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, October 23, 2012 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Diane Huddleston	Councilperson	Present	
Dennis Beasley	Councilperson	Absent	
Frank Jordan	Councilperson	Absent	
Louie Potetz	Councilperson	Present	
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Randy Gunter	City Attorney	Present	

II. INVOCATION

The Invocation was passed on.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was passed on.

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 regarding agenda and non-agenda items. Please be aware that, under Texas Law, the Council may not deliberate or take any action during Citizen's comments for items not on the agenda. In some situations, City Staff may be able to respond to the public comment with a factual statement or clarification. The City Council may have the item placed on a future agenda for action or refer the item to Management and Staff for study or conclusion.

Mayor Pickett welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council. There were no comments from the audience.

Mr. Broz requested that the regular meeting of the City Council be moved from Tuesday, November 13th to Monday, November 12th. This change in meeting date is due to attendance by several Councilmembers and City Staff at the Texas Municipal League 100th Annual Conference and Exhibition in Grapevine, Texas. Council approved the request.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2543)

Financial Report - Finance Director N. Herrington

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on the financial report ending September 30, 2012. Ms. Herrington reviewed the various funds, their revenue and expenditure status, with each having additional revenues over expenditures. Ms. Herrington concluded by saying that tax collections were high and that the City had been given a Stable "A" rating by Standard and Poor.

B. Information Item (ID # 2544)

Sam Rayburn Municipal Power Agency Report - Mayor Carl Pickett

COMMENTS - Current Meeting:

Mayor Pickett passed on the SRMPA Report.

C. Information Item (ID # 2545)

Houston-Galveston Area Council Report- Councilperson Jordan

COMMENTS - Current Meeting:

In the absence of Councilperson Jordan, Mayor Pickett passed on the H-GAC report.

VI. REGULAR AGENDA

A. Regular Session

1. Ordinance 2012-9

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

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the Ordinance into the record as follows:

"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."

This Ordinance increases rates due to the 1.9% increase of the Consumer Price Index, an option available to the City's garbage vendor. This amount is passed through to the customer and increases the customer's monthly bill by 23 cents. The City's garbage and collection monthly fee will increase from $15.63 to $15.86.

Motion was made to adopt the Ordinance.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Libby Simonson, Councilperson
SECONDER:	Diane Huddleston, Councilperson
AYES:	Pickett, Huddleston, Potetz, Simonson, Arnold
ABSENT:	Dennis Beasley, Frank Jordan

2. Ordinance 2012-10

Consider Adoption of an Ordinance Authorizing the Issuance, Sale and Delivery of Approximately $2,670,000 in Aggregate Principal Amount of "City of Liberty, Texas General Obligation Refunding Bonds, Series 2012"; Securing the Payment Thereof by Authorizing the Levy of an Annual Ad Valorem Tax; Approving and Authorizing the Execution of a Paying Agent/Registrar Agreement, a Purchase Contract, an Escrow Agreement, an Official Statement and All Other Instruments and Procedures Related Thereto; and Calling Certain Obligations for Redemption.

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the Ordinance into the record as follows:

"AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF $2,695,000 IN AGGREGATE PRINCIPAL AMOUNT OF "CITY OF LIBERTY, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012"; SECURING THE PAYMENT THEREOF BY AUTHORIZING THE LEVY OF AN ANNUAL AD VALOREM TAX; APPROVING AND AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, A PURCHASE CONTRACT, AND ESCROW AGREEMENT, AN OFFICIAL STATEMENT AND ALL OTHER INSTRUMENTS AND PROCEDURES RELATED THERETO; AND CALLING CERTAIN OBLIGATIONS FOR REDEMPTION."

Mr. Dusty Traylor, RBC Capital Markets, was present to review the refunding of the 2004 Certificates of Obligation for construction of the City Hall and Fire Station. Mr. Traylor noted that this refunding replaces a higher interest bond with lower interest bonds, the maturity date is the same, and does not extend the term of the bonds. Mr. Traylor detailed current market interest rates being at an all time low, purchase of municipal bond insurance was not necessary, and the City received a credit rating of "A" with a "Stable Outlook". Due to this refunding, the City has incurred a debt service savings of $293,695.

After further discussion of related issues, a motion was made to adopt the Ordinance.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Diane Huddleston, Councilperson
SECONDER:	Libby Simonson, Councilperson
AYES:	Pickett, Huddleston, Potetz, Simonson, Arnold
ABSENT:	Dennis Beasley, Frank Jordan

3. Council Action 2012-105

Consider Change Order No. 3 that Provides for Final Balance of Quantities on the TWDB-CWSRF No. 72124, Contract No. 2, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mr. Rick Bourque, Schaumburg & Polk Engineers, was present to review Change Order No.3, which closes out the Texas Water Development Board Loan, Contract No.2 for wastewater system improvements. This contract was for complete rehabilitation of two lift stations on the existing sites(Washington Street and FM 563) and related line work. This action also closes out documents for the grant received from the Texas Department of Agriculture, as part of the Washington Street Lift Station work. This change order was an $855 deduction from the project amount, leaving the total project cost in the amount of $2,491,388.66.

Motion was made to approve Change Order No. 3 to the TWDB-CWSRF No. 72124, Contract No. 2.

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

4. Council Action 2012-106

Consider Final Acceptance of the TWDB-CWSRF No. 72124, Contract No. 2 Payment and Release of Retainage, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mr. Rick Bourque, Schaumburg & Polk Engineers, stated that the Texas Water Development Board requests Council acceptance of the project, prior to releasing any retainage. Acceptance of this project also provides for a Certificate of Construction Completion to the Texas Department of Agriculture for the grant portion of this project.

Motion was made to approve final acceptance of the TWDB-CWSRF No. 72124, Contract No. 2 and release of retainage.

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

5. Council Action 2012-107

Consider Change Order No. 5 to A&A Electric Company for Water and Wastewater SCADA Under the TDRA Disaster Recovery Project, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mr. Rick Bourque, Schaumburg & Polk Engineers, explained that this item is part of the Disaster Recovery Project and relates to the Water & Wastewater SCADA System (Supervisory Control and Data Acquisition) and generators. Mr. Bourque stated that this project is now compete. With approval of Change Order No. 5, this contract will be closed out. Change Order No.5 reflects a decrease in the allowance for the SCADA System, in the amount of $669.70. Final project cost is $1,260,383.75.

Motion was made to approve Changed Order No. 5.

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

6. Council Action 2012-108

Consider Approval of Completion of the TDRA Disaster Recovery Project and Release Retainage Including a Release of Lien Form to A&A Electric Company, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mr. Rick Bourque, Schaumburg & Polk Engineers, reported that this project is complete and acceptance of the project will allow for documents to be filed with the GLO to release final retainage. This project was for the installation of five generators and the SCADA for the Water and Wastewater System.

Motion was made to release the retainage and accept the project.

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

7. Council Action 2012-109

Consider Ratifying the LCDC's Action Regarding a Request for Funds for the Asbestos Removal and Demolition of Structures at the Liberty Municipal Airport, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the Liberty Community Development Corporation Board of Directors had reviewed bids and approved funds, in the amount of $18,500, for asbestos removal, demolition, clean-up of the old Red's Bar, now on City property, and the demolition of the house also included on this property recently purchased by the City, as part of the Municipal Airport.

After review of the bid tabulation, a motion was made to ratify the LCDC's action to award the bid to NCM-Houston, in the amount of $18,500.

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

8. Council Action 2012-110

Consider Ratifying the LCDC's Action Regarding a Request for Funds to Complete the Airport Hangar Project, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz made a presentation on the status of the Liberty Municipal Airport projects. Mr. Broz stated that there is a 3 foot gap between the hangars and the paving, on three sides, as a result of having two separate contracts (hangar construction and paving). Mr. Broz stated that he is working with TXDOT ro remedy the situation, but if that does not work out, will need funds to bring the paving to the hangar doors on the north, west and east sides. Mr. Broz reported that the LCDC Board of Directors appropriated funds in the amount of $10,000 for this paving (hot mix) to complete the project, if needed.

Motion was made to ratify the LCDC's action to appropriate $10,000 for paving, if necessary.

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

9. Council Action 2012-111

Consider Award of AC Bids for the Geraldine D. Humphreys Cultural Center, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz requested that this item be passed on, as the bids came in over budget.

RESULT:	**NO ACTION TAKEN**

10. Council Action (ID # 2555)

Receive Report from Director Pickett on Possible Sam Rayburn Municipal Power Agency Refunds to Member Cities.

COMMENTS - Current Meeting:

Mayor Pickett, a member of the SRMPA Board of Directors, reported that as a result of an SRMPA refund action, there is $1.2 million to be refunded to member cities, in proportion to their electric usage. The City of Liberty will receive 35% of $1.2 million, being $449,707.18. Mayor Pickett stated that there is the possibility of other refunds from other SRMPA actions that may be taken, and would be in addition to the regular electric refund received in February of each year.

City Manager Gary Broz reported that possible use of these funds would be for a Fixed Asset Replacement Program, for vehicles and equipment, and start a building maintenance program.

Mayor Pickett added that SRMPA has not, in recent years, offered an economic development rate to businesses of an industrial/manufacturing nature. SRMPA voted to create a rate which is a discount, of approximately 10%-15%, off the rate normally offered to the member cities. The city pays 9 cents a kilowatt hour, the new rate will be 7-8 cents per kilowatt hour and offered to those businesses that use 50,000 kW per month, and are in a dual certified area.

B. Executive Session

Personnel Matters. Gov. Code §551.074 - Deliberation regarding appointment of a public official.

1. Interviews with candidates for the position of Municipal Court Judge.
2. Discuss and consider candidates for the position of Municipal Court Judge.

At 6:55 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:04 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2012-112

Consider and Take Action, If Any, on the Appointment of a Municipal Court Judge.

RESULT:	**NO ACTION TAKEN**

VII. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 8:04 p.m.

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary