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

Tuesday, August 24, 2010 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on August 24, 2010 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:00 PM by Mayor Carl Pickett.

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Dennis Beasley	Councilperson	Present	
Diane Huddleston	Councilperson	Present	
Mike McCarty	Mayor Pro-Tem	Present	
Al Simonson	Councilperson	Present	
Louie Potetz	Councilperson	Present	
Frank Jordan	Councilperson	Present	

II. INVOCATION

This item was passed on.

III. PLEDGE OF ALLEGIANCE

This item was passed on.

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.

1) Police Chief Billy Tidwell reported that the department had received notice from the 100 Club of an award of $14,700, for custom made, state of the art ballistic vests for the officers.

2) Mayor Pickett reported that the re-dedication of the Humphreys Cultural Center would be held on Wednesday, August 25th, 4-6 p.m. Mayor Pickett also reported there would be a special called meeting of the City Council on August 31st, 6 p.m.

3) Mr. Clarence Martin addressed the Council regarding his disapproval and concerns regarding the proposed tax rate for the fiscal year ending September 30, 2011.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 1788)

Proposed Electric/Water Meter Change-Out Program.

COMMENTS - Current Meeting:

Sensus representatives Billy Madrid, Lee Goodson, and Todd Madrid made a presentation on the proposed electric and water meter change out program. This presentation centered on the operation and functionality of the meters, to also include monitoring leaks, theft of service, outages, and other various processes.

B. Information Item (ID # 1786)

Financial Report July 2010 - Finance Director Naomi Herrington

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reviewed the July 2010 financial report with Council. Ms. Herrington reviewed the various funds, related revenues and expenses, and fund balances. Discussion included sales tax revenues, no transfers of funds, and other related topics.

C. Information Item (ID # 1787)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported on the upcoming "Shred-It" Event to be held on September 11th in the City Hall parking lot. This event is to provide the citizenry with a disposal method for their personal sensitive documents.

VI. REGULAR AGENDA

A. Regular Session

1. Council Action 2010-89

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

COMMENTS - Current Meeting:

Motion was made to authorize the City Manager to execute an engagement letter with Swaim, Hanagriff, and Associates for annual audit services, for the year ending September 30, 2010.

ATTACHMENTS:

- 2010 Audit Engagement Letter.txt (PDF)

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

2. Council Action 2010-90

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

COMMENTS - Current Meeting:

Police Chief Billy Tidwell reported that the Police Department participated with the County Attorney's Office, in the search, seizure, arrest and prosecution of charges filed for possession of gambling devices at a local establishment. The Police Department will be awarded $4,428.75, which is 75% of the seizure.

Motion was made to approve the agreement with Liberty County for the disposition and receipt of seized funds.

ATTACHMENTS:

- City&County Seizure Proceeds (PDF)

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

3. Resolution 2010-17

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

COMMENTS - Current Meeting:

Mr. Broz reported that this Resolution allows the City to enter into a contract with Waste Management for solid waste collection and disposal services. Mr. Broz further reported that WM will retain the market on permanent roll-offs while allowing for free enterprise on short-term temporary roll-off containers. Several major changes to the service provided by WM are brush collection, billing of commercial accounts, an education scholarship, and a kiosk for recycling.

Motion was made to approve the Resolution and enter into a contract with Waste Management.

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

4. Ordinance (ID # 1800)

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

COMMENTS - Current Meeting:

This item was passed on.

RESULT:	**NO ACTION TAKEN**

5. Council Action 2010-91

Consider Award of Assorted Fire Department Equipment.

COMMENTS - Current Meeting:

Fire Chief Fred Collins reviewed the equipment that the department proposes to purchase from available funds as a result of the recent issuance of certificates of obligation. This equipment consists of the following:

1) a heart monitor - $29,664.00

2) C-PAP- $7,227.80

3) miscellaneous hose & equipment - $10,000

Total approximate cost - $48,000.

Motion was made to approve the expenditure for equipment as recommended by management and Fire Chief Fred Collins.

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

6. Council Action 2010-92

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

COMMENTS - Current Meeting:

City Manager Gary Broz reported that $94,000 had been budgeted in the recent issuance of certificates of obligation for law enforcement software. Mr. Broz recommended the purchase of INCODE Software from Tyler Technologies as it works in conjunction with municipal court software and the City's INCODE software. Software price is $64,000, maintenance fees are $12,000, and $15,000 for a server with installation, for an approximate cost of $91,000.

Motion was made to authorize the City Manager to negotiate a contract for INCODE law enforcement software.

ATTACHMENTS:

- INCODE Proposal PD 2010 (PDF)

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

7. Council Action 2010-93

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

COMMENTS - Current Meeting:

City Manager Gary Broz addressed Council regarding the future of City IT services. Mr. Broz reported that the City had recently received only one proposal for IT Services, from Combs Consulting Group. Proposed cost is $21,000 to perform an IT infrastructure evaluation and develop an IT strategic plan. $80,000 was budgeted in the recent certificates of obligation for IT services. Mr. Broz remarked that the City needs one individual or vendor to handle all of the city's technology issues.

After further discussion, there was no action taken on this agenda item. It will be brought before Council at a later date.

RESULT:	**NO ACTION TAKEN**

8. Council Action 2010-94

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

COMMENTS - Current Meeting:

Mr. Broz reported to Council that the City had received a proposal for records retention services from Records Consultants, Inc. (RCI). This vendor will inventory and process records in accordance with Texas State Library and Archives Commission records retention schedules. Proposal amount is $13,800.

Motion was made to approve the proposal from RCI, in the amount of $13,800.

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

9. Council Action 2010-95

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.

COMMENTS - Current Meeting:

Mr. Broz stated that the City sought proposals for re-codification services for the City's Code of Ordinances. Two proposals were received for these services, which also include a legal review of the codebook. The existing code will be reviewed against state, federal and case law to determine any provisions that are unlawful, unconstitutional, obsolete or unenforceable.

Motion was made to authorize the City Manager to execute a professional services agreement with Franklin Legal Publishing.

ATTACHMENTS:

- Recodification Cost (XLS)

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

10. Public Hearing (ID # 1794)

Proposed Budget for Fiscal Year 2010-2011.

COMMENTS - Current Meeting:

At 7:43 p.m., Mayor Pickett opened the Public Hearing on the proposed budget for Fiscal Year 2010-2011.

Mr. Broz distributed a handout to Council, relative to the proposed budget for the fiscal year ending September 30, 2011. There were no comments.

At 7:44 p.m., Mayor Pickett closed the Public Hearing.

11. Council Action 2010-96

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

COMMENTS - Current Meeting:

Motion was made to postpone the final vote on the FY 2010-2011 budget until September 14, 2010.

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

12. Public Hearing (ID # 1796)

Proposed Tax Rate for Fiscal Year 2010-2011.

COMMENTS - Current Meeting:

At 7:51 p.m., Mayor Pickett opened the Public Hearing on the proposed tax rate for Fiscal Year 2010-2011.

Lengthy discussion was held regarding issues with the increase in property values, the effective tax rate of $.5745, maintaining the current rate of $.5900, personnel and city services, and other related topics.

At 8:23 p.m., Mayor Pickett closed the Public Hearing.

B. Executive Session

Consultation With Attorney. Gov. Code §551.071
Pending/Contemplated Litigation - Administrative Appeal

At 8:23 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:48 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

There was no action taken.

VII. WORK SESSION

1. Work Session (ID # 1798)

Discussion of Proposed Budget for Fiscal Year 2010-2011.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the proposed budget is still a work in progress, and has been revised from the initial document presented to Council. Discussion was held regarding transfers, personnel, sales tax, and other budget related issues.

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 8:58 p.m.

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

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary