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, February 9, 2010 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on February 9, 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 Councilperson Beasley.

III. PLEDGE OF ALLEGIANCE

The pledge to the American and Texas flags was led by Harvey Joiner, Street/Solid Waste Dept. Head.

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Mayor Pickett welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council regarding non-agenda items.

Mayor Pickett reported on the following:
1) A special called meeting of the City Council has been scheduled for Tuesday, February 23, 2010, and
2) Mayor Pro Tem Mike McCarty would be reading a proclamation on Sunday, February 21st regarding Black History Month, at a celebration to be held in the Liberty Center.

Mr. Paul Graham, Liberty County Long-Term Recovery Committee was present to address Council and reported that the County had received $500,000 for minor home repairs for those individuals whose homes still have damages due to Hurricane Ike. Mr. Graham reported that requirements stipulate that the resident must be the homeowner and that repairs could amount to 25% of the appraised value of the home. Mr. Graham further stated that the committee is seeking additional projects.

City Manager Gary Broz stated that Mr. Graham's contact information and project details would be placed on the city's website and the bulletin board for public notices.

V. PRESENTATIONS / REPORTS

A. Information Item 2010-8

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

COMMENTS - Current Meeting:

City Manager Gary Broz reported that he had spoken with LeAnn Brents, Swaim, Hanagriff, and Associates, and that the audit report was not yet complete.

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

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.

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported that proposals for bank depository services had been opened on January 7th and two proposals were received. Proposals were received from First Liberty National Bank and Prosperity Bank. Ms. Herrington stated that these proposals were very close, however, Prosperity Bank offered a guaranteed floor of 0.75 on money market accounts. Ms. Herrington recommended that due to the state of the economy, the floor provides security for the City and recommended that the City stay with its current depository, Prosperity Bank. Ms. Herrington stated that other reasons to remain with Prosperity Bank included that checks and other financial forms would need to be replaced and can be costly, and that automatic drafts would need to be stopped and transferred to new accounts.

Motion was made to continue with Prosperity Bank as the city's depository.

ATTACHMENTS:

- Bank Depository Analysis (DOC)

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

2. Resolution 2010-3

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

COMMENTS - Current Meeting:

City Manager Gary Broz reported that this Resolution authorizes the publication of the notice that must be published before issuing any debt. These certificates would provide funding for the Boomerang Tube, LLC Substation, in the amount of $3,400,000. Mr. Broz reported the current document, contained in the council agenda, reflects an amount of $3,300,000.

Motion was made to approve the Resolution with the change from $3.3 million, to an amount not to exceed to $3.4 million.

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

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.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that this Resolution refers to the list of capital equipment reflected in the budget, in the amount of $715,000. The only purchase made, to date, has been the new ambulance, and no other purchases are being considered at this time. Mr. Broz stated that the city's Financial Advisor, Bob Henderson, suggested that this resolution be passed so that if any other financing or capital purchase made, that the city could reimburse itself with the tax exempt obligation proceeds.

Brief discussion was held regarding FEMA payments, the city's fund balance, and that this resolution offers an option for leaving funds in the fund balance, should an emergency expenditure need to be made, spreading the purchase over a period to time, since the remaining FEMA funds have not yet been received.

RESULT:	**NO ACTION TAKEN**

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.

COMMENTS - Current Meeting:

Motion made to approve the Resolution as presented.

ATTACHMENTS:

- TxDOT Temporary Rd. Closure Agreement (DOC)

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

5. Ordinance 2010-4

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

COMMENTS - Current Meeting:

City Manager Gary Broz reported this ordinance stipulates that every citizen and business is required to pay for garbage service in the City of Liberty. This service is billed by electric meter. Discussion included apartment buildings, Waste Management and collection costs, roll-off containers, council members working with staff to write specifications for garbage collection services, and other related topics.

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

"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."

Motion was made to adopt Ordinance No. 2010-4.

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

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.

COMMENTS - Current Meeting:

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

"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 TO 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."

Motion was made to adopt Ordinance No. 2010-5.

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

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).

COMMENTS - Current Meeting:

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

"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 TWEVE-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."

Motion was made to adopt Ordinance 2010-6.

RESULT:	**ADOPTED [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 electrical services and/or incentives for Boomerang Tube, LLC.

At 6:43 p.m., Mayor Pickett closed the open meeting and opened the Executive Session, as authorized above.

C. Reconvene into Regular Session

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

1. Council Action 2010-17

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

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 8:40 p.m.

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

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary