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, August 24, 2010 | **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 (ID # 1788)

Proposed Electric/Water Meter Change-Out Program.

B. Information Item (ID # 1786)

Financial Report July 2010 - Finance Director Naomi Herrington

C. Information Item (ID # 1787)

Recycling Report - Councilperson Huddleston

VI. REGULAR AGENDA

A. Regular Session

1. Council Action (ID # 1785)

Consider Authorizing the City Manager to Execute an Engagement Letter for City Audit Services with Swaim, Hanagriff & Associates.

- 2010 Audit Engagement Letter.txt (PDF)

2. Council Action (ID # 1797)

Consider an Agreement Between the City of Liberty and Liberty County, Texas Regarding Disbursement of Forfeited Proceeds.

- City&County Seizure Proceeds (PDF)

3. Resolution (ID # 1799)

Consider a Resolution to Enter into a Contract for Solid Waste Collection and Disposal Services and Authorize the Mayor to Execute Same.

4. Ordinance (ID # 1800)

Consider an Ordinance Establishing Fees Charged by the City of Liberty for the Collection and Disposal of Garbage and Rubbish.

5. Council Action (ID # 1793)

Consider Award of Assorted Fire Department Equipment.

6. Council Action (ID # 1790)

Consider Authorizing the City Manager to Negotiate a Contract Between the City of Liberty and INCODE for Law Enforcement Software.

- INCODE Proposal PD 2010 (PDF)

7. Council Action (ID # 1789)

Consider Authorizing the City Manager to Execute a Contract with Combs Consulting Group for City IT Services.

8. Council Action (ID # 1791)

Consider Authorizing the City Manager to Execute an Agreement for Records Retention Services.

9. Council Action (ID # 1792)

Consider Authorizing the City Manager to Execute a Professional Services Agreement for a Legal Review and Re-Codification of the City's Code of Ordinances.

- Recodification Cost (XLS)

10. Public Hearing (ID # 1794)

Proposed Budget for Fiscal Year 2010-2011.

11. Council Action (ID # 1795)

Consider Postponement of Final Vote on the FY 2010-2011 Budget Until September 14, 2010.

12. Public Hearing (ID # 1796)

Proposed Tax Rate for Fiscal Year 2010-2011.

B. Executive Session

Consultation With Attorney. Gov. Code 1551.071
Pending/Contemplated Litigation - Administrative Appeal

C. Reconvene into Regular Session

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

VII. WORK SESSION

1. Work Session (ID # 1798)

Discussion of Proposed Budget for Fiscal Year 2010-2011.

VIII. COUNCIL MEAL

IX. 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 20th day of August, 2010 at 11:00 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 ____________________, 2010.

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 08/24/10 06:00 PM

Department: Administration
Category: Presentations

INFORMATION ITEM (ID # 1788)

DOC ID: 1788

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 08/24/10 06:00 PM

Department: Finance
Category: Reports

INFORMATION ITEM (ID # 1786)

DOC ID: 1786

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 08/24/10 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 1787)

DOC ID: 1787

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 08/24/10 06:00 PM
Department: Finance
Category: Fiscal Year Audit

COUNCIL ACTION (ID # 1785)

DOC ID: 1785

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SWAIM, HANAGRIFF & ASSOCIATES, PC

CERTIFIED PUBLIC ACCOUNTANT

August 17, 2010

City of Liberty
Attn: Mrs. Naomi Herrington
1829 Sam Houston
Liberty, Texas 77575

Dear Mrs. Herrington:

We are pleased to confirm our understanding of the services we are to provide the City of Liberty, Texas (the City) for the year ended September 30, 2010. We will audit the financial statements of the governmental activities, the business-type activities, and each major fund, which collectively comprise the basic financial statements of the City of Liberty, Texas as of and for the year ended September 30, 2010. Accounting standards generally accepted in the United States provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to accompany the City's basic financial statements. As part of our engagement, we will apply certain limited procedures to the City's RSI. These limited procedures will consist principally of inquiries of management regarding the methods of measurement and presentation, which management is responsible for affirming to us in its representation letter. Unless we encounter problems with the presentation of RSI or with procedures relating to it, we will disclaim an opinion on it. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

2804 JEFFERSON DRIVE

LIBERTY, TEXAS 77575

FAX(936)336-9755

(936)336-7205

1. Management's Discussion and Analysis.
2. Budgetary comparison schedules.
3. Schedule of funding progress for the pension fund.

Supplementary information other than RSI also accompanies the City's basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and will provide an opinion on it in relation to the basic financial statements:

1. Schedule of expenditures of federal awards.
2. Other supplemental schedules.

AUDIT OBJECTIVE

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the additional information referred to in the first paragraph when considered in relation to the basic purpose financial statements taken as a whole. The objective also includes reporting on—

- Internal control related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.

- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

The reports on internal control and compliance will each include a statement that the report is intended solely for the information and use of management, the body or individuals charged with governance, others within the entity specific legislative or regulatory bodies, federal awarding agencies, and if applicable, pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

Our audit will be conducted in accordance with generally accepted auditing standards established by the Auditing Standards Board (United States); the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of OMB Circular A-133, and will include tests of accounting records, a determination of major program(s) in accordance with OMB Circular A-133, and other procedures we consider necessary to enable us to express such opinions and to render the required reports. If our opinions on the financial statements or the Single Audit compliance opinions are other than unqualified, we will fully discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

MANAGEMENT RESPONSIBILITIES

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. Management is also responsible for preparation of the schedule of expenditures of federal awards in accordance with the requirements of OMB Circular A-133. As part of the audit, we will prepare a draft of your financial statements, schedule of expenditures of federal awards, and related notes. You are responsible for making all management decisions and performing all management functions relating to the financial statements, schedule of expenditures of federal awards, and related notes and for accepting full responsibility for such decisions. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and the schedule of expenditures of federal awards and that you have reviewed and approved the financial statements, schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you are required to designate an individual with suitable skill, knowledge, or experience to oversee any nonaudit services we provide and for evaluating the adequacy and results of those services and accepting responsibility for them. Nonaudit services will include assistance in the preparation of financial statements, schedule of expenditures of federal awards, trial balances, and depreciation schedules.

Management is responsible for establishing and maintaining internal controls, including internal controls over compliance, and for monitoring ongoing activities, to help ensure that appropriate goals and objective are met. You are also responsible for the selection and application of accounting principles; and for the fair presentation in the financial statements of the financial position of the governmental activities, the business-type activities, and each major fund and the respective changes in financial position and where applicable, cash flows in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for ensuring that management and financial information is reliable and properly recorded. Your responsibilities also include, identifying significant vendor relationships in which the vendor has responsibility for program compliance and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan.

Management is responsible for establishment and maintenance of a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous audits or other engagements or studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits or other engagements or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

AUDIT PROCEDURES – GENERAL

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because an audit is designed to provide reasonable, but not absolute assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, creditors, and financial institutions. We will request written representation from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

AUDIT PROCEDURES – INTERNAL CONTROL

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards.*

As required by OMB Circular A-133, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify deficiencies. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under professional standards, *Government Auditing Standards,* and OMB Circular A-133.

AUDIT PROCEDURES—COMPLIANCE

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City's compliance with applicable laws and regulations and the provisions of contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards.*

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the OMB Circular A-133 Compliance Supplement for the types of compliance requirements that could have a direct and material effect on each of the City's major programs. The purpose of these procedures will be to express an opinion on the City's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133.

AUDIT ADMINISTRATION, FEES, AND OTHER

We understand that your employees will prepare certain schedules and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Date Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies of our report for you to include with the reporting package you will submit to pass-through entities. The Date Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits.

The audit documentation for this engagement is the property of Swaim, Hanagriff & Associates, P.C. and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to your cognizant agency or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of firm personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release or for any additional period requested by your cognizant agency. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately September 15, 2010 for preliminary testing, and to issue our reports no later than January 31, 2011. Lee Ann Brents is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. Our fee for these services will be at our standard hourly rates plus out-of-pocket costs. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered at the conclusion of the audit and are payable upon presentation.

Government Auditing Standards requires that we provide you with a copy of our most recent external peer review reports and any letters of comment received during the period of the contract. Our 2008 peer review report accompanies this letter.

We appreciate the opportunity to be of service to the City of Liberty, Texas and believe this letter accurately summarizes the significant terms of our engagement. If you have

S W A I M , H A N A G R I F F & A S S O C I A T E S , P C

CERTIFIED PUBLIC ACCOUNTANTS

any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

Swaim, Hanagriff & Associates, P.C.

RESPONSE:

This letter correctly sets forth the understanding of the City of Liberty, Texas

By: ______________________

Title: ______________________

Briggs & Veselka Co.
A PROFESSIONAL CORPORATION
Certified Public Accountants and Business Advisors

To the Shareholders
Swaim, Hanagriff & Associates, P.C.

We have reviewed the system of quality control for the accounting and auditing practice of Swaim, Hanagriff & Associates, P.C. (the firm) in effect for the year ended February 29, 2008. A system of quality control encompasses the firm's organizational structure, the policies adopted and procedures established to provide it with reasonable assurance of conforming with professional standards. The elements of quality control are described in the Statements on Quality Control Standards issued by the American Institute of Certified Public Accountants (AICPA). The firm is responsible for designing a system of quality control and complying with it to provide the firm reasonable assurance of conforming with professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance with its system of quality control based on our review.

Our review was conducted in accordance with standards established by the Peer Review Board of the AICPA. During our review, we read required representations from the firm, interviewed firm personnel and obtained an understanding of the nature of the firm's accounting and auditing practice, and the design of the firm's system of quality control sufficient to assess the risks implicit in its practice. Based on our assessments, we selected engagements and administrative files to test for conformity with professional standards and compliance with the firm's system of quality control. The engagements selected represented a reasonable cross-section of the firm's accounting and auditing practice with emphasis on higher-risk engagements. The engagements selected included among others, engagements performed under *Government Auditing Standards*. Prior to concluding the review, we reassessed the adequacy of the scope of the peer review procedures and met with firm management to discuss the results of our review. We believe that the procedures we performed provide a reasonable basis for our opinion.

In performing our review, we obtained an understanding of the system of quality control for the firm's accounting and auditing practice. In addition, we tested compliance with the firm's quality control policies and procedures to the extent we considered appropriate. These tests covered the application of the firm's policies and procedures on selected engagements. Our review was based on selected tests, therefore, it would not necessarily detect all weaknesses in the system of quality control or all instances of noncompliance with it. There are inherent limitations in the effectiveness of any system of quality control and, therefore, noncompliance with the system of quality control may occur and not be detected. Projection of any evaluation of a system of quality control to future periods is subject to the risk that the system of quality control may become inadequate because of changes in conditions, or because the degree of compliance with the policies or procedures may deteriorate.

HOUSTON OFFICE 713.667.9147 Tel. ▪ 713.667.1697 Fax
6575 West Loop South, Suite 700 ▪ Bellaire, Texas 77401 ▪ www.bvccpa.com

To the Shareholders
Swaim, Hanagriff & Associates, P.C.
Page 2

In our opinion, the system of quality control for the accounting and auditing practice of Swaim, Hanagriff & Associates, P.C. in effect for the year ended February 29, 2008, has been designed to meet the requirements of the quality control standards for an accounting and auditing practice established by the AICPA and was complied with during the year then ended to provide the firm with reasonable assurance of conforming with professional standards.

As is customary in a system review, we have issued a letter under this date that sets forth comments that were not considered to be of sufficient significance to affect the opinion expressed in this report.

Briggs & Veselka Co.

Briggs & Veselka Co.
A Professional Corporation
Certified Public Accountants

September 3, 2008

Briggs & Veselka Co.
A PROFESSIONAL CORPORATION
Certified Public Accountants and Business Advisors

Shareholders
Swaim, Hanagriff & Associates, P.C.

We have reviewed the system of quality control for the accounting and auditing practice of Swaim, Hanagriff & Associates, P.C. (the firm) in effect for the year ended February 29, 2008, and have issued our report thereon dated September 3, 2008. That report should be read in conjunction with the comment in this letter, which was considered in determining our opinion. The matter described below was not considered to be of sufficient significance to affect the opinion expressed in that report.

Comment – The firm's quality control policies and procedures require that the audit Partner review each engagement prior to release. However, we noted instances where documentation was missing or incomplete. The missing or incomplete documentation included the rationale for not observing inventory and the related alternative procedures performed by the firm to verify the physical inventory quantities. Also, required documentation related to a major program was missing in an audit. The incomplete or missing documentation did not cause the engagements to be considered substandard.

Recommendation – The Partner should exercise more care in the review of engagements, and should comply with the policy requiring a thorough review prior to release.

Briggs & Veselka Co.

Briggs & Veselka Co.
A Professional Corporation
Certified Public Accountants

September 3, 2008

HOUSTON OFFICE 713.667.9147 Tel. ■ 713.667.1697 Fax
6575 West Loop South, Suite 700 ■ Bellaire, Texas 77401 ■ www.bvccpa.com

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 08/24/10 06:00 PM

Department: Administration
Category: Financial Issues

COUNCIL ACTION (ID # 1797)

DOC ID: 1797

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AGREEMENT BETWEEN THE CITY OF LIBERTY AND LIBERTY COUNTY, TEXAS REGARDING DISBURSEMENT OF FORFEITED PROCEEDS

Happy Chaps (Exxon) May 20, 2010

WITNESSETH:

WHEREAS, the City of Liberty Police Department and the Liberty County Attorney's Office, participated in the investigation, search, seizure, arrests and prosecution of criminal charges filed against Shuaib Arif Bajwa for Possession of Gambling Device at Happy Chaps (Exxon), in Liberty County, Texas;

WHEREAS, on May 20, 2010 money and property were seized from Happy Chaps (Exxon) pursuant to a duly authorized warrant; and

WHEREAS, on June 15, 2010 by Order of Forfeiture signed by Judge Don Taylor, of the County Court at Law, Liberty County, Texas in Cause No. 93894: 1.) gambling proceeds $5,905.00 and gambling devices (7 mother boards) were forfeited to the Liberty County Attorney's Office to be disbursed or used for any lawful purpose; and 2.) the gambling devices were to be destroyed or disposed of; and

WHEREAS, the City of Liberty, Texas and the City of Liberty Police Department, and Liberty County, Texas and the Liberty County Attorney's Office desire to act according to the Court's Order and enter into and memoralize an Agreement regarding the interagency disposition of said proceeds now held in a seizure account with the City of Liberty Police Department, in accordance with Section 18 of the Texas Code of Criminal Procedure; and

WHEREAS, the City Council of the City of Liberty, Texas desires to give authorization for said interagency disposition and disbursement according to said Court Order;

WHEREAS, the Commissioners Court of Liberty County, Texas desires to give authorization for said interagency disposition and disbursement according to said Court Order;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS AND THE COMMISSIONERS COURT OF LIBERTY COUNTY, TEXAS THAT:

Said City Council and Commissioners Court authorize the disposition of any and all proceeds seized and described above which are awarded to the State as provided by law and disbursed as follows:

A. The City of Liberty Police Department is hereby awarded $4,428.75 (being 75% of $5,905.00) plus 25% of any interest accrued from the described seizure; and

B. The Liberty County Attorney's Office is hereby awarded $1,476.25 (being 25% of $5,905.00) plus 25% of any interest accrued from the described seizure; and

RESOLVED, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, this_____ day of _____________, 2010.

Carl Pickett
Mayor, City of ~~Cleveland~~ Liberty

City Secretary
City of Liberty

Billy Tidwell
Chief of Police
City of Liberty

RESOLVED, PASSED AND APPROVED BY THE COMMISSIONERS COURT OF LIBERTY COUNTY, TEXAS, this 27 day of July, 2010.

Phil Fitzgerald
County Judge, Liberty County, Texas

Delia Sellers
Liberty County Clerk

Wesley N. Hinch
Liberty County Attorney

The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 08/24/10 06:00 PM

Department: Administration
Category: Solid Waste Collection

RESOLUTION (ID # 1799)

DOC ID: 1799

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 08/24/10 06:00 PM

Department: Administration
Category: Garbage Fees

ORDINANCE (ID # 1800)

DOC ID: 1800 A

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ESTABLISHING RATES OR FEES CHARGED BY THE CITY OF LIBERTY FOR THE COLLECTION AND DISPOSAL OF GARBAGE AND RUBBISH; THAT ALL PRIOR ORDINANCES ESTABLISHING SUCH RATES OR FEES ARE HEREBY REPEALED; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS.

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

SECTION 1.

That the rates charged by the City of Liberty for garbage and rubbish collection as established by this Ordinance of the City of Liberty, Texas, shall read as follows, to wit:

CHARGES FOR COLLECTION

(1) **RESIDENTIAL.** The fee for collection from each residential shall be Eleven Dollars and Eighty Five Cents ($11.85) and each dwelling unit shall be considered a residential establishment even though such dwelling unit may be a part of an apartment or duplex.

(2) **COMMERCIAL.** The fee for collection from each commercial establishment shall be Twenty Three Dollars and Fifty Cents ($23.50) for once-a-week pick-up of three (3) Thirty-Two (32) Gallon Containers or Twenty Seven Dollars and Fifty Cents ($27.50) for once-a-week pick-up of one (1) Ninety (96) Gallon Container unless that commercial establishment shall have container(s) collection which fees are established as follows:

Pick-Ups Weekly	2 Yard Containers	3 Yard Containers	4 Yard Containers	6 Yard Containers	8 Yard Containers
1	45.00	67.50	87.00	100.96	113.42
2	89.00	126.00	155.00	176.00	222.09
3	131.00	157.00	179.00	206.00	275.25
4	145.00	175.00	198.52	250.00	380.00
5	172.90	217.74	244.64	325.00	450.00
6	217.01	275.56	300.39	375.00	525.00
Extra P/U	45.00	50.00	55.00	60.00	65.00

FEE FOR A COMMERCIAL OR BUSINESS ESTABLISHEMENT REQUESTING DUMPSTER SWAP:

Swap Out Fee.. $25.00

FEE FOR A COMMERCIAL OR BUSINESS ESTABLISHMENT USING A ROLL-OFF CONTAINER:

Delivery Charge.. $130.00
Rental Fee for Permanent Use (Per Day)............................ $ 4.50

20 Cubic Yard Roll-Off Container per pick-up.............................. $324.72
30 Cubic Yard Roll-Off Container per pick-up.............................. $410.94
40 Cubic Yard Roll-Off Container per pick-up.............................. $493.80

FEE FOR A COMMERCIAL OR BUSINESS ESTABLISHMENT USING A COMPACTOR:

Compactor per pick-up... $35.00

FEE FOR A COMMERCIAL OR BUSINESS ESTABLISHMENT WITH LOCKS:

Lock - Per Month.. $10.00

SECTION 2.

That all rates, fees, or schedules of such for the City of Liberty garbage and rubbish collection are hereby established with this Ordinance. Any prior stated rates, fees or schedules of such established by any prior Ordinances adopted by the City of Liberty are hereby repealed.

SECTION 3.

That this ordinance shall be in full force and effect upon the 1st day of October, 2010.

SECTION 4.

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty that all ordinances be read on two separate days is hereby dispensed with.

PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, THIS THE 14th DAY OF SEPTEMBER, 2010.

Carl Pickett
Mayor

ATTEST:

Dianne Tidwell
City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 08/24/10 06:00 PM

Department: Administration
Category: Expenditures

COUNCIL ACTION (ID # 1793)

DOC ID: 1793

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 08/24/10 06:00 PM

Department: Administration
Category: Contracts

COUNCIL ACTION (ID # 1790)

DOC ID: 1790

EXPLANATION:
Attached is the proposal from INCODE for Police Department software. This software will tie the Police Department to Municipal Court. The cost is $63,914 for the software, training and installation, $11,945 for maintenance after 90 days, and $15,225 for a new server. Total cost is $91,084.

This will bring the Police Department up to the current technology that they need to do their jobs. We have the money budgeted in the 2010 COs.

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TECHNOLOGIES

Customer Name:	City of Liberty, TX - Police Departm
Contact:	Billy Tidw
Date:	August 10, 20
Salesman:	Mark Northc

Investment Summary

Prepared for:	City of Liberty, TX - Police Department
Contact Person:	Billy Tidwell
Address:	1914 Lakeland Liberty, TX 77575
Phone:	(936) 336-5666
Fax:	(936) 336-8599
Email:	btidwell@cityofliberty.org

Contract ID #:	2010-01
Issue Date:	8/10
Salesman:	M. Northc
Tax Exempt:	Yes /

Product Service & Equipment	On Signature	On Delivery	As Verified	As Progress Occurs	Totals	Maintenn
Total Hardware & System Software	1,134.75	3,404.25			4,539.00	7
Total Applications Software						
License Fees	11,875.00	28,500.00	7,125.00		47,500.00	11,87
Total Professional Services						
Hardware Services				750.00	750.00	
On-Site Services				8,625.00	8,625.00	
Project Management				2,500.00	2,500.00	
Totals	13,009.75	31,904.25	7,125.00	11,875.00	63,914.00	11,94

Please Note: Travel expenses will be billed as incurred.

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TECHNOLOGIES

Customer Name:	City of Liberty, TX - Police Department
Contact:	Billy Tidwell
Date:	August 10, 2010
Salesman:	Mark Northcutt

Public Safety Software License, Training and Maintenance Fees

	Pricing			Implementation			
Application Software	QTY	License Fee	Conversion	Estimated Hours	Estimated Services	Total Cost	Annual Maintenance
Computer Aided Dispatch/Comm Center							
CAD (1 dispatcher seat included)	2	13,200		32	4,000	17,200	3,300
NCIC Server Interface (1 seat included)	2	6,600				6,600	1,650
Note: Does not include CJIS Adendum							
Mapping							
RMS Mapping Interface	5	2,950		1	125	3,075	738
Public Safety Records							
Base RMS System	1	17,600		16	2,000	19,600	4,400
Offence/Incidents with Supplements							
Arrests							
Warrants							
UCR/NIBRS Reporting							
Traffic/Parking Citations							
Accidents w/ EZ Street Draw Interface							
Field Interview							
Racial Profiling Collection/Reporting							
Media, Scan & Narratives							
Calls for Service							
Intelligence							
Reports - Stat/Summary Analysis				4	500	500	
System Administration Training				8	1,000	1,000	
Personnel (Training, Evaluation, Certification)	1	2,750		4	500	3,250	688
Property Room/Evidence Management							
Property Room	1	4,400		4	500	4,900	1,100
Other Interfaces							
Tyler Court Case Management Interface	1	N/C		N/C	N/A	N/A	N/A
Professional Services							
Project Management	1				2,500	2,500	

	License Fee	Estimated Hours	Estimated Services	Total Cost	Annual Maintenance
Public Safety Sub Total	47,500	69	8,625	56,125	11,875
Project Management			2,500	2,500	
Total	47,500	69	11,125	58,625	11,875

Note: On-Site services are based on a 8 a.m. to 5 p.m. day.
Onsite Services are based on the following criteria:

Number of training sessions CAD:	2
Number of training sessions RMS:	1

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TECHNOLOGIES

Customer Name:	City of Liberty, TX - Police Department
Contact:	Billy Tidwell
Date:	August 10, 20[illegible]
Salesman:	Mark Northc[illegible]

Hardware, System Software and Installation Fees

Network File Server and System Software	QTY	Purchase Price	Expenses	Maintenance	Maintenance Source
System Software					
SQL SERVER 2005 RUNTIME LICENSING					
Microsoft SQL Server 2005 RUNTIME (required for per seat license purchase)	1	393			
(1-25 users) Microsoft SQL RUNTIME CAL	15	1,125			
NOTE: By selecting RUNTIME licensing the customer is legally bound to ONLY use SQL Server RUNTIME for INCODE or InService Applications. SQL Runtimes are NON-RETURNABLE					
Trancite Easy Street Draw - Agency (per sworn officer)					
Easy Street Draw (10 - 50 Sworn Officers)	17	2,040			
Property Room Hardware	**QTY**	**Purchase Price**	**Expenses**	**Maintenance**	**Maintenance Source**
Zebra Thermal Transfer printer (Bar Codes)	1	500			
Case of Labels - 4" X 2 1/2" 640 labels per roll	1	110			
***USB Printer cable (may be required for personal printer setup)	1	15			
Symbol LS2208 Bar Code Scanner w/ Intellistand (L)	1	350		70	INCODE - 12 mos warranty
Installation and Configuration of System	1		750		
Total		4,539	750	70	

Please Note: This hardware configuration includes Servers and PC's available at the time of this proposal. Due to the increased rate of obsolescence, INCODE reserves the right to substitute PC's and/or components of equal or greater value based on availability at the time of the order.
Please refer to INCODE's RMA policy for all returns.

Attachment: INCODE Proposal PD 2010 (1790 : Law Enforcement Software)

LIBERTY Systems
106 Royal
P. O. Box 9131
Liberty, TX 77575
(936) 336-1122

Quote

Date	Quote #
8/19/2010	156

Name / Address
The City of Liberty 1829 Sam Houston Ave Liberty, Texas 77575 Attn: A/R

Project

Description	Qty	Rate	Total
System - Server - Intel - Pedestal for Police Department - Configured as follows: - S5520HC features Next-Generation Intel® Microarchitecture on a SSI EEB form factor board. Dedicated high speed buses based on Intel® QuickPath Technology - Dedicated high speed Intel® QuickPath Technology per processor - Powerful onboard IPMI 2.0 manageability with affordable KVM and remote media redirection upgrade path - Four high speed PCI Express* 2.0 x8 slots - Scalable memory expansion with 12 DIMMs slots - Affordable 4-port SAS module support - 2 x Intel XEON E5630 - 2.53GHz (12M Cache, 5.86 GT/s Intel® QPI) - 2 x Kingston 6GB memory kit 3 x 2GB 1333Mhz - 1 x DVD +-RW - 1 x RS2BL080 Intel RAID controller - 1 x AXXRSBBU7 Intel Battery for RAID controller - 1 x AXXRMM3 Intel remote management module - 2 x Hard Drive - ST3450856SS OS mirror -5 x Hard Drive ST31000424SS database RAID 4 drive RAID level 5 (3TB usable) / 1 hot swap spare - 1 Tanberg LTO tape Drive SCSI Ultrium 5 -1.5TB/3TB - 10 Tanberg Ultrium 5 Backup tape - 1 Tanberg Ultrium cleaning tape - 1 SCSI controller for tape backup - Windows Server 2008 R2 OEM w/ 5CAL - 5 x Windows Server 2008 R2 OEM CAL 5 pack (30 CAL total) - Veritas Backup Exec W/SQL option Note: Install estimate $1250.00 - $2000.00 currently no scope defined	1	15,255.00	15,255.00

Thank you for the opportunity to Quote. Quote Valid for 30 days

Subtotal	$15,255.00
Sales Tax (0.00)	$0.00
Total	$15,255.00

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 08/24/10 06:00 PM

Department: Administration
Category: Contracts

COUNCIL ACTION (ID # 1789)

DOC ID: 1789

EXPLANATION:
The City went out for proposals to find a company that would look at the City of Liberty and compile several options on our technology. We are spending a lot of money that if we linked together, some of the cost will go away. We need options and a plan. We have $80,000 budgeted for technology in the 2010 COs.

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 08/24/10 06:00 PM

Department: Administration
Category: Agreements

COUNCIL ACTION (ID # 1791)

DOC ID: 1791

EXPLANATION:
The State of Texas provides legislative guidelines regarding archival document retention. These guidelines require various government agencies to manage their records within regulatory requirements. This agenda item, if approved, will allow the City Manager to contract with a vendor to process the city's inactive records and prepare them for destruction.

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 08/24/10 06:00 PM

Department: Administration
Category: Agreements

COUNCIL ACTION (ID # 1792)

DOC ID: 1792

EXPLANATION:
A LEGAL REVIEW consists of reviewing the existing Code of Ordinances and all ordinances against state, federal and case law to determine if any provisions are obsolete, unlawful, or unenforceable. A written report of findings will be submitted to the City along with recommendations. Upon completion of the legal review, the participating vendor's legal counsel will meet with City officials to determine how to remedy the conflicts.

RE-CODIFICATION is the process by which the Codebook is redone and republished.

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Comparison of Recodification Cost

Franklin Publishing

Base Bid	$9,450.00	
CD - Rom License	$995.00	plus $100.00 per supplement
Code on Internet	$350.00	
Rapid Web Update *	$24.00	per ordinance
Multiple Code Search	Free	
Completion Time	6 - 9 Months	
Office	Texas	

* Newly adopted ordinances are codified automatically into electronic code.

Municipal Code

Base Bid	$9,950.00	
CD - Rom	$150.00	plus $75.00 per supplement
Code on Internet	$500.00	
NOW Service *	$25.00	per ordinance
Multiple Code Search	$200 a year	
Completion Time	12 - 18 Months	
Office	Florida	

* Newly adopted ordinances placed in front of electronic code not codified until supplementation.

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 08/24/10 06:00 PM

Department: Administration
Category: Public Hearing

PUBLIC HEARING (ID # 1794)

DOC ID: 1794

EXPLANATION:
This public hearing is held in accordance with requirements of the Local Government Code. Anyone wishing to speak FOR or AGAINST the proposed FY 2010-2011 Annual Budget is invited to attend the public hearing and voice their concerns.

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 08/24/10 06:00 PM

Department: Administration
Category: Budget Issues

COUNCIL ACTION (ID # 1795)

DOC ID: 1795 A

EXPLANATION:
At the conclusion of the public hearing, the City Council shall take action on the proposed budget (LGC §102.007. At Council's discretion, if the budget is not adopted at the same meeting as the public hearing, the Council must take action to postpone adoption until a later date. The recommended date is September 14. City Charter requires adoption of the budget 15 days prior to the beginning of the new fiscal year.

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 08/24/10 06:00 PM

Department: Administration
Category: Public Hearing

PUBLIC HEARING (ID # 1796)

DOC ID: 1796

EXPLANATION:
A taxing unit must hold two public hearings and publish newspaper ads before adopting a tax rate that exceeds the rollback rate or the effective tax rate, whichever is lower.

The second public hearing on the tax rate will be held on Tuesday, August 31st.

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 08/24/10 06:00 PM

Department: Administration
Category: Budget

WORK SESSION (ID # 1798)

DOC ID: 1798

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