



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

Monday, December 21, 2009

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

Attendee Name	Present	Absent	Late	Arrival
Mayor Carl Pickett	..	..	..	
Councilperson Dennis Beasley	..	..	..	
Councilperson Diane Huddleston	..	..	..	
Mayor Pro-Tem Mike McCarty	..	..	..	
Councilperson Al Simonson	..	..	..	
Councilperson Louie Potetz	..	..	..	
Councilperson Frank Jordan	..	..	..	

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

V. PRESENTATIONS / REPORTS

A. Information Item 2009-75

Financial Report November 2009

B. Information Item 2009-76

Current City Projects - Electric, Water, Wastewater, Airport, Library

VI. REGULAR AGENDA

A. Regular Session

1. Council Action 2009-114

Consider Renaming Loop 146 to Veterans Memorial Highway.

- Veterans Memorial Highway (PDF)

2. Council Action 2009-115

Consider Awarding a Bid for Infrastructure Improvements to the Wastewater Treatment Plant.

- Bid Tab WWTP Imp (PDF)

3. Council Action 2009-116

Consider Appointments to the Airport Advisory Board.

4. Council Action 2009-117

Consider and Act on a Long Term City Financial Plan Including Entering into And/Or Terminating, Any Contracts with Consultants, or Entities to Assist with Long and Short Term Financial Planning.

5. Council Action 2009-118

Consider Purchase of the GM Dealership Building for the Electric Department.

VII. WORK SESSION

1. Work Session 2009-16

Discussion of the Garbage Ordinance and Requirements of Residents/Businesses to Utilize Refuse Collection Services.

- Refuse Collection Dec 09 (PDF)

2. Work Session 2009-17

Discussion of the Manufactured Home Ordinance and Model Year Requirements.

- Manufactured Home Model Year Dec 09(PDF)

VIII. COUNCIL MEAL

IX. ADJOURNMENT

Motion To: Adjourn

CERTIFICATION

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 17th day of December, 2009 at 10:00 a.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 _____, 2009.

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 12/21/09 06:00 PM

Department: Finance
Category: Reports

INFORMATION ITEM 2009-75

DOC ID: 1512

Financial Report November 2009

EXPLANATION:

Reports were emailed to Mayor and Council.

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**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 12/21/09 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM 2009-76

DOC ID: 1504

Current City Projects - Electric, Water, Wastewater, Airport, Library

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**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 12/21/09 06:00 PM

Department: Administration
Category: Misc.

COUNCIL ACTION 2009-114

DOC ID: 1507

Consider Renaming Loop 146 to Veterans Memorial Highway.

OFFICE COUNTY ANNEX
ROOM 101-102



2103 COS
PHONE 3364558
EXT 235

THE COUNTY OF LIBERTY

RICHARD A AYERS

VETERANS' SERVICE OFFICER
LIBERTY COUNTY
2103 COS STREET
LIBERTY, TEXAS 77575

2-Dec-09

From: Richard A. Ayers
Liberty County Veterans Service Officer
To: City Manager: Gary Broz
Mayor: Carl Pickett
Council Member: Mike McCarty
Council Member: Dennis Beasley
Council Member: Diane Huddleston
Council Member: Al Simonson
Council Member: Frank Jordan
Subject: Renaming of By-pass 146

It has been voiced by several citizen in naming an area or street representing a veteran or veterans who have served this country in war time era. Rather than select any one veteran, the suggestion on renaming the 146 By-pass to **VETERANS MEMORIAL HIGHWAY** has come to the forefront. I support that idea and would like to get the City of Liberty's support to make this happen. By renaming it to the suggested name, this should not cause any concern to the changing of addresses.

If you, as the city's representatives, will support the renaming of the 146 By-pass to Veterans Memorial Highway, that will be a great showing of our love, care and concern for all who have either risk or lost their lives supporting this country. Please consider this and we can continue up the chain to make this happen.

Respectfully Submitted

Richard A. Ayers

Attachment: Veterans Memorial Highway (CA-2009-114 : Veterans Memorial Highway)

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 12/21/09 06:00 PM

Department: Administration
Category: Bids

COUNCIL ACTION 2009-115

DOC ID: 1505

Consider Awarding a Bid for Infrastructure Improvements to the Wastewater Treatment Plant.

December 16, 2009

Mr. Gary Broz, City Manager
City of Liberty
1829 Sam Houston
Liberty, Texas 77575

Re: City of Liberty CWSRF No. 72124
Wastewater Treatment Plant Improvements
Recommendation of Award

Dear Mr. Broz,

Bids were received on December 15, 2009 for the above referenced project. The attached bid tabulation indicates the unit prices and total bids from all Bidders.

Upon evaluation of all bids received, should the City elect to move forward with the project, it is our recommendation that award be made to Allco, in the amount of the base bid of \$2,945,800.00.

Should you have any questions or comments, please do not hesitate to call.

Sincerely,
SCHAUMBURG & POLK, INC.



Steve J. Jordan, P.E.
Project Manager

**BID TABULATION
CITY OF LIBERTY
LIBERTY COUNTY, TEXAS
WASTEWATER TREATMENT PLANT CWSRF 2007
BID OPENING DATE: TUESDAY, DECEMBER 15, 2009**

Item	Qty	Unit	Description	Alco Post Office Box 3684 Beaumont, Texas 77704		T & C Construction, Ltd. 5411 Killough Houston, Texas 77086-4011		JTR Constructors, Inc. 4716 Green Trail Houston, Texas 77084		Placo, Ltd. Post Office Box 8120 Lumberton, Texas 77657-0120		Reytec Construction Resources, Inc. 1901 Hollister Houston, Texas 77080		Peltier Brothers Construction, Inc. 11603-B Windfern Houston, Texas 77064	
				Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total
1.	1	LS	Mobilization costs, including payment bond, performance bond, insurance, job trailer, & moving equipment to project, all in strict accordance with plans & specifications; NOT TO EXCEED 3% OF TOTAL PROJECT BID for	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$102,000.00	\$102,000.00	\$115,910.48	\$115,910.48	\$69,000.00	\$69,000.00	\$60,648.00	\$60,648.00
2.	1	LS	Furnish all labor, materials, tools, & equipment to construct the WASTEWATER TREATMENT PLANT IMPROVEMENTS and/or modifications, for a complete and operable wastewater treatment facility including yard piping; electrical; site improvements; earthwork; reinforced concrete structures; equipment; piping, fitting, & valves; electrical wiring, electrical controls; temporary treatment; and all other necessary appurtenances and/or improvements; all in strict accordance with plans & specifications for	\$2,800,000.00	\$2,800,000.00	\$3,180,000.00	\$3,180,000.00	\$3,200,600.00	\$3,200,600.00	\$3,650,940.33	\$3,650,940.33	\$3,800,000.00	\$3,800,000.00	\$3,911,753.00	\$3,911,753.00
3.	800	LF	Trench Safety System in accordance with the Technical Specification Item 2010 for,	\$1.00	\$800.00	\$2.00	\$1,600.00	\$1.00	\$800.00	\$2.29	\$1,832.00	\$1.00	\$800.00	\$0.00	\$0.00
4.	1	LS	Allowance for Groundwater Control, as approved by Engineer, all in strict accordance with the plans and specifications for,	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00
5.		LS	Allowance for Grit Removal from existing units, as approved by Engineer, all in strict accordance with the plans and specifications for,	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00
6.	1	LS	Allowance for modifications to the existing clarifier mechanism, not included with basic items, as approved by Engineer, all in strict accordance with the plans and specifications for,	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00
TOTAL					\$2,945,800.00	*	\$3,326,600.00		\$3,398,400.00		\$3,863,682.81		\$3,964,800.00	**	\$4,067,401.00
Bonding Company Information				YES		YES		YES		YES		YES		YES	
Bid Bond				YES		YES		YES		YES		YES		YES	
Qualification Statement/Financial Statement				YES		YES		YES		YES		YES		YES	
Non-Collusion Affidavit				YES		YES		YES		YES		YES		YES	
Acknowledge Addendum No. 1-3				YES		YES		YES		YES		YES		YES	

The Bid Proposals submitted have been reviewed, and to the best of my knowledge this is an accurate tabulation of the Bids received.

* Bid Proposal amount not expressed in written language - numbers only.

** Bid Breakdown only in Bid Package.

Signature



12-16-09
Date

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 12/21/09 06:00 PM

Department: Administration
Category: Board Appointments

COUNCIL ACTION 2009-116

DOC ID: 1506

Consider Appointments to the Airport Advisory Board.

EXPLANATION:**Airport Advisory Board Membership Requirements:**

- 1) the Board will consist of 8 members,
- 2) Membership may include 2 "non-resident" members, and
- 3) 1 member will be a Councilperson or member of management.

Current Board Members:

Sheryl Mayo	Dale Clawson	E.B. Neuman
Charles Grabein	Chet Tims	Mike McCarty
Tracy Williams	Linda DuBois	

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 12/21/09 06:00 PM

Department: Administration
Category: Financial Issues

COUNCIL ACTION 2009-117

DOC ID: 1508

**Consider and Act on a Long Term City Financial Plan
Including Entering into And/Or Terminating, Any Contracts
with Consultants, or Entities to Assist with Long and Short
Term Financial Planning.**

EXPLANATION:

With numerous projects currently underway, and other projects requiring attention, it is critical to have a plan for the City, to protect the fund balances. We also need to set up reserve, restricted, and other accounts; and the City needs assistance in designing this overall financial plan. Management would like to discuss, with Council, the steps to take in order to reach this goal.

Gary Broz

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 12/21/09 06:00 PM

Department: Administration
Category: Property Acquisition

COUNCIL ACTION 2009-118

DOC ID: 1509

Consider Purchase of the GM Dealership Building for the Electric Department.

EXPLANATION:

This purchase is scheduled to close on Tuesday, December 22nd. The Liberty Community Development Corporation will be meeting on Thursday, December 17th, to discuss interim financing for this purchase, until FEMA funds are received. Management needs direction from Council, on how to proceed.

Gary Broz

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**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 12/21/09 06:00 PM

Department: Administration
Category: Garbage Collection & Related Issues

WORK SESSION 2009-16

DOC ID: 1510 A

Discussion of the Garbage Ordinance and Requirements of Residents/Businesses to Utilize Refuse Collection Services.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. _____, 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.

WHEREAS, by adoption of previous ordinances, The City Council of the City of Liberty, Texas detailed the appropriate procedures for the collection of refuse within the corporate limits; and

WHEREAS, the City Council of the City of Liberty, Texas, finds it to be in the public interest to amend the ordinance and require all residents and businesses to utilize and make payments for refuse collection services.

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

Section 1: Section 13-17 of the Code of Ordinances of the City of Liberty is amended to read as follows:

Sec. 13-17. Collection by city; exceptions

All refuse accumulated in the city shall be collected, conveyed and disposed of by the city. No person shall collect, convey over any of the streets or alleys of the city or dispose of any refuse accumulated in the city. Each residence or business within the city shall be required to utilize the City of Liberty Trash Services and pay to the City of Liberty a monthly fee for the collection and proper disposal of garbage produced by the residences and businesses regardless of usage. However, this chapter shall not prohibit:

- (1) The actual producers of refuse or the owners of premises upon which refuse has accumulated, from personally collecting, conveying and disposing of such refuse, provided such producers or owners comply with the provisions of this chapter and with any other governing law or ordinances.
- (2) Collectors of refuse from outside the city from hauling such refuse over city streets, provided such collectors comply with the provision of this chapter and with any other governing law or ordinances.

Section 2: Section 13-20 of the Code of Ordinances of the City of Liberty is amended to read as follows:

Sec. 13-20. Charges for collection

- (a) *Generally.* Each residence or business within the City shall be required to pay a monthly fee for the collection and proper disposal of garbage produced by the residences and businesses regardless of usage.
- (b) *Fees.* The fees for collection of refuse and for use of the city's sanitary landfill shall be as established from time to time by the city council.
- (c) *Residential.* Each dwelling unit shall be considered a residential establishment even though such dwelling unit may be a part of an apartment or duplex.
- (d) *Commercial.* Regularly scheduled commercial pickups shall be computed on four and thirty-three one-hundredths (4.33) weeks per month.

Section 3: 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 days is hereby dispensed with.

Section 4: 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 _____ day of _____, 2009.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 12/21/09 06:00 PM

Department: Administration
Category: Manufactured Home Ordinance

WORK SESSION 2009-17

DOC ID: 1511 A

Discussion of the Manufactured Home Ordinance and Model Year Requirements.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 684, AS AMENDED; TO PROVIDE NEW REQUIREMENTS FOR MANUFACTURED HOME LOTS; 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.

WHEREAS, the City Council of the City of Liberty, Texas, finds it to be in the public interest to require that all new or replacement manufactured homes located in the non-restricted area be no more than ten (10) model years of age older than the current model year; and

WHEREAS, the City Council of the City of Liberty, Texas, finds it to be in the public interest to require that all new or replacement manufactured homes located in the non-restricted area satisfy the HUD code requirements.

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

Section 1

Any new or replacement manufactured home located in the non-restricted area of the City of Liberty must be no more than ten (10) model years of age older than the current model year, and must satisfy the HUD code requirements.

Section 2

It is the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 3

The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances, currently in force or hereafter enacted, governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

Section 4

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 days is hereby dispensed with.

Section 5

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 _____ day of _____, 2009.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary