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, May 11, 2010 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on May 11, 2010 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:00 PM by Mayor Carl Pickett.

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Dennis Beasley	Councilperson	Present	
Diane Huddleston	Councilperson	Present	
Mike McCarty	Mayor Pro-Tem	Present	
Al Simonson	Councilperson	Present	
Louie Potetz	Councilperson	Present	
Frank Jordan	Councilperson	Present	

II. INVOCATION

Dick Lintelman, North Main Baptist Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

A representative of the San Jacinto High Rollers Motorcycle Group 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. There were no comments from the audience.

Councilperson Huddleston made an announcement regarding the next community "Shred-It Event" to be held on May 22 from 9 a.m. until noon. This event is for the shredding of sensitive documents.

Councilperson Jordan, as Chairman of the most recent Charter Review Commission, thanked all the members for their hard work and stated that all the proposed amendments taken to the voters on May 8, 2010, had passed. Councilperson Jordan stated that he would like to thank all those individuals who voted favorably for the amendments.

City Manager Gary Broz reported on a questionnaire that had been put together for citizen input on the City's progress in various areas. Mr. Broz asked Council to make him aware of any changes or additions they felt necessary to this document.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 1659)

Proclamation - Motorcycle Safety Awareness Month

COMMENTS - Current Meeting:

Mayor Pickett read a proclamation declaring May as Motorcycle Safety and Awareness Month. Mr. Tom Foster, San Jacinto High Rollers Motorcycle Club, thanked Council for the proclamation and their concern for motorcycle safety.

B. Information Item (ID # 1660)

2010 Census Participation Report

COMMENTS - Current Meeting:

Councilperson Huddleston reported on the citizen volunteer group that worked to impart upon the community the importance of filling out the census forms. Councilperson Huddleston stated that City Secretary Dianne Tidwell co-chaired the committee with her and named the various members of the 2010 Census Complete Count Committee as follows:

Mary Anne Campbell - Liberty-Dayton Area Chamber of Commerce

Juan Venegas - Casa Don Boni Restaurant

Jay Barnes - Pastor, First United Methodist Church

Carol Skewes - The Vindicator

Cynthia Lusignolo - Liberty ISD Superintendent

Bobby Rader - Hall, Rader Insurance

Bill Buchanan - KSHN Radio, and

Wanda Grant - Liberty ISD

Councilperson Huddleston reported on the census response rate as follows:

National -	72%
Texas -	69%
Liberty Co. -	62%
City of Liberty -	73%

Councilperson Huddleston stated that the response rate is a tribute to the committee's hard work and the citizen's efforts in completing and returning the form.

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:	Frank Jordan, Councilperson
SECONDER:	Mike McCarty, Mayor Pro-Tem
AYES:	Pickett, Beasley, Huddleston, McCarty, Simonson, Potetz, Jordan

A. Minutes Approval

1. Tuesday, April 13, 2010

2. Friday, April 16, 2010

3. Thursday, April 22, 2010

4. Thursday, April 22, 2010

VII. REGULAR AGENDA

A. Regular Session

1. Resolution 2010-9

Canvass Returns of the City of Liberty General Election Held on May 8, 2010 and Take Action on a Resolution for Same.

COMMENTS - Current Meeting:

Mayor Pickett and Council canvassed the returns of the General Election and reported the race results as follows, also stating that the councilperson candidates were unopposed:

Mayor -	Carl Pickett -	357
	Dennis Beasley -	216
Councilpersons -	Louie Potetz -	358
	Mike McCarty -	337
	Frank M. Jordan -	292

A motion was made to approve the Resolution canvassing the returns of the City of Liberty General Election held on May 8, 2010, and declaring the following officials elected:

Mayor - Carl Pickett

Council Members -	Louie Potetz
	Mike McCarty
	Frank M. Jordan

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

2. Resolution 2010-10

Canvass Returns of the City of Liberty Special Election Held on May 8, 2010 and Take Action on a Resolution for Same.

COMMENTS - Current Meeting:

Mayor Pickett and Council canvassed the returns of the Special Election, held on May 8, 2010, for voter approval or disapproval of proposed amendments to the City's Home Rule Charter.

A motion was made to approve the Resolution canvassing the returns of the City of Liberty Special Election as follows:

Each of the proposed amendments were approved by the voters:

1. Section 1.03 Change of boundaries and residents' rights.

   2.b. Disannexation of territory.

   For - 438 Against - 76

2. Section 3.06 Powers of the City Council.

   For - 374 Against - 113

3. Section 3.08 Meetings of the City Council.

   For - 401 Against - 97

4. Section 3.11 Audit and examination of City books and accounts.

   For - 405 Against - 58

5. Section 4.04 Municipal Court.

   For - 459 Against - 42

6. Section 6.03 Form of recall petition.

For - 431 Against - 56

7. Section 9.12 Contingent appropriation.

For - 297 Against - 189

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

3. Information Item (ID # 1663)

Oath of Office to be Administered to Newly Elected Officials.

COMMENTS - Current Meeting:

The Oath of Office was issued by Municipal Court Judge Bobby Rader to the following newly elected officials:

Mayor Carl Pickett and Councilpersons Louie Potetz, Mike McCarty and Frank M. Jordan.

ATTACHMENTS:

- Oath of Office Form (DOC)

4. Council Action 2010-40

Elect a Mayor Pro Tem.

COMMENTS - Current Meeting:

Mayor Pickett offered Mike McCarty for nomination as Mayor Pro Tem. Motion was made to re-elect Councilperson McCarty as Mayor Pro Tem.

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

5. Council Action 2010-41

Consider Approval of Compensation to be Paid to the Election Officials for the May 8, 2010 General and Special Elections.

COMMENTS - Current Meeting:

Motion was made to authorize payment to the election officials for the May 8, 2010 General and Special Elections in the amount of $1485.00, as presented.

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

6. Council Action 2010-42

Consider Airport Advisory Board Proposals for Improvements to the Liberty Municipal Airport.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that he had been working with the Airport Advisory Board to set up a plan for future airport operations. The proposed plan for the east side of the airport includes the following:

1. 20X30 terminal building to include an office and restrooms - approximately $74,000,
2. move the fuel farm to the east side,
3. 200X50 area for terminal parking, providing twenty parking spaces, paving cost approximately $20,000,
4. 10-bay T-hangars with apron on both sides - approx. $800,000

Mr. Broz stated that this plan is set up for future growth and that the City is in receipt of $214,575 in FEMA funds and $137,000 in insurance proceeds towards this project. Further discussion included other revenue streams, fuel sales, hangar rentals for $200-$250 per month, commercial facilities, courtesy car, full-time FBO, and other related information.

Motion was made to authorize the City Manager to proceed in obtaining related costs and request funding from the LCDC for airport improvements.

ATTACHMENTS:

- Airport Operator East Side (PDF)

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

7. Council Action 2010-43

Consider Appointments to the Planning and Zoning Commission.

COMMENTS - Current Meeting:

Motion was made to reappoint those members whose terms have expired on the Planning and Zoning Commission. Those members are Larry Wagnon, and alternates Paul Damek and Mark Campbell.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Mike McCarty, Mayor Pro-Tem
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Beasley, Huddleston, McCarty, Simonson, Potetz
ABSTAIN:	Frank Jordan

8. Council Action 2010-44

Consider Appointments to the Liberty Community Development Corporation Board of Directors.

COMMENTS - Current Meeting:

Motion was made to reappoint those members whose terms expired on the LCDC Board of Directors:

Dennis Beasley, Louie Potetz, Mike Van Etta, and Billy Page.

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

9. Council Action (ID # 1668)

Consider Setting the Date, Time and Location for a City Council and Staff Work Session to Set Goals, Objectives and Action Plans.

COMMENTS - Current Meeting:

After brief discussion, concensus among management and Council was to hold a work session to establish goals and objectives for the City of Liberty, on Wednesday, May 26th at 6:00 p.m.

RESULT:	**NO ACTION TAKEN**

10. Council Action 2010-45

Consider Acceptance of Mr. Charles McGuire's Resignation from the Sam Rayburn Dam Electric Cooperative Board of Directors.

COMMENTS - Current Meeting:

Mayor Pickett commented that the Sam Rayburn Dam Electric Cooperative is a coop made up of various coops, one of which is SRMPA.

Mayor Pickett further stated that SRDEC takes electric power entitlement from the Sam Rayburn Dam and allocates it out amongst the entities. This organization meets every two years.

Motion was made to accept Mr. Charles McGuire's resignation from the Sam Rayburn Dam & Electric Cooperative.

ATTACHMENTS:

- McGuire Resig SRDEC (PDF)

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

11. Council Action 2010-46

Consider the Appointment of a City of Liberty Representative to the Sam Rayburn Dam Electric Cooperative Board of Directors.

COMMENTS - Current Meeting:

Motion was made to appoint Mayor Carl Pickett to the Sam Rayburn Dam Electric Cooperative.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Louie Potetz, Councilperson
SECONDER:	Mike McCarty, Mayor Pro-Tem
AYES:	Beasley, Huddleston, McCarty, Simonson, Potetz, Jordan
ABSTAIN:	Carl Pickett

12. Council Action 2010-47

Consider Approval of Proposed Changes to the Employee Health Insurance Plan.

COMMENTS - Current Meeting:

Lengthy discussion was held regarding proposed changes to the employee health insurance plan.

Proposed changes were as follows:

1. annual deductible will increase from $400 to $500,

2. in network, out of pocket, will increase from $2000 to $2500,

3. out of network annual deductible is $1000 & unlimited out of pocket

4. physician co-pay increases from $20 to $30,

5. employee contribution increased by 4% of the premium cost,

5. Rx co-pay will be $0 for monthly generic maintenance drugs at CVS,

6. Other drugs are $10 generic, $35 brand name and $70 brand name for 90-day supply, and $100 for specialty drugs.

There are no changes in wellness benefits, vision, dental or life insurance.

Motion was made to accept the proposed changes to the employee health insurance plan as stated.

ATTACHMENTS:

- Proposed Health Plan Changes 2010 (PDF)

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

13. Ordinance 2010-14

Consider Adoption of an Ordinance Creating Reinvestment Zone Number 2.

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, DESIGNATING A CERTAIN AREA AS A COMMERCIAL/INDUSTRIAL TAX ABATEMENT ZONE IN THE CITY OF LIBERTY, TEXAS; TO BE KNOWN AS REINVESTMENT ZONE NO. 2; ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH SECTION 3.10 OF THE HOME RULE CHARTER THAT ORDINANCES BE READ ON TWO SEPARATE DAYS."

City Attorney Randy Gunter stated that this ordinance relates to the Holiday Inn Tax Abatement and a precursor to this tax abatement agreement is the establishment of the reinvestment zone. Mr. Gunter further stated that this same ordinance was reviewed at a previous meeting, is a housekeeping issue, and recommends approval upon the second reading.

Motion was made to approve the ordinance as recommended by the City Attorney.

ATTACHMENTS:

- Reinvestment Zone 2 attachments (PDF)

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

14. Resolution 2010-8

Consider Approval of a Tax Abatement Agreement with Liberty Laxmi, Regarding Holiday Inn Express and Approve a Resolution Authorizing the Mayor to Execute Agreement.

COMMENTS - Current Meeting:

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

"A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, INDICATING ITS INTENT TO ENTER INTO A TAX ABATEMENT AGREEMENT WITH LIBERTY LAXMI, LLC.

City Attorney Randy Gunter stated that this tax abatement agreement requires minimum jobs and minimum capital investment in the property, and in return grants a three-year tax abatement as follows:

1st year - 100%

2nd year - 66%

3rd year - 33%,

and 0% thereafter.

This agreement requires the Holiday Inn to be operational and have individuals employed by December 31, 2010. The tax abatement begins January 1, 2011.

Motion was made to approve the Resolution.

ATTACHMENTS:

- Holiday Inn Tax Abatement Agmnt (PDF)

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

15. Council Action 2010-48

Consider Extension of the Substation Lease from the Sam Rayburn Municipal Power Agency.

COMMENTS - Current Meeting:

City Attorney Randy Gunter explained that this agenda item is a housekeeping issue, as in 2001 there were transactions made whereby SRMPA had funds that needed to be spent. SRMPA secured the substations in their member cities and leased them back to the various entities for a nominal fee. This agreement was entered into in 2001, but there is internal ambiguity whether the lease expired in 2005 or expires in 2011. SRMPA has asked that there be a renewal to be effective in 2005. Therefore the City retroactively agrees to extend the lease so that all members cities leases expire at the same time. Mr. Gunter further stated that there will be some amendments to the lease, in the near future, giving the City more control over the property.

Motion was made to approve the extension of the substation lease from the Sam Rayburn Municipal Power Agency.

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

16. Council Action 2010-49

Consider a Substation Lease Amendment from the Sam Rayburn Municipal Power Agency.

COMMENTS - Current Meeting:

This agenda item was passed on.

RESULT:	**NO ACTION TAKEN**

B. Executive Session

Personnel Matters. Gov. Code §551.074
Consultation With Attorney. Gov. Code §551.071

1. Discussion of the City Manager's 6-month evaluation.

The Executive Session was not held.

C. Reconvene into Regular Session

1. Council Action (ID # 1672)

Consider Any Action, as Discussed in the Executive Session, Regarding the City Manager's 6-Month Evaluation.

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 7:34 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