



The City of Liberty
City Council
Special Called Meeting
~ Agenda ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, May 20, 2008

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

6:00 PM Meeting called to order on May 20, 2008 at City Council Chambers, 1829 Sam Houston, Liberty, TX.

Attendee Name	Present	Absent	Late	Arrival
Mayor Carl Pickett	..	..	..	
Councilperson Dennis Beasley	..	..	..	
Councilperson Diane Huddleston	..	..	..	
Councilperson Mike McCarty	..	..	..	
Councilperson Charles McGuire	..	..	..	
Councilperson Al Simonson	..	..	..	
Councilperson Louie Potetz	..	..	..	
Councilman Frank Jordan	..	..	..	

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Put your public wording here.

V. REGULAR AGENDA

A. Regular Agenda Items

1. Council Action 2008-17

Consider Adoption of Resolution for TxDOT STEP Grant (CIOT) Program.

FISCAL IMPACT:

This grant is funded 100% through TxDOT.

Naomi Herrington

2. Ordinance 2008-6

Consider Adoption of an Ordinance Prohibiting Certain Digital Signs in the City of Liberty.

3. Resolution 2008-13

Consider Approval of a Resolution Regarding a Moratorium on Mobile Home And/Or Manufactured Home Permitting, Placement or Relocation Within Specified Flood Zone Areas.

4. Information Item 2008-24

Presentation By, and Discussion With, the Airport Advisory Board Members Regarding Various Airport Issues.

B. Executive Session

Deliberation Regarding Economic Development Negotiations. Gov. Code §551.087.

C. Reconvene into Regular Session

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

1. Consider action, if any, on the items as discussed in the Executive Session**VI. COUNCIL MEAL****VII. ADJOURNMENT**

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 16th day of May, 2008 at 1:00 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 _____, 2008.

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 05/20/08 06:00 PM

Department: Police
Category: Grants

**SCHEDULED
COUNCIL ACTION 2008-17**

DOC ID: 1098

Discussion:**EXPLANATION:**

This is a 100% TxDOT grant, in the amount of \$4505.29, to fund overtime for enforcement of seat belt laws through the "Click It or Ticket, Buckle Up Texas" Safety Program.

Mike Cummings

FISCAL IMPACT:

This grant is funded 100% through TxDOT.

Naomi Herrington

Consider Adoption of Resolution for TxDOT STEP Grant (CIOT) Program.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, AUTHORIZING THE CITY OF LIBERTY POLICE DEPARTMENT TO SUPPORT A SELECTIVE TRAFFIC ENFORCEMENT GRANT (S.T.E.P.) FOR CLICK IT OR TICKET, BUCKLE UP TEXAS, IN THE AMOUNT OF \$4,505.29, THAT IS FULLY FUNDED/REIMBURSED BY STATE OF TEXAS DEPARTMENT OF TRANSPORTATION PER CONTRACT NO. 588XXF6062 AND CHARGE NO. 8OP09G1CJ.

WHEREAS, the City of Liberty has a documented traffic safety problem with regard to Click It or Ticket, Buckle Up safety belt compliance. The City's mission is to save lives, decrease crashes, fatalities, and injuries making the roads safer.

WHEREAS, the Liberty City Council and the Liberty Police Department are dedicated to maintaining the highest degree of safety for the motoring public in Liberty; and,

WHEREAS, there are funds available from the State of Texas Department of Transportation (TxDOT) for Comprehensive Selective Traffic Enforcement Program (S.T.E.P.), which would allot funds for the Liberty Police Department officers to work overtime during their off-duty hours in problem areas to conduct traffic enforcement in order to reduce traffic accidents and the injuries and fatalities associated with these accidents, as delineated in attached Exhibit "A"; contract attached and,

WHEREAS, this program is authorized in Chapter 723 of the Texas Transportation Code, the Traffic Safety Act of 1967 and the Highway Safety Plan for Fiscal Year 2007 and 2008.

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

SECTION 1.

That the facts and opinions in the preamble are true and correct.

SECTION 2.

That the City Council of the City of Liberty will support the Liberty Police Department in administering a Comprehensive Selective Traffic Enforcement Program Grant with 100% grant funding for the project provided by the Texas Department of Transportation and that the Mayor is herein authorized to sign the grant documents in substantially the same form attached as the contract "Exhibit A".

SECTION 3.

The effective dates for the S.T.E.P. "CLICK IT OR TICKET", SEAT BELT SAFETY Grant are May 19, 2008 to June 1, 2008, which includes pre-media and post-media campaign

dates.

SECTION 4.

That nothing in this agreement shall be interpreted as a requirement, formal or informal, that a peace officer issues a specified or predetermined number of citations and/or arrests.

SECTION 5.

That a copy of the caption of this Resolution be spread upon the minutes of the City Council.

READ, PASSED AND APPROVED on this, the ____ day of _____, 2008 at a meeting of the City Council of the City of Liberty, Texas.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 05/20/08 06:00 PM

Department: Administration
Category: Signs

ORDINANCE 2008-6

DOC ID: 1100

Consider Adoption of an Ordinance Prohibiting Certain Digital Signs in the City of Liberty.

AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS REGARDING THE PLACING OF OFF PREMISES SIGNS AND CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS WITHIN THE CITY OF LIBERTY; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

Whereas the Liberty City Council (“Council”) agrees with the American Society of Landscape Architects’ determination that outdoor advertising signs tend to deface nearby scenery, whether natural or built, rural or urban;

Whereas Council agrees with courts that have recognized that outdoor advertising signs tend to interrupt what would otherwise be the natural landscape as seen from the highway, whether the view is untouched or ravished by man, and that it would be unreasonable and illogical to conclude that an area is too unattractive to justify aesthetic improvement;

Whereas the Council has determined that outdoor advertising signs, including changeable electronic variable message signs, pose a distraction to drivers, bikers, and pedestrians from the roadway;

Whereas the city council has determined that in order to preserve and enhance the City as a desirable community in which to live and do business, a pleasing, visually attractive environment is of foremost importance; and these regulations are a highly contributive means by which to achieve this desired end and have been prepared with intent of enhancing the visual environment of the City and promoting safety and continued well-being;

Whereas the Council has determined that these regulations maintain and enhance the aesthetic environment, improve pedestrian and traffic safety, lessen unnecessary visual clutter that competes for the attention of pedestrian and vehicular traffic, regulates signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians, conserve, protect, and enhance the aesthetic quality of the City, protect property values by precluding sign-types that create a nuisance to the occupancy or use of other properties;

Whereas the Council has determined that off-premise signs, commonly known as billboards, are inconsistent with the above-stated goals;

Whereas the Council has determined that changeable electronic variable message signs (CEVMS), as defined herein, are inconsistent with the above-stated goals;

Whereas the city council finds that Section 216.902 of the Local Government Code provides for the application of its outdoor advertising sign regulations to extend into the extraterritorial jurisdiction (ETJ) of the city.

Definitions:

Changeable electronic variable message sign (CEVMS) shall mean a sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions a traffic control device and that is described and identified in the Manual on Uniform Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

Off-premise sign shall mean any sign, commonly known as a billboard, that advertises a business, person, activity, goods, products or services not located on the premises where the sign is installed and maintained, or that directs persons to a location other than the premises where the sign is installed and maintained.

On-premise sign shall mean any identifying or advertising the business, person, activity, goods, products or services sold or offered for sale on the premises where the sign is installed and maintained when such premises is used for business purposes.

Sign Code Application Area shall mean the corporate limits if the city and the area of its extraterritorial jurisdiction as defined by Section 42.021 of the Local Government Code.

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

Section 1. - Prohibition of New Off-premise Signs

That from and after the effective date, no new construction permit shall be issued for the erection of an off-premise sign, including but not limited to a new off-premise CEVMS or the conversion of an existing non-CEVMS off-premise sign to a CEVMS, within the Sign Code Application Area, which shall be the Corporate City Limits and Extraterritorial jurisdiction of the City of Liberty.

Section 2. - Prohibition of Changeable Electronic Variable Message Signs

That from and after the effective date, no CEVMS shall be allowed within the Sign Code Application Area, which shall be the Corporate City Limits and Extraterritorial jurisdiction of the City of Liberty.

Section 3. - Authorization to Execute

That the Mayor of the City of Liberty is authorized to execute and the City Secretary is authorized to attest to this Order on behalf of the City Council; and the Mayor is further authorized to do all other things legal and necessary in connection with the holding and consummation of the General Election.

Section 4. - Dispensing with Two Readings

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 5. - Effective Date

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 20th day of May, 2008.

THE CITY OF LIBERTY:

Attest:

By: Carl Pickett, Mayor

Dianne Tidwell, City Secretary

Approved as to form:

Randall Gunter
City Attorney



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 05/20/08 06:00 PM

Department: Administration
Category: Street Closure

RESOLUTION 2008-13

DOC ID: 1103

Consider Approval of a Resolution Regarding a Moratorium on Mobile Home And/Or Manufactured Home Permitting, Placement or Relocation Within Specified Flood Zone Areas.

A RESOLUTION OF THE CITY COUNCIL OF LIBERTY, TEXAS, ORDERING A 120 DAY MORATORIUM ON THE ISSUANCE OF PERMITS FOR MOBILE OR MANUFACTURED HOMES IN CERTAIN AREAS AT SUBSTANTIAL RISK FOR FLOODING.

WHEREAS, a new floodplain ordinance for the City of Liberty was recently recommended by the Federal Emergency Management Agency and adopted by the City of Liberty;

WHEREAS, city management wishes to have a period of time to consider possible adjustments to locations where mobile and manufactured homes are permitted within the city limits of the City of Liberty and its extraterritorial jurisdiction taking into account safety and planning considerations; and

WHEREAS, the safety and welfare of the citizens generally, and the protection of the property and safety of citizens wishing to place mobile or manufactured homes in an area at substantial risk of flooding are valid concerns for the City Council of the City of Liberty.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF LIBERTY THAT:

A Moratorium of permits for movement, placement, and/or installation of mobile and manufactured homes within the following geographical area shall be in place for 120 days to allow City management to consider an appropriate permanent ordinance addressing said concerns:

Special Flood Hazard Areas (SFHAs) Subject to Inundation by the 1% Annual Chance Flood, as described by the Legend of the Flood Insurance Rate Map of Liberty County, Texas and Incorporated Areas, Community Number 480441, Panel 435 (Map Number 48291C0435C), 445 (Map Number 48291C0445C), 450 (Map Number 48291C0450C), 475 (Map Number 48291C0475C) and 600 (Map Number 48291C0475C) of 675, Map Index Number 48291CIND0A, Effective Date: May 2, 2008.

AUTHORIZATION TO EXECUTE

The Mayor of the City of Liberty is authorized to execute and the City Secretary is authorized to attest to this Order on behalf of the City Council; and the Mayor is further authorized to do all other things legal and necessary in connection with the holding and consummation of the General Election.

EFFECTIVE DATE

This Order shall be effective immediately upon its approval.

PASSED, APPROVED AND RESOLVED by the City Council of the Liberty, Texas on this 20th day of May, 2008.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 05/20/08 06:00 PM

Department: Administration
Category: Presentations

INFORMATION ITEM 2008-24

DOC ID: 1101

Presentation By, and Discussion With, the Airport Advisory Board Members Regarding Various Airport Issues.

EXPLANATION:

The Airport Advisory Board members will be present to discuss with Council their plans, goals and concerns regarding the Liberty Municipal Airport.

Dianne Tidwell

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