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

Monday, December 21, 2009 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on December 21, 2009 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:00 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.

Mayor Pickett, on behalf of the Council, wished everyone a Merry Christmas.

City Manager Gary Broz introducted his wife, Georgia.

David Santoy addressed the Council requesting the construction of a skate park, which would provide a fun and safe place for young people to expend their energy. Mr. Santoy presented Council with a list of 250 people that support his endeavor.

V. PRESENTATIONS / REPORTS

A. Information Item 2009-75

Financial Report November 2009

COMMENTS - Current Meeting:

City Manager Gary Broz and Finance Director Naomi Herrington reported on the November financials, with the use of a powerpoint presentation. Lengthy discussion included review of the various funds and their current status, sales tax figures, cash balances, FEMA project worksheets and payments, a hold on capital purchases, and other related issues. Mr. Broz reported to Council, for their information, that budget figures could be divided by 12 or 365, reflecting a cost is $60,817 to open the doors and operate each day.

Other topics reviewed were the approval of the demolition of the power plant but, with funds not yet received, FEMA close-out audit, and the approximately one million dollars still owed to the City, by FEMA, which will be paid at the completion of this audit. Also discussed was a organizational chart and review of all employee positions.

B. Information Item 2009-76

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

COMMENTS - Current Meeting:

City Manager Gary Broz reviewed the following current city projects:

- SECO funds available, through the Comptroller's Office, in the amount of $35,000 for energy conservation. The city is compiling an energy plan to apply for replacement of HVAC units in several city facilities, and for pumps to upgrade lift stations for an economic development project. There is no City match to these funds. There is the possibility of another allocation of funds.

- Demolition of the Power Plant facility approved, working on specifications for the demo of this project

- TxDOT Airport Capital Improvement Program which includes rehabilitating the runway, aprons, taxiway, drainage improvements, and relocating the electric vault. The engineer's cost estimate is $785,000; the city's 10% match has already been paid to TxDOT. These items go to bid in January, 2010.

- Spreadsheet from Schaumburg & Polk on various projects:

$8.1 million Water Development Board Project - engineering fees, construction costs, administrative costs, etc. relative to wastewater treatment plant improvements. After acceptance of the bid, there is $3,421,000 remaining out of the $8.1 million.

S&P working on SSES report relative to the collection system, info to be sent to the Water Development Board and TCEQ in January.

S&P ready to report on the Water System Analysis and Hardin/Ames Wastewater Audit, and continuing work on an economic development project for the City.

- Community Development Block Grant Round 1 Disaster Funds - 2, 025,000 awarded, but not yet funded, for a Fire Department generator, power poles, and pumps for various lift stations.

- Community Development Block Grant Round 2 Disaster Funds - reviewed list of items submitted including fire department substation, police station, more electric poles, bell tower, hangars and other items for a total of $4,347,000.

- Humphreys Cultural Center Expansion Project - The City has currently paid 1.6 million to the contractor, is staying within the budget with change orders, and the project is approximately 73% complete.

- LCDC - started process and awarded to Schaumburg & Polk the Jefferson Drive extension project.

Other projects mentioned were the property purchase for the Fire Department Substation soon to be closed on, demolition of the Mercy Hospital and new Police Department, still working with economic development prospect that spent $2.2 million to locate here, and looking at cost savings to the city's health insurance program.

VI. REGULAR AGENDA

A. Regular Session

1. Council Action 2009-114

Consider Renaming Loop 146 to Veterans Memorial Highway.

COMMENTS - Current Meeting:

Mr. Richard Ayers, Liberty County Veterans' Service Officer was present to address the Council in regard to renaming the Bypass, from Hwy. 90 to Hwy. 146, (Veterans Memorial Highway). Mr. Ayers stated that this would be a way to honor those that have served our country. Discussion involved concerns regarding address changes, cost of street signage, a Resolution from the City supporting this project, a letter of support from the Chamber of Commerce, and other related issues.

After lengthy discussion, City Manager Gary Broz recommended that city management, the Chamber of Commerce, and Mr. Ayers gather additional information, form an action plan, and return to Council with a Resolution in support of this project.

There was no formal action taken on this agenda item.

ATTACHMENTS:

- Veterans Memorial Highway (PDF)

2. Council Action 2009-115

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

COMMENTS - Current Meeting:

Mr. Steve Jordan, Schaumburg & Polk was present to address the recent bid opening of December 15, 2009 for improvements to the Wastewater Treatment Plant. Mr. Jordan reported that the low bid was from Allco, Beaumont, Texas, in the amount of $2,945,800. Mr. Jordan and Mr. Broz commented that each had previous experience and a good working relationship with this company. Mr. Jordan recommended the award to Allco, also stating that the bid documents will be reviewed and must be approved by the Texas Water Development Board.

Further discussion included that construction may begin in 60 days and the project completion date is 365 days. Additional discussion included the financial and experience packet submitted by the contractor, which Mr. Jordan will email to Council for their review.

Motion was made to award the bid to Allco, contingent upon approval by the Texas Water Development Board.

ATTACHMENTS:

- Bid Tab WWTP Imp (PDF)

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

3. Council Action 2009-116

Consider Appointments to the Airport Advisory Board.

COMMENTS - Current Meeting:

Mayor Pickett reported that at the Council Meeting of December 8, 2009, the Airport Advisory Board was reinstituted for two years; the Board to disband December 31, 2011. After discussion of various individuals to fill the eight positions on this Board, two of whom may be non-residents, a motion was made to reappoint those members willing to reserve and three new members as follows:

Charles Grabein

Mike McCarty

Dale Clawson

Linda DuBois - Non Resident

Chet Tims

Darrell Taylor

David Lawrence

Bill Sjolander - Non Resident

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

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.

COMMENTS - Current Meeting:

City Manager Gary Broz addessed Council regarding the need for a long and short term financial plan for the City. Mr. Broz reported on the necessity for a debt management plan, fixed assets plan, reserve accounts, and new funds that may need to be set up. Mr. Broz requested permission to cancel the business relationship with the current financial advisor and bring in a new candidate that can assist in establishing these plans and achieving these goals.

Motion was made to authorize the City Manager to terminate the contract with current financial advisor, Mr. Jim Gilley, Coastal Securities.

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

5. Council Action 2009-118

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

COMMENTS - Current Meeting:

City Attorney Randy Gunter reported that previously Council had voted to authorize the Mayor to execute a purchase and sale contract for the GM Dealership facility at 1100 N. Main Street. This contract has been executed. Mr. Gunter stated that due to recent financial trends and some of Council's financial concerns in recent weeks, it was prudent to bring this item back to Council.

Earlier, this day, the LCDC voted to provide interim financing, in the amount of $495,000, to the City to fund this project at an interest rate of prime, plus one, for a period of one year. If FEMA approves the use of the facility for the Electric Department, upon receipt of those funds, the money could be repaid to the LCDC. At the end of one year, if a there is a necessity to extend this time period, the LCDC would be agreeable to that extension. Relative documents include a Note to LCDC, a Deed of Trust, and a deed to the City from L-D Real Estate, LTD.

Motion was made that the City purchase the property at 1100 N. Main Street, formerly known as the GM Dealership, for $496,000; and that Mayor Pickett be authorized to execute a Note and a Deed of Trust in the amount of $495,000 in favor of the Liberty Community Development Corporation in order to provide interim financing at an annual interest rate of prime, plus 1% for one year. The motion also further moved that Mayor Pickett be authorized to sign any other documents required to complete the purchase of the referenced property.

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

VII. WORK SESSION

1. Work Session 2009-16

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

COMMENTS - Current Meeting:

Finance Director, Naomi Herrington reported that the City currently has an ordinance in place regarding the City being responsible for trash collection, within the City. After review of this document, it was discovered that it does not make reference that each resident or business is required to use the service provided by the City.

The amended ordinance states that all utility account holders shall pay for garbage collection service, to the City of Liberty. Further discussion included multiple business account holders being charged only one garbage fee, multi-family dwellings, roll-off containers, remodeling materials, Waste Management contract, and other related topics.

ATTACHMENTS:

- Refuse Collection Dec 09 (PDF)

2. Work Session 2009-17

Discussion of the Manufactured Home Ordinance and Model Year Requirements.

COMMENTS - Current Meeting:

Mr. Broz reported that the proposed ordinance amends Section 1 to state that a manufactured home brought into the City of Liberty be ten model years of age or newer.

Discussion included model years of age, appearance, three-year, one time change out in an area where not approved to place a manufactured home, FEMA trailers, and other relative topics.

ATTACHMENTS:

- Manufactured Home Model Year Dec 09 (PDF)

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 8:14 p.m.

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

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary