# 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, July 13, 2010** | **6:00 PM** | **City Council Chambers**

## I. CALL TO ORDER

The Meeting was called to order on July 13, 2010 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:05 PM by Mayor Carl Pickett.

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

## II. INVOCATION

Mr. Kevin Ladd gave the Invocation.

## III. PLEDGE OF ALLEGIANCE

Street Supt. Harvey Joiner 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.

Ms. Bennie Wells - concerns regarding utility deposits and late payments,
Ms. Loretta Dugat Baldwin - concerns regarding utility deposits, late payments, and issues regarding the upkeep and maintenance of the levee, and
Ms. Connie Paintsil - concerns regarding utility costs, deposits, and programs whereby one can donate to provide assistance to others.

## V. 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:** | Mike McCarty, Mayor Pro-Tem |
| **SECONDER:** | Diane Huddleston, Councilperson |
| **AYES:** | Pickett, Huddleston, McCarty, Simonson, Potetz, Jordan |
| **ABSENT:** | Dennis Beasley |

### *A. Minutes Approval*

**1.** Tuesday, June 08, 2010

## VI. ITEMS OF INTEREST

### A. Information Item (ID # 1748)

Comcast Channel Lineup

**COMMENTS - Current Meeting:**

City Secretary Dianne Tidwell reported that, in an effort to keep the cities they serve informed, Comcast Cable had sent information regarding revisions to the channel line-up. Ms. Tidwell stated that Comcast will also provide notification of the changes and additions to its customers.

## VII. PUBLIC HEARINGS

### 1. Public Hearing (ID # 1746)

2009 Drinking Water Quality Report

**COMMENTS - Current Meeting:**

At 6:15 p.m., Mayor Pickett opened the Public Hearing on the 2009 Drinking Water Quality Report. Water/Wastewater Operations Manager Earl McCreight reported that the City's drinking water meets and exceeds all Federal drinking water requirements, therefore, receiving a Superior Quality rating.

Mayor Pickett closed the Public Hearing at 6:16 p.m.

**ATTACHMENTS:**

- CCR 2010 (PDF)

## VIII. REGULAR AGENDA

### *A. Regular Session*

### 1. Council Action (ID # 1745)

Consider Approval of a Variance Request to Develop a Recreational Vehicle Park to be Located at 1609 Lakeland Drive.

**COMMENTS - Current Meeting:**

City Manager Gary Bro reported that the Planning & Zoning Commission had received a request for variance to place a recreational vehicle park at 1609 Lakeland Drive. Mr. Broz further reported that this location is a part of the No Recreational Vehicle Park Zone, as addressed in the Recreational Vehicle Ordinance (March, 2009) and that the request for variance was denied by the Commission.

After discussion of the proposed vehicle park and future plans for expansion and the RV ordinance and its requirements, a motion was made based on the Planning & Zoning Commission findings and City staff recommendations that the request for variance be denied.

**ATTACHMENTS:**

- Blanchard Variance Request (PDF)

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| **RESULT:** | **DEFEATED [5 TO 1]** |
| **MOVER:** | Frank Jordan, Councilperson |
| **SECONDER:** | Mike McCarty, Mayor Pro-Tem |
| **AYES:** | Pickett, Huddleston, McCarty, Simonson, Jordan |
| **NAYS:** | Louie Potetz |
| **ABSENT:** | Dennis Beasley |

### 2. Council Action 2010-67

Discuss and Take Action, If Deemed Necessary, on the City's Utility Deposit Ordinance.

**COMMENTS - Current Meeting:**

Mr. Broz explained the City's current utility service and the process by which a customer may be assessed a late fee or a deposit charged back to their account, due to payments not made in a timely manner. If payment is not made by the billing date, there will be a 10% penalty. If a bill is paid late three times in one year, the customer must pay a deposit on their account. Disabled citizens and those 65 years of age may sign up to be exempt from the late fee.

After lengthy discussion of these items, Council consensus was to change the ordinance so that a customer must pay a deposit on their account if they are on the disconnect list twice in a rolling calendar year, instead of three times in one year.

Motion was made to suspend enforcement of the current ordinance, refund those deposits collected within the last 60 days, incorporate if possible, a program by which individuals may donate on their utility bill to help those in need of assistance, and create a new ordinance incorporating the original ordinance and any amendments or related ordinances.

**ATTACHMENTS:**

- Utility Deposit Ord. (PDF)

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

### 3. Council Action 2010-68

Consider Approval of the Liberty Community Development Corporation's Proposal for Demolition of the Old Mercy Hospital, Located at 521 Travis Street.

**COMMENTS - Current Meeting:**

City Manager Gary Broz reported that the Liberty Community Development Corporation had approved a proposal whereby they would purchase the property at 521 Travis Street on which the old Mercy Hospital is located. Purchase price of this property would be $1689 in exchange for title to the property free and clear of any and all taxes owed, thereby taking control of the property. The proposal includes that the LCDC would pay 50% of the demolition cost ($113,500), with Liberty County and the Liberty Independent School District each paying 25%. LCDC, upon selling the property, would recover any additional costs related to the sale before division of the sale proceeds among the three entities.

After brief discussion of the demolition process, a motion was made to approve the purchase as stated.

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| **RESULT:** | **APPROVED [5 TO 0]** |
| **MOVER:** | Al Simonson, Councilperson |
| **SECONDER:** | Diane Huddleston, Councilperson |
| **AYES:** | Pickett, Huddleston, McCarty, Simonson, Potetz |
| **ABSTAIN:** | Frank Jordan |
| **ABSENT:** | Dennis Beasley |

### 4. Council Action 2010-69

Consider Approval of March 25 & 26 as Dates for the 2011 Liberty Jubilee.

**COMMENTS - Current Meeting:**

Motion was made to approve the dates of March 25th and 26th as dates for the 2011 Liberty Jubilee.

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

### 5. Council Action 2010-70

Consider an Appointment to the Liberty Community Development Corporation Board of Directors.

**COMMENTS - Current Meeting:**

This agenda item was passed on.

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| **RESULT:** | **NO ACTION TAKEN** |

### 6. Council Action 2010-71

Consider Approval of Advertising for Sale Various Real Properties Owned by the City of Liberty.

**COMMENTS - Current Meeting:**

City Manager Gary Broz reported that the City owned several properties that could be sold and placed back onto the tax roll. The properties discussed were:

1. Beaumont Street Utility Complex - Water & Wastewater Department
2. Tree Top Terrace - Old Neighborhood Sewer Plant - 100 X 120 Lot
3. Old Landfill - Between Hwy. 90 & FM 160 - 40+ Acres
4. Lots on Bowie and Edgewood Sts. - by Drainage Ponds
5. Trinity Street Complex - Street and Maintenance Departments
6. Plymouth Street Right-of-Way - Between Hull State Bank and Subway

Motion was made to move forward with the process to place the listed properties for sale.

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

## 7. Resolution 2010-12

Consider Approval of a Resolution Electing to Participate in the Tax Abatement Program Under Texas Tax Code 312.

**COMMENTS - Current Meeting:**

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

"A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, ELECTING TO PARTICIPATE IN THE TAX ABATEMENT PROGRAM UNDER TEXAS TAX CODE 312."

City Manager Gary Broz stated that this is part of the process that must be followed in order for the City to update its Guidelines and Criteria for Tax Abatement.

Motion was made to approve the Resolution.

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

## 8. Resolution 2010-13

Consider Approval of a Resolution Adopting Guidelines and Criteria for Tax Abatement.

**COMMENTS - Current Meeting:**

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

"A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, ADOPTING GUIDELINES AND CRITERIA FOR TAX ABATEMENT."

Motion was made to approve the Resolution.

**ATTACHMENTS:**

- Tax Abatement Guidelines and Criteria 2010 (DOC)

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

### 9. Council Action 2010-72

Consider and Adopt an Agreement for Electrical Service to Boomerang Tube, LLC.

**COMMENTS - Current Meeting:**

This agenda item was passed on.

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| **RESULT:** | **NO ACTION TAKEN** |

### 10. Ordinance (ID # 1731)

Consider and Adopt an Industrial Rate Ordinance.

**COMMENTS - Current Meeting:**

This agenda item was passed on.

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| **RESULT:** | **NO ACTION TAKEN** |

### 11. Council Action 2010-73

Discuss Citizen Response and Take Action, If Any, on Recent Customer Survey Conducted by the City of Liberty.

**COMMENTS - Current Meeting:**

City Manager Gary Broz reported that the City had recently conducted a survey in order to gather information on citizen concerns regarding various city services.

Discussion was held regarding the various portions of the survey to include customer service, park and library usage, safety issues in the community, recycling, communication, and other matters of importance to the citizens.

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| **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. 551.086

1. Discussion of industrial electric rate ordinance and electric service agreement with industrial customer.

There was no Executive Session held.

### *C. Reconvene into Regular Session*

There was no Executive Session held.

**1. Ordinance (ID # 1733)**

Consider Adoption of an Industrial Electric Rate Ordinance.

**2. Council Action (ID # 1734)**

Consider an Electric Service Agreement with an Industrial Customer.

## IX. COUNCIL MEAL

Council shared an evening meal.

## X. ADJOURNMENT

**A. Motion To:** Adjourn

**COMMENTS - Current Meeting:**

There being no further business before the Council, the meeting was adjourned at 8:30 p.m.

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

______________________________
Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary