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, September 23, 2009 **6:00 PM** **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on September 23, 2009 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. INVOCATION

Mayor Pickett dispensed with the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pickett dispensed with 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.

Ms. Sandra Pickett addressed the Council regarding the Liberty Bell and the Bell Tower; speaking in favor of rebuilding the tower on the south grounds of the Humphreys Cultural Center, and placing the bell in a ringing bell tower. As a member of the Bicentennial Commission of 1976, and former Chair of the Liberty County Historical Commission, Ms. Pickett gave a history of the bell, the bell tower, and its significance to the community. Ms. Pickett further detailed reasons for rebuilding on the original location.

V. PRESENTATIONS / REPORTS

A. Information Item 2009-57

Charter Review Commission - Frank Jordan, Chairman

COMMENTS - Current Meeting:

Frank Jordan, Chairman of the 2009 Charter Review Commission, remarked that the Commission has completed their work and presented to Council its final report. Mr. Jordan reviewed the document with Council, stating that it

had been reviewed by the City Attorney, with no objections. Mr. Jordan acknowledged the members of the Commission and thanked them for their work. This document will be brought before the Council, at the next meeting, for further review.

B. Information Item 2009-58

Salary Plan & Website Updates - Interim City Manager Larry Shaw

COMMENTS - Current Meeting:

Interim City Manager Larry Shaw remarked that the City had, prior to his arrival, retained the Waters Group to do a market salary study and job descriptions for the city. Council was asked to approve a raise package, which they did, however, in the beginning stages of implementation, management found a series of omissions and errors. Mr. Shaw

In regard to these positions, since there is no comparison, no study made, and no consideration given for these positions, leaves a question as to whether or not they are in or outside of the market. Mr. Shaw stated that he is troubled by the study and the product, and that he does not intend to implement this program until all issues are rectified. Management is working with the Waters Group to correct the situation.

Mr. Shaw also reported that the city's new website was up, had received many hits, and would be a continuous on-going project; assuring that the site remains current. Mr. Shaw remarked that any comments, suggestions, or new ideas would be welcome. Also discussed, were password protected employee pages, access to utility accounts, streaming video of council meetings, and other related issues.

C. Information Item 2009-59

Humphreys Cultural Center Expansion Project - Interim City Manager Larry Shaw

COMMENTS - Current Meeting:

Mr. Shaw remarked that there are two sets of contingency funds relative to the Humphreys Cultural Center Expansion Project; 1) 10% contingency inside the $2.4 million budget and 2) $30,000 contingency that the contractor and architect have imbedded in their contract.

Mr. Shaw reported on the current spreadsheet; which serves as a track record of intended expenditures for the expansion project. This is to be used as starting point, and will be modified, as there are other expenditures outside the scope of $2.4 million contract. Total cost is estimated at slightly over $3 million.

ATTACHMENTS:

- Humphreys CC Expansion Update Sept 09 (PDF)

VI. REGULAR AGENDA

A. Regular Session

1. Council Action 2009-83

Consider Approval to Issue ‘Notice to Terminate Contract’ with Health Claims Plus for EMS Billing and Collection Services.

COMMENTS - Current Meeting:

Fire Chief Fred Collins reported to Council that he had researched changing EMS billing and collection companies, and would like to opt out of the current contract with Health Claims Plus. Chief Collins stated that revenues would increase by making this change.

Motion was made to approve issuance of "Notice to Terminate" contract with Health Claims Plus for EMS billing and collections.

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

2. Council Action 2009-84

Consider Approval of an Agreement with A/R Concepts, Inc. for EMS Billing and Collection Services.

COMMENTS - Current Meeting:

Chief Collins reported on several changes to the contract document with A/R Concepts, Inc. for EMS billing and collection services.

Motion was made to approve a contract, subject to City Manager and City Attorney modifications, with A/R Concepts, Inc., for EMS billing and collection services.

ATTACHMENTS:

- EMS Billing Svs AR Concepts (DOC)
- EMS-AR Concept-Revisions (DOC)

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

3. Council Action 2009-85

Consider Approval of a Lease Agreement Between SUNOCO PIPELINE, LLP and the City of Liberty for Use of a Tower Located on SUNOCO Property for Police and Fire Radio Operations.

COMMENTS - Current Meeting:

Police Chief Billy Tidwell reported on an agreement whereby SUNOCO PIPELINE, INC. allows public agencies to use SUNOCO radio towers for public safety antennas. After research, it was concluded that the cost to construct a new tower and relocate equipment from the old Police Department facility, damaged during Hurricane Ike, would be $100,000. Due to the availability of the SUNOCO tower, the cost for relocating this equipment from the old police department on San Jacinto Street, reduces to $10,000. This cost includes new antennas, wiring and moving radios and repeaters. SUNOCO PIPELINE will donate the tower space.

Motion was made to approve a lease agreement with SUNOCO PIPELINE, INC. for use of a radio tower for police and fire radio operations.

At this point in the agenda, Mayor Pickett moved to the Work Session portion of the agenda; the Executive Session to follow the Work Session.

ATTACHMENTS:

- Radio Tower - Sun Oil (PDF)

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

B. Executive Session

Personnel Matters. Gov. Code §551.074.

1. Discussion of candidates for the position of City Manager.

At 8:22 p.m. Mayor Pickett closed the open meeting and opened the Executive Session, as authorized above.

C. Reconvene into Regular Session

At 9:25 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

VII. WORK SESSION

A. Work Session 2009-11

Discussion of Infrastructure Improvement Policy for Economic and Community Development.

COMMENTS - Current Meeting:

Interim City Manager Larry Shaw reported on the City's ordinance regarding a developer's responsibility to pay for infrastructure improvements for property intended for development. This ordinance states that the developer should pay for improvements to, on, and around their property. Over the past, the city itself has provided for improvements to water & sewer lines, electric, etc. Mr. Shaw reported that it is not a customary practice for municipalities to bear the cost of these improvements. Mr. Shaw stated that the developer should assume the cost of infrastructure improvements, according to current industry standards. Therefore, Mr. Shaw recommended that the ordinance be followed or that a policy be developed that is more practical, thereby avoiding unnecessary expenditures and saving city funds. Also discussed, at length, were pro rata agreements and related issues.

B. Work Session 2009-12

Discussion of Proposed Food Inspections.

COMMENTS - Current Meeting:

Mr. Shaw reported that small cities typically need to provide their own food/health/sanitary inspection process. The State currently provides this service, charging a fee to the vendor. The City could provide a permitting process, assess a fee, and conduct inspections for permanent and temporary food establishments, icluding mobile food, and roadside vendors; described as non-packaged foods.

such as reviewing plans for new or remodeled food establishments, training food servers, complaint based inspections, annual inspections of food establishments, permit suspension for issues that constitute an imminent hazard to public health, fee schedules, and other related topics. This item will be brought before the Council at a later date.

C. Work Session 2009-13

Discussion of Dispensing with Surplus Real Property.

COMMENTS - Current Meeting:

Mr. Shaw reported that there are several city-owned properties that could be placed on the market for sale, removing them from the city's area of responsibility, and getting these properties back on the tax roll. Properties discussed include the old Police Department building on San Jacinto Street, property at Bowie/Edgewood on the south side of the detention pond, west end of Holly Street on east side of the pond, and the old 60-acre landfill site on FM 1909. Management will further investigate the options for the sale of these properties.

D. Work Session 2009-14

Discussion of Proposed Ordinance Regarding Mowing Regulations.

COMMENTS - Current Meeting:

Mr. Shaw reported that many cities have mowing requirements that require the property owner to maintain their property, not only to property line, but out to the pavement. The City does not have the staff, nor the funds to maintain someone's property line to the curb.

Mr. Shaw recommended that the city's ordinance be amended to make it a requirement for property owners to maintain the land, beyond their property line, to the curb or the street. Further discussion included utility easements, consideration for drainage ditches, undeveloped property, mowing liens, and other related issues. This topic will be brought before the Council for consideration, at a later date.

E. Work Session 2009-15

Discussion of Proposed Council Rules and Procedures.

COMMENTS - Current Meeting:

Mr. Shaw reported on a proposed set of rules and procedures by which the Council could operate. This document addresses numerous issues, including council responsibilities, agenda items, time frames for public comment, council and staff relations, etc.

Mr. Shaw stated this document was brought before the Council for review, and, upon request, can be placed on a future agenda for possible adoption.

At the conclusion of this last item of the Work Session, Mayor Pickett moved to the Executive Session portion of the agenda.

ATTACHMENTS:

- Council Rules of Procedure (DOC)

VIII. COUNCIL MEAL

Council shared an evening meal.

IX. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 9:25 p.m.

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

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary