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, April 24, 2012 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on April 24, 2012 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	
Mike McCarty	Mayor Pro-Tem	Present	
Dennis Beasley	Councilperson	Present	
Diane Huddleston	Councilperson	Present	
Frank Jordan	Councilperson	Present	
Louie Potetz	Councilperson	Present	
Libby Simonson	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Randy Gunter	City Attorney	Present	

II. INVOCATION

The Invocation was given by Lt. Chip Fairchild, Liberty Police Department.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Sgt. Jeanne Marie Ewing, Liberty Police Department.

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Public Comment is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda. Please be aware that, under Texas Law, the Council may not deliberate or take any action on non-agenda items. In some situations, City staff may be able to respond to the public comment with a factual statement or clarification. City Council may request that the item be placed on a future agenda at which time the Council may deliberate and/or act.

Mayor Pickett welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council.

City Manager Gary Broz commented on the following items:

1) a sample ballot for the May 12th General Election is at the Council Members places for their review,
2) an article regarding city official's email accounts is at the Council Members places for their review, and
3) management received a letter from KSHN Radio expressing appreciation for assistance from the Parks and Police Departments, with the annual Easter Egg Hunt.

City Attorney Randy Gunter reported that periodically the State's conflict of interest requirements should be reviewed to ensure that various officials file the necessary disclosure forms with the City Secretary. Mr. Gunter reviewed the Conflict of Interest requirements as found under Chapter 176 of the Texas Local Government Code. Mr. Gunter continued by saying that these requirements apply to the Mayor, Council Members, and City Manger. Mr. Gunter explained that this chapter refers to the permanent disclosure of any business relationship with a City vendor, and also applies if the City is considering entering into a contract with a business that the official owns a certain percentage of, creates taxable value for the official, or the official receives a gift of more than $250.00.

Mr. Gunter went on to further explain Chapter 171 of the Texas Local Government Code, known as the voting affidavit. When a voting item comes before the Council that is going to impact an official in a personal way, a company that the official owns, or a family member, the official must abstain from deliberation and voting on that matter, The official is still permitted to be present at the meeting and may even go into an Executive Session, but must fill out the affidavit prior to the item being addressed. This form reflects the substantial interest the official has as follows:

1) ownership of 10% or more of voting stock or shares of a business entity,
2) ownership of $15,000 or more of fair market value of a business entity,
3) funds received from the business entity exceed 10% of the official's gross income for the previous year,
4) an equitable or legal ownership with fair market value of at least $2,5000 in real property, and
5) person related to the official in the first degree by affinity (marriage) or consanguinity (blood).

Mayor Pickett requested that a list of all City vendors be provided to the Council for their purview.

Councilperson Huddleston reported on the "Shred-It" Event and Recycling Day to be held on Saturday, April 28th, from 9 a.m. until Noon, and that a large crowd is expected. This event will take place on the City Hall parking lot on the west side of the building.

Councilperson Jordan remarked that on the next agenda he would like to see the following items for consideration:

1) an increase in the senior homestead exemption from $10,000 to $25,000, and
2) an increase for the disabled, at any age, from $0 to $10,000.

At this time, Mayor Pickett read aloud the letter from KSHN Radio Station owner, Bill Buchanan praising the City's Parks and Police Departments for their assistance with the Annual Easter Egg Hunt.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2372)

Presentation of Best Practices Certification to the Liberty Police Department - Texas Police Chiefs Association

COMMENTS - Current Meeting:

Chief Dave Barber, Texas Police Chief's Association, Best Practices Recognition Committee Chair, addressed the Council explaining the importance of, and hard work associated with becoming a TPCA Best Practices Recognized Police Department. Chief Barber explained that this is a lengthy process, in which a police agency must prove compliance with 164 Texas Law Enforcement Best Practices. These practices assist agencies in the efficient and effective delivery of service, reduction of risk, and protection of individual's rights. After a thorough review of its policies, procedures, equipment, facilities, and operations by independent assessors, then a team of assessors is sent to further review the department operations and interview Staff. A Final Report is sent to the Best Practices Committee to review all findings and vote whether or not to award the "Recognized" status.

Chief Barber stated that he was proud to present this certification to the Liberty Police Department, and that the Council should be proud as this certification is quite an accomplishment. Chief Billy Tidwell accepted the certification, asked his department to stand, and responded by saying that this was a daunting task that took a year and one-half, was driven by department's Program Manager Frances Wood, and involved participation from each member of the Liberty Police Department. Chief Tidwell stated that there are 1086 police departments in the State of Texas and that the Liberty Police Department is proud to be recognized as the 59th police department to achieve the honor of being recognized as a Best Practices Department.

B. Information Item (ID # 2373)

March Financial Report - Finance Director N. Herrington

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on the City's financials stating that the following are year-to-date figures for the various funds as of March 31, 2012:

General Fund - $880,000 revenues over expenses

Water Fund - $40,000 expenses over revenues - due to bond payment of $550,000

Electric Fund - $210,000 revenues over expenses - no transfers being made to General Fund

Garbage Fund- $22,000 revenues over expenses - in and out fund, transfers made as necessary.

Discussion of this agenda item included Council's request for a balance sheet showing assets and liabilities of all departments, and other budget related issues.

C. Information Item (ID # 2374)

H-GAC Report - Councilperson Jordan

COMMENTS - Current Meeting:

Councilperson Jordan reported that there will be a Houston-Galveston Area Council Meeting, in the near future in which the City's application for a $350,000 infrastructure grant is being reviewed. Councilperson Jordan stated that the City is still in consideration for this grant, being in a point tie with other cities, but may be at a disadvantage, as the City received a large grant the previous year.

Councilperson Jordan also commented on the HGAC Employment Survey for Liberty County which reflects the unemployment rate has decreased from10.5 to 8.7, and stated that the City of Liberty has much to do with that positive trend due to Boomerang Tube, LLC.

D. Information Item (ID # 2375)

SRMPA Report - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported that at the most recent meeting of the Sam Rayburn Municipal Power Agency, Mr. Bruce Mintz was appointed as the Executive Director. Mr. Mintz had previously served in an administrative capacity, has been given additional duties and responsibilities, and will be a full-time employee of the Agency.

Mayor Pickett noted that at that same meeting issues discussed included substation maintenance and a report from Entergy representatives regarding significant changes in their operation, and the sale of their transmission facilities to another company.

Mayor Pickett further reported that additional discussion was held regarding the refunding of $126 million of bonds that will allow the Agency to save approximately $1.8 million over the next nine years. Some of those funds will come back to the member cities, and possiblly result in a savings in lower electric rates. The refinancing will allow for keeping the same maturity date as the bonds that are being replaced, but save funds in terms of a lower interest rate.

The Mayor informed the public that the new Cambridge Project involves the restructuring of energy contracts with SRMPA, and that the overall gross revenues will increase from $30 million to approximately $300 million. Projections are that the member cities will accrue some funds from these revenues.

VI. REGULAR AGENDA

A. Regular Session

1. Information Item (ID # 2376)

Mr. Matt Harris to Address Council Regarding Proposal No. 12-005 and Associated Issues, for T-Hangars at the Liberty Municipal Airport.

COMMENTS - Current Meeting:

Mr. Matt Harris, President of Pelco Construction, and associate Michael Ramirez, were present to address Council regarding their concerns with Proposal No. 12-005 for T-Hangars at the Liberty Municipal Airport. Mr. Harris reviewed the timeline and the method in which the numbers were compiled for this proposal. Mr. Harris noted that his proposal was $26,500 less than the lowest proposer, Bruce's Construction. Mr. Harris stated that additions were requested to the contract, and that Bruce's Constructino was allowed to submit additional documentation that changed their original proposed amount which placed them $1500 lower than Pelco. Mr. Harris stated that he found the process to be unethical.

At the conclusion of Mr. Harris' presentation, City Manager Gary Broz responded by reporting that this design build project was for the cement slab, the metal structure and electrical wiring, to include bi-fold doors, privacy partitions, and a wind load of 130 mph. The Liberty Community Development Corporation, who will fund a portion of this project, directed management to investigate the cost of increasing the wind load rating of the structures from 130 mph to 150 mph. Mr. Broz stated that after verbal requests for this information from Pelco Construction and Bruce's Construction, and lengthy discussion, at the time, of the wind rating, insulation, storage, Erect-a-Tube, and other related information, the proposal was awarded to Bruce's Construction for $610,000.

Lengthy discussion was held regarding the proposals, construction materials, wind rating, along with additional hangar related issues.

At 7:19 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as follows:

Consultation with Attorney. Closed Session. Gov. Code §551.071

Discussion of pending or contemplated litigation.

At 7:33 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

ATTACHMENTS:

- Pelco Request to be on Agenda (PDF)

2. Council Action 2012-35

Consider and Take Action, If Any, on Issues Associated with Proposal No. 12-005 for Construction of T-Hangars at the Liberty Municipal Airport.

COMMENTS - Current Meeting:

Motion was made to reject all proposals, to put out new Requests for Proposals for a design build project for T-Hangars, using Erect-a-Tube or a comparable builder, with a full set of stamped plans for a structure with a wind rating of 150 mph.

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

3. Council Action 2012-36

Consider Award of Bid for Group Life Insurance.

COMMENTS - Current Meeting:

Mr. Broz introduced Mr. Paul Rutledge, Account Manager with the Texas Municipa League, who was present to address questions regarding the City's life and health insurance. Mr. Broz stated that this is the third year of the City's contract with TML. Mr. Broz explained that the City furnishes employees with a life insurance policy that is twice their annual salary, and provides dependents with a $5000 policy.

TML requested quotes, on the City's behalf, for life insurance rates, and that the standard quote from Mutual of Omaha is closest to what the City currently pays. The current life insurance is through Mutual of Omaha.

Motion was made to allow Mutual of Omaha to continue providing life insurance benefits for City employees for another year.

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

4. Council Action 2012-37

Consider Award of Bid for Group Dental and Medical Insurance.

COMMENTS - Current Meeting:

Mr. Broz reported that TML had received ten quotes for the City's dental and medical insurance, with the policy period running from June 1 - May 31. Lengthy discussion was held regarding the Plan Analysis, City's projected costs, current stop loss threshold of $45,000, prescription costs and generic drugs, amount of claims paid, employee costs, number of dependents, and additional related topics. Mr. Broz proposed a 20% increase to what the employee currently pays for insurance.

Further discussion included possible future raises, the City being self-funded, TML Insurance Pool, no increase in premiums, and other insurance issues.

Motion was made to raise the stop loss amount to $55,000, leaving benefits as the currently are, and with no increased cost to the employee.

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

5. Council Action 2012-38

Consider the 2012 Consumer Price Index (CPI) Adjustment to Municipal Communications Right-Of-Way Access Line Rates.

COMMENTS - Current Meeting:

Mr. Broz reported that the City's 2011 maximum access line rates for telecommunications have increased by 1.72%, due to inflation. The Public Utility Commission provides municipalities the option of adjusting the rates for inflation, or keeping the rates the same as the previous year. By taking no action on a rate adjustment, the 2012 rates will remain the same as the 2011 rates. Mr. Broz recommended no action.

No action was taken.

ATTACHMENTS:

- Tele ROW Access Line Rates 2012 (PDF)

RESULT:	**NO ACTION TAKEN**

VII. WORK SESSION

1. Work Session (ID # 2381)

Discussion of Goals and Objectives for Fiscal Year 2012-2013.

COMMENTS - Current Meeting:

Mr. Broz reviewed a draft copy of Goals, Objectives and Action Plans for Fiscal Year 2012-2013. Mr. Broz reviewed the various goals and related action plans. Mr. Broz requested Council's ideas and input regarding additions or changes to this document.

Proposed additions discussed included:

1) establish partnerships with local colleges, including having a college campus within the City,

2) upgrading park facilities, including construction of a swimming pool and/or skatepark,

3) develop a comprehensive master plan, and

4) investigate future annexation opportunities.

ATTACHMENTS:

- Goal & Objectives 2012-13 (PDF)

VIII. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 8:28 p.m.

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

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary