the City the authority to pick up these items that sit, at the curb, for extended periods of time, and the authority to pass the cost to the customer.

Motion was made to adopt Ordinance No. 2010-2.

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

4. Resolution 2010-1

Consider Approval of a Resolution Authorizing a One-Year Extension of the Tax Abatement Agreement with Boomerang Tube, LLC.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that in 2008, a tax abatement was put into place for Boomerang Tube, LLC. Since Boomerang operations have been delayed, Boomerang is requesting that the tax abatement agreement be placed back a year.

City Attorney Randy Gunter clarified that this revised agreement will set the abatement back one year, authorizing the Mayor to execute this document in 2010, with the abatement/assessment beginning January 1, 2011.

Motion was made to approve this resolution authorizing a one-year extension of the Tax Abatement Agreement with Boomerang Tube, LLC.

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

5. Council Action 2010-2

Consider Postponement of the Liberty Bell Tower Construction.

COMMENTS - Current Meeting:

City Manager Gary Broz stated that in review of the expansion project and associated costs, he recommended that the City postpone placing the Liberty Bell in a bell tower. Discussion ensued regarding the pros and cons of construction of a new bell tower, in light of the current economic situation.

Motion was made to postpone construction of a new bell tower.

RESULT:	**APPROVED [6 TO 1]**
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Al Simonson, Councilperson
AYES:	Beasley, Huddleston, McCarty, Simonson, Potetz, Jordan
NAYS:	Carl Pickett

6. Council Action 2010-3

Consider Awarding Bids for Various City Vehicles.

COMMENTS - Current Meeting:

City Manager Gary Broz recommended, that the vehicle bids presented, be rejected.

Motion was made to reject all vehicle bids.

ATTACHMENTS:

- Bid No 09-002 Vehicle Bid Tabulation2 (XLS)

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

B. Executive Session

Deliberation Regarding Economic Development Negotiation. Gov. Code §551.087
Consultation With Attorney. Gov. Code §551.071
Meeting Concerning Municipally Owned Utility. Gov. Code §551.086

1. Discussion of economic development prospect.
2. Discussion of possible incentives for economic development prospect.

At 7:30 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:12 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2010-4

Consider Any Action, as Discussed in the Executive Session, Relative to the Economic Development Prospect.

RESULT:	**NO ACTION TAKEN**

2. Council Action 2010-5

Consider Approval of Incentives for a New Economic Development Prospect.

RESULT:	**NO ACTION TAKEN**

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 8:13 p.m.

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

____
Carl Pickett, Mayor

ATTEST:

____
Dianne Tidwell, City Secretary

The City of Liberty

City Council

Special Called Meeting

~ Minutes ~

1829 Sam Houston
Liberty, TX 77575
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Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, January 26, 2010 | **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 January 26, 2010 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. 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. PRESENTATIONS / REPORTS

A. Information Item 2010-2

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that she was in the process of scheduling the next recycling event, and will have specific details at a later date. This event will be an eCycle Event for electronics, which includes televisions, vacuum cleaners, batteries, monitors, etc.

B. Information Item 2010-3

Houston-Galveston Area Council / 2010 General Assembly

COMMENTS - Current Meeting:

Councilperson McCarty and City Manager Gary Broz both commented on their attendance at the recent Houston-Galveston Area Council 2010 General Assembly. Reported discussions were held with Annise Parker, the new Mayor of Houston, Jack Steele, President of HGAC, and various other managers in the area.

C. Information Item 2010-4

Backflow Prevention - E. McCreight & R. Hood

COMMENTS - Current Meeting:

Earl McCreight, Water & Wastewater Operations Manager, and Robbie Hood, Neighborhood Services Director, gave a presentation on the city's Backflow Prevention Program. Brief discussion included cross connection and backflow terms and definitions, incidents in which cross-connection occurs, and how this program prevents contaminants from reaching the city's distribution system.

Discussion included cross control equipment, swimming pools, sprinkler systems, commercial businesses, testing and reporting requirements, and related issues.

D. Information Item 2010-5

Financial Report for Dec 2009 - Naomi Herrington, Finance Director

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on the December 2009 financial report. Ms. Herrington presented a powerpoint of the financials, stating that Council would be viewing, with this report, the cash balances.

Ms. Herrington reported on the various funds and their current status, also reporting that YTD property tax figures were $416,000, with January 2010 property tax collections being approximately $900,000 . Ms. Herrington stated that sales tax figures through December were $389,000, slightly below budgeted figures.

Discussion also included one-time expenditures, FEMA project worksheets and payments, property purchase, Round 1 & 2 Disaster Funds, various projects with Schaumburg & Polk, Inc., SECO Energy Grant, and numerous other projects.

E. Information Item 2010-6

Humphreys Cultural Center Expansion Project - Naomi Herrington, Finance Director

COMMENTS - Current Meeting:

Library Director Dana Abshier gave a powerpoint presentation of the progress on the Humphreys Cultural Center Expansion Project. This presentation detailed the project from its inception.

Finance Director Naomi Herrington and City Manager Gary Broz fielded questions regarding the 10% contingency fund, budgeted construction costs not included in the bid, architect fees, and other related issues. City Manager Gary Broz reported that, at this time, the receivables on this project are approximately $2, 897,000, and expenditures approximately $2,314,000.

IV. REGULAR AGENDA

A. Regular Session

1. Ordinance 2010-3

Consider Request of Change in Rates from Entergy Gulf States, Inc. and Possible Action to Include, But Not Limited To, Adoption of an Ordinance Declining to Approve the Change in Rates Requested in Entergy Gulf States, Inc. Statement of Intent Filed with the City on December 30, 2009.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS (or "City") DECLINING TO APROVE THE CHANGE IN RATES REQUESTED IN ENTERGY TEXAS, INC.'S ("ETI or Company") STATEMENT OF INTENT FILED WITH THE CITY ON DECEMBER 30, 2009; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS CONSIDERED WAS OPEN TO THE PUBLIC AND IN ACCORDANCE WITH TEXAS LAW; DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

Mr. Dan Syphrett, Entergy Texas, was present to explain that Entergy has filed a rate request to increase rates. The proposed ordinance denies this request to increase rates and is done intentionally, so that Entergy can appeal the denial to the Public Utility Commission. The purpose is to have only one rate case before the Commission so that all Entergy's electric customers end up with the same rate.

Motion was made to adopt Ordinance No. 2010-3.

2. Council Action 2010-6

Consider and Approve a Proposal for Financial Advisor Services for the City of Liberty.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that recently that last month Council approved terminating the contract with Coastal Securities. A 30-day notice of termination was given, and the city published Requests for Qualifications for financial advisors. RFQs were received from First Southwest, Coastal Securities, RBC Capital Markets, and SAMCO. After brief discussion and a review of issuance costs, Mr. Broz recommended to engage the services of Mr. Bob Henderson with RBC, San Antonio. Mr. Broz stated that Mr. Henderson would assist in long-range financial planning, setting up reserve funds, funding of upcoming projects, and other issues related to the city's finances.

Mr. Henderson spoke on his qualifications and prior accomplishments, expressing a desire to work with the City of Liberty. Motion was made to enter into a contract with Mr. Bob Henderson & RBC Capital Markets.

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

3. Resolution 2010-2

Consider Approval of an Amended Resolution Authorizing Submission of a Grant Application for the Edward Byrne Memorial JAG Grant, for New Technology Equipment.

COMMENTS - Current Meeting:

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

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, AUTHORIZING SUBMISSION OF THE GRANT APPLICATION FOR THE EDWARD BYRNE MEMORIAL JAG GRANT, A FULLY FUNDED GRANT FOR NEW TECHNOLOGY EQUIPMENT FOR THE LIBERTY POLICE DEPARTMENT IN THE AMOUNT OF $84,490.00."

Police Chief Tidwell reported that this non-matching grant had already been applied for and awarded to the Police Department. This grant is for car cameras, digital cameras, and other technology equipment. The Criminal Justice Division of the Office of the Governor decided that the original resolution should be amended to include that in the case of loss of funds, or misuse, the funds would be reimbursed. Each entity that was awarded these grant funds must have the amended resolution approved.

Motion was made to approve the Resolution.

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

4. Council Action 2010-7

Consider Approval of a Sewer Line Replacement on Kay and Centennial Streets.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that were sewer problems at Kay & Centennial Streets. Mr. Broz further reported that he had only received one quote for this project, and would like additional time to receive other quotes for comparison purposes. This item will be brought before Council at a later date.

ATTACHMENTS:

- Map-Kay & Centennial Sewer (PDF)

RESULT: NO ACTION TAKEN

B. Executive Session

Deliberation Regarding Economic Development Negotiation. Gov. Code §551.087
Consultation With Attorney. Gov. Code §551.071
Meeting Concerning Municipally Owned Utility. Gov. Code §551.086

1. Discussion of economic development prospect.
2. Discussion of possible incentives for economic development prospect.

At 7:18 p.m., Mayor Pickett closed the open meeting and opened the Executive Session, as authorized above.

C. Reconvene into Regular Session

At 9:11 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2010-8

Consider Any Action, as Discussed in the Executive Session, Relative to the Economic Development Prospect.

RESULT: NO ACTION TAKEN

2. Council Action 2010-9

Consider Approval of Incentives for a New Economic Development Prospect.

RESULT: NO ACTION TAKEN

V. WORK SESSION

1. Work Session 2010-1

Discussion of Future Airport Fees, to Include the 9% Gross Receipts Tax.

COMMENTS - Current Meeting:

A work session was held regarding the Liberty Municipal Airport and related airport fees. Mr. Broz reported that the Airport Advisory Board had met and requested that the clause in Ordinance 787 regarding commercial operating fees and the payment of a monthly/annual fee equal to nine percent of the gross income earned by that commercial business, be removed.

After brief discussion, Council agreed that this clause should be removed.

ATTACHMENTS:

- Airport Ord. 787 (PDF)

2. Work Session 2010-2

Discussion of a Proposed Ordinance Regarding Prohibited Vehicles, Weapons, and Radio Controlled Devices with in City Parks.

COMMENTS - Current Meeting:

A work session was held regarding traffic, and the use of remote controlled devices, within the municipal parks. Discussion was held regarding prohibited vehicles and related definitions.

Lengthy discussion was held regarding remote control devices to include airplanes, boats, and any other remote controlled device. Of major concern was the safety of the citizens in the parks, while airborne devices were in use. Also discussed were remote controlled water vehicles that would interrupt those leisurely fishing in the pond. Council expressed that the ultimate goal is to provide a safe environment for the citizens, and directed management to research alternatives to provide citizens who own remote control devices a possible place to enjoy their hobbies.

VI. COUNCIL MEAL

Council shared an evening meal.

VII. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 9:32 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

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

Wednesday, January 27, 2010 **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 January 27, 2010 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 12:03 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. 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. Information Item 2010-7

Discussion of Preliminary Plan of Finance with the City's New Financial Advisor.

COMMENTS - Current Meeting:

City Manager Gary Broz explained that Mr. Bob Henderson, RBC Capital Markets, new financial advisor for the City of Liberty was present to discuss with Council their priorities, as related to the Council's financial goals and objectives.

Mr. Henderson began with stating to Council that there must be a vision and good understanding, of how the Council envisions the community in the next 3-5, 8-10, and 15 years. Mr. Henderson further stated that no community has the financial resources to do everything it would like to do; so one must make the most of one's limited resources. In order to accomplish this goal you must understand what the vision is and how to apply those limited resources.

Mr. Henderson asked each member of the Council to express their vision and where they see this community in the next 3-5, 8-10, and 15 years. Mr. Henderson asked Council to be creative in their thinking. A summary of those comments include:

1) seeing the City in good financial shape, while also providing the citizens with the services they need,

2) top rated park system,

3) swimming pool for young people to enjoy,

4) major tourism promotion, and results,

5) long-range plan for services, while keeping taxes at a minimum,

6) attract retail businesses to enhance sales tax,

7) strong downtown area,

8) attract a junior college to our community,

9) improve the city's curb appeal, to include sidewalks, and

10) controlled residential and commercial growth.

Lengthy discussion was held regarding these issues and other ways to improve the quality of life in this community. Mr. Henderson reported that the City of Liberty has many resources and must place those resources where the City will get "the most bang for the buck."

B. Executive Session

Deliberation Regarding Economic Development Negotiation. Gov. Code §551.087
Consultation With Attorney. Gov. Code §551.071
Meeting Concerning Municipally Owned Utility. Gov. Code §551.086

1. Discussion of economic development prospect.

City Manager Gary Broz reported that this executive session is not necessary, as the related issues were taken care of at the previous night's meeting.

C. Reconvene into Regular Session

Consider any action on the items as discussed in the Executive Section

1. Council Action 2010-10

Consider Any Action, as Discused in the Executive Session, Relative to the Economic Development Prospect.

RESULT:	**NO ACTION TAKEN**

IV. COUNCIL MEAL

Council shared a noon meal.

V. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 1:12 p.m.

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

____
Carl Pickett, Mayor

ATTEST:

____
Dianne Tidwell, City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/27/10 12:00 PM

Department: Administration
Category: Discussion

INFORMATION ITEM 2010-7

DOC ID: 1541

Discussion of Preliminary Plan of Finance with the City's New Financial Advisor.

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/27/10 12:00 PM
Department: Administration
Category: Economic Development Issues

COUNCIL ACTION 2010-10

DOC ID: 1542

Consider Any Action, as Discussed in the Executive Session, Relative to the Economic Development Prospect.

.

RESULT:	**NO ACTION TAKEN**

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

Wednesday, February 3, 2010 | **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 February 3, 2010 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:02 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. 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 that he and the city manager would be having lunch at the Senior Citizens Center tomorrow and if any of the Council would like to attend, they are most welcome.

III. REGULAR AGENDA

A. Executive Session

Deliberation Regarding Economic Development Negotiation. Gov. Code §551.087.
Consultation With Attorney. Gov. Code §551.071.
Meeting Concerning Municipally Owned Utility. Gov. Code §551.086.

1. Discussion of electrical services and/or incentives for Boomerang Tube, LLC.

At 6:07 p.m., Mayor Pickett closed the open meeting and opened the Executive Session, as authorized above, prior to the regular session.

B. Reconvene into Regular Session

At 8:28 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

C. Regular Session

1. Council Action 2010-12

Consider Approval of Relocating the City of Liberty Election Day Polling Place from the Humphreys Cultural Center to the Liberty Center, Located in the Liberty City Hall.

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell requested that the City's Election Day Polling Place be relocated from the Humphreys Cultural Center to the Liberty Center, located within the City Hall. Ms. Tidwell reported that as joint elections are held with the Liberty Independent School District and Liberty County Hospital District Number 1, space in to accommodate all the voters and election workers had become an issue.

The proposed location provides a larger room in which these elections can be conducted, provides the voter with more security, and also provides a large parking area for voters.

Motion was made to approve the relocation of the Election Day Polling Place to the Liberty Center, located within City Hall.

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

2. Council Action 2010-13

Consider and Approve an Interlocal Government Agreement with Liberty County Hospital District Number 1, for Joint Elections.

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported that the Interlocal Government Agreement with the Liberty County Hospital District Number 1, for joint elections, is the same agreement used in previous years but includes the change in location of the election day polling place.

Motion was made to approve this agreement.

ATTACHMENTS:

- Hospital Election Agreement 2010 (PDF)

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

3. Council Action 2010-14

Consider Approval of an Interlocal Government Agreement with the Liberty Independent School District, for Joint Elections.

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported that the Interlocal Government Agreement with the Liberty Independent School District, for joint elections, is the same agreement used in previous years but includes the change in location of the election day polling place.

Motion was made to approve this agreement.

ATTACHMENTS:

- Election Agreement-LISD 2010 (DOC)

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

4. Council Action 2010-15

Consider Approval Regarding Electrical Services And/Or Incentives to Boomerang Tube, LLC.

RESULT:	**NO ACTION TAKEN**

5. Council Action 2010-11

Consider and Approve Incentive Options for Holiday Inn Express.

COMMENTS - Current Meeting:

Motion made was to grant a three year tax abatement plus, up to and not to exceed a $31,000 credit against the electric department and water & sewer Holiday Inn Express construction.

RESULT:	**APPROVED [5 TO 1]**
MOVER:	Frank Jordan, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Beasley, Huddleston, McCarty, Jordan
NAYS:	Louie Potetz
ABSENT:	Al Simonson

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 8:30 p.m.

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

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 02/03/10 06:00 PM

Department: Administration
Category: Election Issues

COUNCIL ACTION 2010-12

DOC ID: 1559

Consider Approval of Relocating the City of Liberty Election Day Polling Place from the Humphreys Cultural Center to the Liberty Center, Located in the Liberty City Hall.

EXPLANATION:
The relocation of the Election Day Polling Place provides many advantages for conducting the election process. The Liberty Center will easily accommodate numerous voters for the joint elections held in May, and will provide more room for the election workers. The large parking lot on the west side of the building is also an asset.

D. Tidwell

.

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

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 02/03/10 06:00 PM

Department: Administration
Category: Agreements

COUNCIL ACTION 2010-13

DOC ID: 1557

Consider and Approve an Interlocal Government Agreement with Liberty County Hospital District Number 1, for Joint Elections.

EXPLANATION:
In 2008, the City entered into an Interlocal Agreement with Liberty County Hospital District Number 1 to hold joint elections, on the uniform election day in May. The proposed agreement with the Hospital District is the same as the one executed in 2008, with only one change. That change is the relocation of the Election Day polling place from the Humphreys Cultural Center to the Liberty Center, located inside the City Hall.

In regard to the joint election, there will be no sharing of election workers, ballots, ballot boxes, or other relevant election materials. This agreement is solely for the use of a common polling place.

D. Tidwell

.

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

INTERLOCAL GOVERNMENT AGREEMENT

Joint Elections

This agreement is entered into this 25th day of January 2010, by and between the City of Liberty, Texas (the "City"), and the Liberty County Hospital District Number 1 (the "District").

WHEREAS, the City and the District will conduct general elections of the May uniform election date of each year; and

WHEREAS, the parties to this agreement desire that a joint election be held that is cost effective and convenient for the votes of the entities;

NOW, THEREFORE, IT IS AGREED that a joint election will be held by the City and the District under the following terms and conditions, and the parties hereto agree with said conditions:

1. That the joint election conducted by the City and the District will be conducted at the Liberty City Hall located at 1829 Sam Houston, Liberty, Texas on the uniform election date in May of each year or until another uniform election date or location is mutually agreed upon by the parties.

2. That the City and the District will not consolidate election ballots.

3. That the City and the District may both share election judges or workers, but each entity will be responsible for securing qualified individual to serve in those positions.

4. That early voting will not be consolidated.

5. That the City and the District will each be responsible for providing electronic voting machines to their respective voters.

6. That the City and the District will each be responsible for the preparation, publication, and Spanish translation of its own Notice of Election, Order of Election, and ballots.

7. That the City and the District will each be responsible for their respective costs and expenses of the election process.

8. That each entity will be responsible for its own submissions to the U.S. Department of Justice for preclearance under the Federal Voting Rights Act, if any.

9. That the financial obligations of the parties hereto are payable from current revenues of the respective parties that have been budgeted and appropriated for the purposes set forth herein.

10. That the undersigned are the duly authorized representatives of the parties' governing bodies, and the signatures represent adoption and acceptance of the terms and conditions of this agreement.

APPROVE AND AGREED this ______ day of February 2010.

CITY OF LIBERTY

____
Carl Pickett, Mayor

ATTEST:

____
Dianne Tidwell, City Secretary

APPROVE AND AGREED this the 25th day of January 2010.

LIBERTY COUNTY HOSPITAL DISTRICT NO. 1

C Bruce Stratton
C. Bruce Stratton, President

ATTEST:

Sissy Drake
Sissy Drake, Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 02/03/10 06:00 PM

Department: Administration
Category: Agreements

COUNCIL ACTION 2010-14

DOC ID: 1558

Consider Approval of an Interlocal Government Agreement with the Liberty Independent School District, for Joint Elections.

EXPLANATION:
In 2007, the City entered into an Interlocal Agreement with Liberty Independent School District Number 1 for the purpose of holding joint elections, on the uniform election day in May. The proposed agreement with LISD is the same as the one as executed in 2007, with only one change. That change is the relocation of the Election Day polling place from the Humphreys Cultural Center to the Liberty Center, located inside the City Hall.

In regard to the joint election, there will be no sharing of election workers, ballots, ballot boxes, or other relevant election materials. This agreement is solely for the use of a common polling place.

.

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

Minutes Acceptance: Minutes of Feb 3, 2010 6:00 PM (Minutes Approval)

INTERLOCAL GOVERNMENT AGREEMENT
Joint Elections

This agreement is entered into this 3rd day of February, 2010, by and between the City of Liberty, Texas (the "City"), and the Liberty Independent School District (the "District").

WHEREAS, the City and the District will conduct general and special elections on the May uniform election date of each year; and

WHEREAS, Section 10.0581 of the Texas Education Code requires that an election for trustees of an independent school district be held on the same date as the election for the members of the governing body of a municipality located in the school district and that said election be held as a joint election under Chapter 271 of the Texas Election Code; and

WHEREAS, the parties to this agreement desire that a joint election be held that is cost effective and convenient for the voters of the entities;

NOW, THEREFORE, IT IS AGREED that a joint election will be held by the City and the District under the following terms and conditions, and the parties hereto agree with said conditions:

1. **That the joint election conducted by the City and the District will be conducted at the Liberty City Hall located at 1829 Sam Houston, Liberty, Texas, on the uniform election date in May of each year or until another uniform election date or location is mutually agreed upon by the parties.**

2. **That the City and the District will not consolidate election ballots.**

3. **That the City and the District will not share election judges or workers and each entity will be responsible for securing qualified individuals to serve in those positions.**

4. **That early voting will not be consolidated.**

5. **That the City and the District will each be responsible for providing electronic voting machines to their respective voters.**

6. **That the City and the District will each be responsible for the preparation, publication, and Spanish translation of its own Notice of Election, Order of Election, and ballots.**

7. **That the City and the District will each be responsible for their respective costs and expenses of the election process.**

8. **That each entity will be responsible for its own submissions to the U.S. Department of Justice for preclearance under the Federal Voting Rights Act, if any.**

9. **That the financial obligations of the parties hereto are payable from current revenues of the respective parties that have been budgeted and appropriated for the purposes set forth herein.**

10. **That the undersigned are the duly authorized representatives of the parties' governing bodies, and the signatures represent adoption and acceptance of the terms and conditions of this agreement.**

APPROVE AND AGREED this 3rd day of February, 2010.

CITY OF LIBERTY

____

Carl Pickett, Mayor

ATTEST:

____

Dianne Tidwell, City Secretary

LIBERTY INDEPENDENT SCHOOL DISTIRCT

____

Cynthia A. Lusignolo, Superintendent

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 02/03/10 06:00 PM

Department: Administration
Category: Economic Development Issues

COUNCIL ACTION 2010-15

DOC ID: 1556

Consider Approval Regarding Electrical Services And/Or Incentives to Boomerang Tube, LLC.

.

RESULT:	**NO ACTION TAKEN**

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 02/03/10 06:00 PM

Department: Administration
Category: Economic Development Issues

COUNCIL ACTION 2010-11

DOC ID: 1555

Consider and Approve Incentive Options for Holiday Inn Express.

.

RESULT:	**APPROVED [5 TO 1]**
MOVER:	Frank Jordan, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Beasley, Huddleston, McCarty, Jordan
NAYS:	Louie Potetz
ABSENT:	Al Simonson

Minutes Acceptance: Minutes of Feb 3, 2010 6:00 PM (Minutes Approval)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 02/09/10 06:00 PM

Department: Finance
Category: Contracts

COUNCIL ACTION 2010-16

DOC ID: 1564

Consider Proposal for Bank Depository Services for the City of Liberty.

EXPLANATION:
It is my recommendation the contract be awarded to Prosperity Bank.

NRH

.

City of Liberty, Texas
Depository Bank Analysis

Bidder:	CD Interest Rate:	Money Market Account:	NOW Account:	Fees:
Prosperity Bank:	T-Bill Rate closest to the maturity date	75 bps under the 30 day T-Bill with a floor of 0.75%	100 bps under the 30 day T-Bill with a floor of 0.50%	No or waived fee for ACH, Internet Cash Management, wire transfers, monthly statements, deposits and night deposits, zipper bags, coin wrappers, 2 safe deposit boxes, stop payment and ATM. Free personal checking for City employees with ACH Deposit. **What about service charges? Debits, credits, check charges? NSF?**
First Liberty National Bank:	30 Day CD will be 30 Day T-Bill Rate minus 50 basis points	50 bps under the 30 day T-Bill (no stated floor)	100 bps under the 30 day T-Bill (no stated floor)	Item 13 of bid states that all transaction will be on a Waived fee basis with no service fees or other transaction fees charged.

Notes: As of February 4, 2010, the current 30 Day T-Bill Yield 0.038%

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 02/09/10 06:00 PM

Department: Finance
Category: Bonds

RESOLUTION 2010-3

DOC ID: 1561

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

RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

THE STATE OF TEXAS
COUNTY OF LIBERTY
CITY OF LIBERTY

WHEREAS, the City Council of the **CITY OF LIBERTY, TEXAS** (the "***City***") hereby determines that it is necessary and desirable to acquire, construct and equip extensions and improvements to the City's electric system deemed necessary to provide electric service to a new commercial customer (the "***Project***"); and

WHEREAS, the City Council of the City intends to finance the Project from proceeds derived from the sale of a series of *Combination Tax and Revenue Certificates of Obligation* issued by the City pursuant to Sections 271.041 - 271.063, Texas Local Government Code, as amended; and

WHEREAS, pursuant to Section 271.049, Texas Local Government Code, the City Council deems it advisable to give notice of intention to issue certificates of obligation in an amount not to exceed an aggregate of *$3,300,000* for the purpose of paying, in whole or in part, the Project, to pay all or a portion of the legal, fiscal and engineering fees in connection with the Project, and to pay the costs of issuance related to the certificates of obligation; and

WHEREAS, it is hereby officially found and determined that the meeting at which this resolution was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code;

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

SECTION 1. **APPROVAL OF NOTICE OF INTENTION.** Attached hereto is a form of the *"Notice of Intention to Issue Combination Tax and Revenue Certificates of Obligation*", the form and substance of which is hereby adopted and approved.

SECTION 2. **AUTHORIZATION TO PUBLISH NOTICE OF INTENTION.** The City Secretary shall cause said notice to be published in substantially the form attached hereto in a newspaper, as defined in Section 2051.044, Texas Government Code, that is of general circulation in the area of the City, on the same day in each of two consecutive weeks, the date of the first publication thereof to be at least 31 days before the date tentatively set for the passage of the ordinance authorizing the issuance of such certificates of obligation as shown in said notice. The City Manager and the Finance Director are each authorized to make changes to said Notice as necessary prior to its publication.

SECTION 3. INCORPORATION OF RECITALS. The City Council hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the City Council hereby incorporates such recitals as a part of this Resolution.

SECTION 4. EFFECTIVE DATE. This Resolution shall become effective immediately upon passage.

[The remainder of this page intentionally left blank]

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS AT A REGULAR MEETING ON THE 9TH DAY OF FEBRUARY, 2010.

By ___________________________
Mayor, City of Liberty, Texas

ATTEST:

____
City Secretary, City of Liberty, Texas

(SEAL)

** ** ** ** **

[SIGNATURE PAGE TO NOTICE OF INTENTION RESOLUTION]

CITY OF LIBERTY, TEXAS
NOTICE OF INTENTION TO ISSUE
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION

The City Council of the City of Liberty, Texas (the "City") does hereby give notice of intention to issue one or more series of *City of Liberty, Texas Combination Tax and Revenue Certificates of Obligation* in the maximum aggregate principal amount not to exceed *$3,300,000* for the purpose of paying, in whole or in part, contractual obligations to acquire, construct and equip extensions and improvements to the City's electric system deemed necessary to provide electric service to a new commercial customer (the "Project") and for paying professional services related thereto. The City proposes to provide for the payment of such Certificates of Obligation from the levy and collection of ad valorem taxes in the City as provided by law and from a lien on and pledge of "Surplus Revenues", if any, received by the City from the ownership and operation of the City's electric system. The City Council proposes to authorize the issuance of such Certificates of Obligation at 6:00 p.m. on Tuesday, March 23, 2010, at a Special Meeting, at the City Hall, Liberty, Texas.

/s/ Dianne Tidwell
City Secretary, City of Liberty, Texas

CERTIFICATE FOR RESOLUTION

STATE OF TEXAS
COUNTY OF LIBERTY
CITY OF LIBERTY

I, the undersigned City Secretary of **CITY OF LIBERTY, TEXAS** (the "***City***"), hereby certify as follows:

1. The City Council of the City convened in REGULAR MEETING ON THE 9TH DAY OF FEBRUARY, 2010, at the designated meeting place, and the roll was called of the duly constituted officers and members of said City Council, to-wit:

Carl Pickett, Mayor
Mike McCarty, Mayor Pro-Tem
Dennis Beasley, Council Member
Diane Huddleston, Council Member
Frank Jordan, Council Member
Louie Potetz, Council Member
Al Simonson, Council Member

and all of said persons were present, except the following absentees: ______________________, thus constituting a quorum. Whereupon, among other business, the following was transacted at said Meeting: a written

RESOLUTION AUTHORIZING PUBLICATION OF
NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

was duly read. It was then duly moved and seconded that said Resolution be adopted; and, after due discussion, said motion, carrying with it the adoption of said Resolution, prevailed and carried by the following vote:

AYES: _____ NOES: _____ ABSTENTIONS: _____

2. A true, full, and correct copy of the aforesaid Resolution adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; said Resolution has been duly recorded in said City Council's minutes of said Meeting; the above and foregoing paragraph is a true, full, and correct excerpt from said City Council's minutes of said Meeting pertaining to the adoption of said Resolution; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of said City Council as indicated therein; each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the aforesaid Meeting, and that said Resolution would be introduced and considered for adoption at said Meeting; and said Meeting was open to the public, and public notice of the time, place, and purpose of said Meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED the 9th day of February, 2010.

____
City Secretary, City of Liberty, Texas

(SEAL)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 02/09/10 06:00 PM

Department: Finance
Category: Bonds

RESOLUTION 2010-4

DOC ID: 1562

Consider Approval of a Resolution Expressing Official Intent to Reimburse, with Tax-Exempt Obligation Proceeds, for Costs Associated with Acquiring Vehicles and Equipment for Varius City Departments and Constructing a Maintenance Barn Primarily for the Parks Department.

RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE WITH TAX-EXEMPT OBLIGATION PROCEEDS FOR COSTS ASSOCIATED WITH ACQUIRING VEHICLES AND EQUIPMENT FOR VARIOUS CITY DEPARTMENTS AND CONSTRUCTING A MAINTENANCE BARN PRIMARILY FOR THE PARKS DEPARTMENT

STATE OF TEXAS	**§**
COUNTY OF LIBERTY	**§**
CITY OF LIBERTY	**§**

WHEREAS, the City Council of the **CITY OF LIBERTY, TEXAS** (the "***City***") hereby determines that it is necessary and desirable to acquire or construct the following projects (collectively, the "***Projects***"):

(i) purchase vehicles for various City departments, including an ambulance, a street sweeper and six other vehicles;

(ii) purchase equipment for various City departments, including an emulsion tank and a chemical sprayer for the Street Department, equipment and gear for the Fire Department, computers and other hardware and software for the Police Department, radios and antennas, computer software for the Neighborhood Services Department, and equipment for Records Management Services;

(ii) construct a maintenance barn to be used primarily by the Parks Department; and

WHEREAS, the City expects that it will pay expenditures in connection with the acquisition and construction of the Projects prior to the issuance of obligations to finance the Projects; and

WHEREAS, the City finds, considers, and declares that the reimbursement of the City for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues obligations to finance the Projects;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS THAT:

SECTION 1. **EXPECTATION TO INCUR DEBT.** The City reasonably expects to incur debt, as one or more series of obligations, with an aggregate maximum principal amount currently estimated not to exceed *$715,000*, a portion of the proceeds of which are expected to be used for the purpose of paying the costs of the Projects.

SECTION 2. **REIMBURSEMENT OF PRIOR EXPENDITURES.** All costs to be reimbursed pursuant hereto will be capital expenditures within the meaning of Section 1.150-2 of the Treasury Regulations. No tax-exempt obligations will be issued by the City in furtherance of this Resolution after a date which is later than 18 months after the later of (1) the date the expenditures are paid or (2) the date on which the property, with respect to which such expenditures were made, is placed in service.

SECTION 3. **THREE-YEAR LIMITATION FOR REIMBURSEMENT.** The foregoing notwithstanding, no tax-exempt obligation will be issued pursuant to this Resolution more than three years after the date any expenditure which is to be reimbursed is paid.

SECTION 4. **PUBLIC RECORD.** The City Council directs that this Resolution shall be maintained as a public record available for inspection by all persons in accordance with the provisions of Chapter 552, Texas Government Code, and that no later than 30 days after this date, this Resolution will be made available for inspection by all members of the general public at the offices of the City Secretary of the City.

[The remainder of this page intentionally left blank]

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS AT A REGULAR MEETING ON THE 9TH DAY OF FEBRUARY, 2010.

By______________________________________
Mayor, City of Liberty, Texas

ATTEST:

____
City Secretary, City of Liberty, Texas

(SEAL)

** ** ** ** **

[SIGNATURE PAGE TO REIMBURSEMENT RESOLUTION]

CERTIFICATE FOR RESOLUTION

STATE OF TEXAS §
COUNTY OF LIBERTY §
CITY OF LIBERTY §

I, the undersigned City Secretary of **CITY OF LIBERTY, TEXAS** (the "***City***"), hereby certify as follows:

1. The City Council of the City convened in REGULAR MEETING ON THE 9TH DAY OF FEBRUARY, 2010, at the designated meeting place, and the roll was called of the duly constituted officers and members of said City Council, to-wit:

Carl Pickett, Mayor
Mike McCarty, Mayor Pro-Tem
Dennis Beasley, Council Member
Diane Huddleston, Council Member
Frank Jordan, Council Member
Louie Potetz, Council Member
Al Simonson, Council Member

and all of said persons were present, except the following absentees: ______________________, thus constituting a quorum. Whereupon, among other business, the following was transacted at said Meeting: a written

RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE WITH TAX-EXEMPT OBLIGATION PROCEEDS FOR COSTS ASSOCIATED WITH ACQUIRING VEHICLES AND EQUIPMENT FOR VARIOUS CITY DEPARTMENTS AND CONSTRUCTING A MAINTENANCE BARN PRIMARILY FOR THE PARKS DEPARTMENT

was duly read. It was then duly moved and seconded that said Resolution be adopted; and, after due discussion, said motion, carrying with it the adoption of said Resolution, prevailed and carried by the following vote:

AYES: _____ NOES: _____ ABSTENTIONS: _____

2. A true, full, and correct copy of the aforesaid Resolution adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; said Resolution has been duly recorded in said City Council's minutes of said Meeting; the above and foregoing paragraph is a true, full, and correct excerpt from said City Council's minutes of said Meeting pertaining to the adoption of said Resolution; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of said City Council as indicated therein; each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the aforesaid Meeting, and that said Resolution would be introduced and considered for adoption at said Meeting; and said Meeting was open to the public, and public notice of the time, place, and purpose of said Meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED the 9th day of February, 2010.

City Secretary, City of Liberty, Texas

(SEAL)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 02/09/10 06:00 PM

Department: Administration
Category: Street Closure

RESOLUTION 2010-5

DOC ID: 1566

Consider a Resolution Authorizing the City Manager to Enter into an Agreement with the Texas Department of Transportation for the Temporary Closure of Main Street During the Liberty Jubilee.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, ESTABLISHING THAT THE LIBERTY JUBILEE SERVES A PUBLIC PURPOSE AND AUTHORIZING THE CITY MANAGER, ON BEHALF OF THE CITY OF LIBERTY, TO ENTER INTO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE TEMPORARY CLOSURE OF A PORTION OF STATE RIGHT-OF-WAY DURING SAID LIBERTY JUBILEE.

WHEREAS, on March 26 and 27, 2010, the City of Liberty, Texas, will sponsor, promote, and conduct the Liberty Jubilee; and

WHEREAS, the Liberty Jubilee is an annual festival-type event offering a variety of entertainment and events in a family-oriented atmosphere for the citizens of Liberty and surrounding areas; and

WHEREAS, it is necessary to close certain street right-of-ways in the downtown area of the City of Liberty, Texas, during the Liberty Jubilee for the safety and convenience of those attending the event; now therefore,

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

Section 1. That City Council of the City of Liberty hereby finds that the Liberty Jubilee serves a public purpose.

Section 2. The City council of the City of Liberty hereby authorizes the City of Liberty to enter into an agreement with the Texas Department of Transportation for the temporary closure of a portion of state right-of-way during the 2010 Liberty Jubilee.

Section 3. The City Council of the City of Liberty hereby further consents to and authorizes its City Manager to negotiate and execute an agreement with the Texas Department of Transportation for the temporary closure of a portion of state right-of-way during the 2010 Liberty Jubilee on behalf of the City of Liberty.

PASSED, APPROVED, AND RESOLVED this the 9th day of February, 2010.

Carl Pickett, Mayor
City of Liberty, Texas

ATTEST:

Dianne Tidwell, City Secretary
City of Liberty, Texas

Texas Department of Transportation
Form 2045 (8/2001)
(GSD-EPC)
Page 1 of 6

THE STATE OF TEXAS §

THE COUNTY OF TRAVIS §

Agreement for the Temporary Closure of State Right of Way

THIS AGREEMENT is made by and between the State of Texas, acting by and through the Texas Department of Transportation hereinafter called the "State", and the City of **Liberty**, a municipal corporation, acting by and through its duly authorized officers, hereinafter called the "City".

WITNESSETH

WHEREAS, the State owns and operates a system of highways for public use and benefit, including **Hwy. 146**, in **Liberty** County; and

WHEREAS, the City has requested the temporary closure of **Hwy. 146 (Main St.) between Martin Luther King Drive and Trinity Street**, For the purposes of **holding festivities during the 2010 Liberty Jubilee** ____, as described in the attached "Exhibit A", hereinafter identified as the "Event"; and

WHEREAS, the Event will be located within the City's incorporated area; and

WHEREAS, the State, in recognition of the public purpose of the Event, wishes to cooperate with the City so long as the safety and convenience of the traveling public is ensured and that the closure of the State's right of way will be performed within the State's requirements; and

WHEREAS, on the **9th** day of **February** **2010** the **Liberty** City Council passed Resolution/Ordinance No. **N/A**, attached hereto and identified as "Exhibit B", establishing that the Event serves a public purpose and authorizing the City to enter into this agreement with the State; and

Attachment: TxDOT Temporary Rd. Closure Agreement (RES-2010-5 : Jubilee Street Closure)

WHEREAS, 43 Texas Administrative Code, § 22.12, establishes the rules and procedures for the temporary closure of a segment of the State highway system; and

WHEREAS, this agreement has been developed in accordance with the rules and procedures of 43 Texas Administrative Code, § 22.12;

AGREEMENT

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

1. CONTRACT PERIOD

This agreement becomes effective upon final execution by the State and shall terminate upon completion of the Event or unless terminated or modified as hereinafter provided.

2. EVENT DESCRIPTION

The description of the Event, including the proposed schedule of start and stop times; approximate number of people attending the Event; and equipment involved, shall be attached hereto and identified as “Exhibit C”.

3. OPERATIONS OF THE EVENT

A. The City shall assume all costs for the operations associated with the Event, to include but not limited to plan development, materials, labor, public notification, providing protective barriers and barricades, protection of highway traffic and highway facilities, and all traffic control and temporary signing.

B. The City shall submit to the State for review and approval the construction plans, if construction or modifications to the State’s right of way is required; the traffic control and signing plans; traffic enforcement plans; and all other plans deemed necessary by the State.

C. The City will not initiate closure prior to 24 hours before the scheduled Event and all barriers and barricades will be removed and the highway reopened to traffic within 24 hours after the completion of the Event.

D. The City will provide adequate enforcement personnel to prevent vehicles from stopping and parking along the main lanes of highway right of way and otherwise prevent interference with the main lane traffic by both vehicles and pedestrians. The City will prepare a traffic enforcement plan, to be approved by the State in writing at least 48 hours prior to the scheduled Event. Additionally, the City shall provide to the State a letter of certification from the law enforcement agency that will be providing traffic control for the Event, certifying that they agree with the enforcement plan and will be able to meet its requirements.

E. The City hereby assures the State that there will be appropriate passage allowance for emergency vehicle travel and adequate access for abutting property owners during construction and closure of the highway facility. These allowances and accesses will be included in the City's traffic control plan.

F. The City will avoid or minimize damage, and will, at its own expense, restore or repair damage occurring outside the State's right of way and restore or repair the State's right of way, including roadway and drainage structures, signs, and pavement, etc. to a condition equal to that existing before the closure, and, to the extent practical, restore the natural environment, including landscape features.

4. OWNERSHIP OF DOCUMENTS

Upon completion or termination of this agreement, all documents prepared by the City will remain the property of the City. All data prepared under this agreement shall be made available to the State without restriction or limitation on their further use.

5. TERMINATION

A. This agreement may be terminated by any of the following condition:

(1) By mutual written agreement and consent of both parties.

(2) By the State upon determination that uses of the State's right of way is not feasible or is not in the best interest of the State and the traveling public.

(3) By either party, upon the failure of the other party to fulfill the obligation as set forth herein.

(4) By satisfactory completion of all services and obligations as set forth herein.

B. The termination of this agreement shall extinguish all rights, duties, obligation and liabilities of the State and City under this agreement. If the potential termination of this agreement is due to the failure of the City to fulfill its contractual obligations as set forth herein; the State will notify the City that possible breach of contract has occurred. The City must remedy the breach as outlined by the State within ten (10) days from receipt of the State's notification. In the event the City does not remedy the breach to the satisfaction of the State, the City shall be liable to the State for the costs of remedying the breach and any additional costs occasioned by the State.

6. DISPUTES

Should disputes arise as to the party's responsibilities or additional work under this agreement, the State's decision shall be final and binding.

7. INDEMNIFICATION

To the extent permitted by law, the City shall indemnify and save harmless the State, its officers, employees, agents and contractors from all claims and liabilities due to the activities of the City, its officers, employees, agents and contractors performed under this agreement and which result from an error, omission or negligent ace of the City, its officers, employees, agents or contractors. Additionally, to the extent permitted by law, the City shall save harmless the State, its officers, employees, agents and contractors from any and all expenses, including attorneys fees and court costs which may be incurred by the State in litigation or otherwise resisting said claim or liabilities which might be imposed on the State as the result of such activities by the City, their officers, employees, agents or contractors.

8. INSURANCE

A. Prior to beginning any work upon the State's right of way, the City and/or its contractors shall furnish to the State a completed "Certificate of Insurance" (TxDOT Form 1560, latest edition) and shall maintain the insurance in full force and effect during the period that the City and/or its contractors are encroaching upon the State right of way.

B. In the event the City is a self-insured entity, the City shall provide the State proof of its self-insurance. Additionally, the City shall include the State as an additional insured under its self-insurance policy.

9. AMENDMENTS

Any changes in the time frame, character, and agreement provisions or obligations of the parties hereto shall be enacted by written amendment executed by both the City and the State.

10. COMPLIANCE WITH LAWS

The City shall comply with all applicable federal, state and local environmental laws, regulations, ordinances, and any conditions or restrictions required by the State to protect the natural environment and cultural resources of the State's right of way.

11. LEGAL CONSTRUCTION

In case one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions hereof and this agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

12. NOTICES

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified or U.S. main, postage prepaid, addressed to such party at the following respective addresses:

State: Texas Department of Transportation

____

____

____

City:

Gary Broz, City Manager
1829 Sam Houston Street
Liberty, Texas 77575

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided herein. Either party hereto may change the above address by sending written notice of such change to the other in the manner provided herein.

13. SOLE AGREEMENT

This agreement constitutes the sole and only agreement between the parties hereto and supersedes any prior understandings or written or oral agreements respecting the within subject matter.

IN TESTIMONY HEREOF, the parties hereto have caused these presents to be executed in duplicate counterparts.

THE CITY OF **LIBERTY** , TEXAS

February 10, 2010
Date

Gary Broz
Name of Requestor

City Manager
Title

Signature

(936) **336 - 3684**
Area Code Telephone Number

Address

City, State Zip

ATTEST:

BY: ______________________________
City Secretary

THE STATE OF TEXAS

Executed by and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

Randy Redmond, P.E.
Typed, Printed or Stamped Name of District Engineer

Beaumont
District

Signature of District Engineer

By TxDOT Representative

Stephen Gbur, Area Engineer
Name and Title of TxDOT Representative

Date

209 Layl Drive
Address

Liberty **TX** **77575**
City, State Zip

(936) **336 - 2244**
Area Code Telephone Number

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 02/09/10 06:00 PM

Department: Administration
Category: Garbage Issues

ORDINANCE 2010-4

DOC ID: 1570

Consider Adoption of an Ordinance Requiring All Residents and Businesses to Utilize and Make Payment for Refuse Collection Services.

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 13, REQUIRING ALL RESIDENTS AND BUSINESSES TO UTILIZE AND MAKE PAYMENTS FOR REFUSE COLLECTION SERVICES; 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.

WHERAS, by adoption of previous ordinances, The City Council of the City of Liberty, Texas detailed the appropriate procedures for the collection of refuse within the corporate limits; and

WHERAS, the City Council of the City of Liberty, Texas, finds it to be in the public interest to amend the ordinance and require all residents and businesses to utilize and make payments for refuse collection services.

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

Section 1: Section 13-17 of the Code of Ordinances of the City of Liberty is amended to read as follows:

Sec. 13-17. Collection by city; exceptions

(a) *Generally.* All refuse accumulated in the city shall be collected, conveyed and disposed of by the city. Each residence or business within the city shall be required to utilize the City of Liberty Trash Services and pay to the City of Liberty a monthly fee for the collection and proper disposal of garbage produced by the residences and businesses regardless of usage. However, this chapter shall not prohibit:

(1) The actual producers of refuse or the owners of premises upon which refuse has accumulated, from personally collecting, conveying and disposing of such refuse, provided such producers or owners comply with the provisions of this chapter and with any other governing law or ordinances.

(2) Collectors of refuse from outside the city from hauling such refuse over

city streets, provided such collectors comply with the provision of this chapter and with any other governing law or ordinances.

(b) *Rental Property*. The owner of any residential or business property shall pay all fees for refuse collection during the time period when the property is unrented.

Section 2: Section 13-20(a) of the Code of Ordinances of the City of Liberty is amended to read as follows:

Sec. 13-20(a). Charges for collection

(a) *Generally*. Each residence or business within the City shall be required to pay a monthly fee for the collection and proper disposal of garbage produced by the residences and businesses regardless of usage.

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

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 02/09/10 06:00 PM

Department: Administration
Category: Election

ORDINANCE 2010-5

DOC ID: 1567

Consider Adoption of an Ordinance Ordering a General Election to be Held in the City of Liberty on Saturday, May 8, 2010. Considere Una Aceptación a La Ordenanza Que Manda a Una Elección General Que Tendrá Lugar En La Ciudad De Liberty, El Sábado 8 De Mayo Del 2010.

EXPLANATION:

THIS ORDINANCE CALLS FOR THE CITY'S GENERAL ELECTION TO BE HELD ON THE UNIFORM ELECTION DATE IN MAY AND ADDRESSES ALL NECESSARY ISSUES TO BE APPROVED BY COUNCIL RELATIVE TO THE CONDUCT OF AN ELECTION; ELECTION OFFICIALS, COMPENSATION RATES, ETC.

THOSE MEMBERS WHOSE TERM EXPIRES: Mayor Carl Pickett

COUNCIL MEMBERS: Mike McCarty, Frank Jordan, Louie Potetz

D. Tidwell

AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS ORDERING A GENERAL MUNICIPAL ELECTION TO BE HELD ON THE 8TH DAY OF MAY, 2010; AUTHORIZING A JOINT ELECTION WITH THE LIBERTY INDEPENDENT SCHOOL DISTRICT AND LIBERTY COUNTY HOSPITAL DISTRICT NUMBER 1; DESIGNATING THE POLLING PLACES AND APPOINTING ELECTION OFFICIALS FOR SUCH ELECTION; PROVIDING PAY RATES FOR ELECTION OFFICIALS; PROVIDING FOR EARLY VOTING; PROVIDING FOR TWO TWELVE-HOUR DAYS OF EARLY VOTING; PROVIDING FOR THE NOTICE OF ELECTION; PROVIDING 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.

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

Section 1.

It is hereby ordered that a General Election be held in the City of Liberty, Texas on the second Saturday in May, the 8th day of May, 2010, at which election the qualified voters of the City will elect a Mayor and three (3) Council Members, which are all at-large positions.

Section 2.

That the election be held jointly with the election of the Liberty Independent School District and the Liberty County Hospital District Number 1 per the terms of the Interlocal Agreement dated January 30, 2007 and the Interlocal Agreement dated February 12, 2008, respectively.

Section 3.

The present boundaries of the City constitute one election precinct, and the polls shall be open for voting from 7:00 a.m. until 7:00 p.m. at the following polling place, and the following are hereby appointed officers to conduct the election at said polling place:

POLLING PLACE:

City Hall
Liberty Center
1829 Sam Houston Street
Liberty, Texas 77575

ELECTION OFFICERS:

Larry Wagnon, Presiding Judge
1405 Hawthorne, Liberty, Texas 77575

Barbara VanDeventer, Alternate Presiding Judge
1410 Webster, Liberty, Texas 77575

The City Secretary is hereby authorized and directed to provide a copy of the Ordinance to the judge as written notice of their appointment as required by Section 32.009 of the Texas Election Code.

The Presiding Judge shall have the authority to appoint no more than five (5) clerks to assist in the holding of such election, but in no event shall the Presiding Judge appoint less than two clerks. Said election officers are hereby designated to also serve as the Early Voting Ballot Board for the purpose of canvassing the early votes by mail and by personal appearance. The Presiding Judge of such election shall also serve as the Presiding Officer of the Early Voting Ballot Board.

The Election Judge and clerks shall be compensated at an hourly rate of $10.00

as provided by Title 3, Section 32.091(A) of the Texas Election Code. The Election Judge shall be compensated in the amount of $25.00 for the delivery of election equipment and supplies as provided by Title 3, Section 32.901(a) of the Texas Election Code, if such delivery is necessary.

Section 4.

The City Secretary is designated the Early Voting Clerk and the appointment of a deputy clerk or clerks for early voting, by the City Secretary, shall be in accordance with Section 83.001 et seq. of the Texas Election Code. The location for early voting for such election is hereby designated as:

City Hall
City of Liberty
1829 Sam Houston Street
Liberty, Texas 77575

Early Voting by Personal Appearance shall begin on April 26, 2010 and end on May 4, 2010. Early voting by personal appearance shall be conducted during the regular business hours of the City Secretary's Office which are from 7:30 a.m. until 5:30 p.m. Monday thru Thursday; and from 7:30 a.m. until 1:00 p.m. on Friday. As required under Section 85.005(d), Texas Election Code, early voting by personal appearance, at the early voting polling place, shall be conducted for at least 12 hours on two weekdays, if the early voting period consists of six or more weekdays. The City of Liberty received approval from the U.S. Department of Justice, in a letter dated April 29, 2009, that the City's two 12-hour days of early voting be held on the last two days of this period, for all future elections beginning with the May 9, 2009 Election. Therefore, Early Voting by Personal Appearance shall be conducted for 12 hours on the last two days of the 2010 period, which fall on Monday, May 3, 2010 and Tuesday, May 4, 2010.

The election clerk's address to which ballot applications and ballots voted by mail may be sent is: 1829 Sam Houston Street, Liberty, Texas 77575. The early voting clerk, in accordance with the provisions of the Texas Election Code, shall maintain a roster listing each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

Section 5.

All ballots shall be prepared in accordance with the Texas Election Code. Paper ballots shall be used for early voting by mail and paper ballots and the eSlate Direct Recording Electronic (DRE) Voting System shall be used for early voting by personal appearance and voting on Election Day. Election materials as outlined in Section 272.005, Texas

Election Code, shall be printed in both English and Spanish for use at the polling place and for early voting for said election.

All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials is hereby authorized.

Section 6.

The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

Section 7.

Notice of this election shall be published in the official newspaper of the City not earlier than the 30th day or later than the 10th day before election day, and shall be posted in the place used to post notice of City Council Meetings not later than the 21st day before election day, in accordance with the provisions of the Texas Election Code.

Section 8.

Said election shall be held in accordance with the Texas Election Code and the Federal Voting Rights Act of 1965, as amended.

Section 9.

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.

Section 10.

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 the 9th day of February, 2010.

____

Carl Pickett, Mayor

ATTEST:

____
Dianne Tidwell, City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 02/09/10 06:00 PM

Department: Administration
Category: Election

ORDINANCE 2010-6

DOC ID: 1568

Consider Adoption of an Ordinance Ordering a Special Election to be Held in the City of Liberty on May 8, 2010 for Voter Consideration of Proposed Amendments to the City's Home Rule Charter. Considere Una Aceptación a La Ordenanza Que Manda a Una Elección Especial Que Tendrá Lugar En La Ciudad De Liberty, El Sábado 8 De Mayo Del 2010 Para La Consideración Del Votante De Las Enmiendas Propuestas a La Ciudad Acerca De La Regla De Contrato De Casa (Home Rule Charter).

EXPLANATION:

THE ATTACHED ORDINANCE CALLS FOR A SPECIAL ELECTION TO BE HELD, IN CONJUNCTION WITH THE MAY GENERAL ELECTION, FOR VOTER APPROVAL OR DISAPPROVAL OF AMENDMENTS TO THE CITY'S HOME RULE CHARTER. THIS ELECTION WILL TAKE TO THE VOTERS AMENDMENTS AS PROPOSED BY THE 2009 CHARTER REVIEW COMMITTEE.

THIS ORDINANCE ADDRESSES ALL NECESSARY ISSUES TO BE APPROVED BY COUNCIL RELATIVE TO THE CONDUCT OF AN ELECTION.

D. Tidwell

AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS ORDERING A SPECIAL ELECTION TO BE HELD ON THE 8TH DAY OF MAY, 2010; FOR THE PURPOSE OF VOTER CONSIDERATION OF PROPOSITIONS AMENDING THE HOME RULE CHARTER; DESIGNATING THE POLLING PLACES AND APPOINTING ELECTION OFFICIALS FOR SUCH ELECTION; PROVIDING PAY RATES FOR ELECTION OFFICIALS; PROVIDING FOR EARLY VOTING; PROVIDING FOR TWO TWELVE-HOUR DAYS OF EARLY VOTING; PROVIDING FOR THE NOTICE OF ELECTION; PROVIDING 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.

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

Section 1.

It is hereby ordered that a Special Election be held in the City of Liberty, Texas on the second Saturday in May, the 8th day of May, 2010, pursuant to the laws of the State of Texas, and such election shall provide for voting "for" or "against" amendments to the City of Liberty Home Rule charter. See Exhibit "A" - Proposed Charter Amendments.

Section 2.

The present boundaries of the City constitute one election precinct, and the polls shall be open for voting from 7:00 a.m. until 7:00 p.m. at the following polling place, and the following are hereby appointed officers to conduct the election at said polling place:

POLLING PLACE:

City Hall
Liberty Center
1829 Sam Houston Street
Liberty, Texas 77575

ELECTION OFFICERS:

Larry Wagnon, Presiding Judge
1405 Hawthorne
Liberty, Texas 77575

Barbara Van Deventer
1410 Webster
Liberty, Texas 77575

The City Secretary is hereby authorized and directed to provide a copy of the Ordinance to the judge as written notice of their appointment as required by Section 32.009 of the Texas Election Code.

The Presiding Judge shall have the authority to appoint no more than five (5) clerks to assist in the holding of such election, but in no event shall the Presiding Judge appoint less than two clerks. Said election officers are hereby designated to also serve as the Early Voting Ballot Board for the purpose of canvassing the early votes by mail and by personal appearance. The Presiding Judge of such election shall also serve as the Presiding Officer of the Early Voting Ballot Board. These duties will be filled by the same judge and clerks appointed for this purpose in the City's General Municipal Election, also held on May 8, 2010.

The Election Judge and clerks will be the same election officials as those used in the City's General Municipal election, also held on May 8, 2010, and shall be compensated as provided by Title 3, Section 32.091(a) of the Texas Election Code. These officials shall be compensated at an hourly rate of $10.00. The judge and clerks employed for these elections shall be compensated one time for the conduct of both elections.

Section 3.

The City Secretary is designated as the Early Voting clerk and the appointment of a deputy clerk or clerks for early voting, by the City Secretary, shall be in accordance with Section 83.001 et seq. of the Texas Election Code. The location for early voting for such location is herby designated as:

City Hall
Liberty Center
1829 Sam Houston
Liberty, Texas 77575

Early Voting by Personal Appearance shall begin on April 26, 2010 and end on May 4, 2010. Early voting by personal appearance shall be conducted during the regular business hours of the City Secretary's Office which are from 7:30 a.m. - 5:30 p.m. Monday thru Thursday; and from 7:30 a.m. thru 1:00 p.m. on Friday. As required under Section 85.005(d), Texas Election Code, early voting by personal appearance, at the early voting polling place, shall be conducted for at least 12 hours on two weekdays, if the early voting period consists of six or more weekdays. The City of Liberty received approval from the U.S. Department of Justice, in a letter dated April 29, 2009, that the City's two 12-hour days of early voting be held on the last two days of this period; for all future elections beginning with the May 9, 2009 Election. Therefore, Early Voting by Personal Appearance shall be conducted for 12 hours on the last two days of the 2010 period, which fall on Monday, May 3, 2010 and Tuesday, May 4, 2010.

The election clerk's address to which ballot applications and ballots by mail may be sent is:

1829 Sam Houston Street
Liberty, Texas 77575

The early voting clerk, in accordance with the provisions of the Texas Election Code, shall maintain a roster listing each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

Section 4.

All ballots shall be prepared in accordance with the Texas Election Code. Paper ballots shall be used for early voting by mail and paper ballots and the eSlate Direct Recording Electronic (DRE) voting System shall be used for early voting by personal appearance and voting on Election Day. Election materials as outlined in Section 272.005, Texas election Code, shall be printed in both English and Spanish for use at the polling place and for early voting for said election.

All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials is hereby authorized.

Section 5.

The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

Section 6.

Notice of this election shall be published in the official newspaper of the City not earlier than the 30th day but before the 10th day before election day, and shall be posted in the place used to post notice of City Council Meetings not later than the 21st day before election day, in accordance with the provisions of the Texas Election Code.

Section 7.

Said election shall be held in accordance with the Texas Election Code and the Federal Voting Rights Act of 1965, as amended.

Section 8.

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.

Section 9.

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, Texas this the 9th day of February, 2010.

____
Carl Pickett, Mayor

ATTEST:

____
Dianne Tidwell, City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 02/09/10 06:00 PM

Department: Administration
Category: Executive Session Items

COUNCIL ACTION 2010-17

DOC ID: 1569

Consider Approval Regarding Electrical Services And/Or Incentives to Boomerang Tube, LLC.

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