



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, January 23, 2018

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	Arrived
Mayor Carl Pickett	☐	☐	☐	
Mayor Pro Tem Diane Huddleston	☐	☐	☐	
Councilperson Dennis Beasley	☐	☐	☐	
Councilperson Louie Potetz	☐	☐	☐	
Councilperson Libby Simonson	☐	☐	☐	
Councilperson David Arnold	☐	☐	☐	
Councilperson Paul Glazener	☐	☐	☐	

II. 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.

III. PRESENTATIONS / REPORTS

- 1. Information Item (ID # 4013)**
Project Updates - City Mgr. G. Broz
- 2. Information Item (ID # 4014)**
Financial Report - Dec 2017 - Fin. Dir. N. Herrington
- 3. Information Item (ID # 4015)**
FEMA Update - Pub. Works Dir. T. Warner

IV. REGULAR AGENDA

A. Regular Session

- 1. Council Action (ID # 4016)**

Consider ratifying the Liberty Community Development Corporation's action regarding approval of an amendment to the Interlocal Agreement with Water Control District #5 for the Natural Resources Conservation Service Joint Levee Project, and take any action deemed necessary.

- Amended Agreement-NRCS Grant (PDF)
- Repairs-FEMA Project-NRCS Project (PDF)

2. Resolution (ID # 4017)

Consider approval of a Resolution in support of Park Forest Housing, LTD for the acquisition and rehabilitation of the Park Forest Apartments and its application to the Texas Department of Housing and Community Affairs for 2018 Housing Tax Credits.

- Resolution-Park Forest (PDF)

3. Council Action (ID # 4018)

Consider approval of the purchase of a new vehicle for the Street Department, and take any action deemed necessary.

4. Council Action (ID # 4019)

Consider approval of payment of invoices from Water Control Improvement District #5 for Joint Levee Project repairs, and take any action deemed necessary.

V. 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 19th day of January, 2018 at 3:00 p.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

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 _____, 2018.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.1

Meeting: 01/23/18 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 4013)

DOC ID: 4013



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.2

Meeting: 01/23/18 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 4014)

DOC ID: 4014



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.3

Meeting: 01/23/18 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 4015)

DOC ID: 4015



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.1

Meeting: 01/23/18 06:00 PM

Department: Administration
Category: Agreements

COUNCIL ACTION (ID # 4016)

DOC ID: 4016

AMENDED INTERLOCAL AGREEMENT FOR NRCS GRANT

This agreement ("Agreement") is made and entered into between the **City of Liberty**, a home rule municipal corporation of the State of Texas ("Liberty"), acting by and through **Carl Pickett**, its duly authorized City Mayor, and the **Liberty County Water Control and Improvement District #5 ("WCID")**, acting by and through **James K. Leonard**, its duly authorized President, together ("Parties").

RECITALS

This Agreement is made under the authority granted to the governmental entities pursuant to the Texas Government Code, Chapter 791, known as the INTERLOCAL COOPERATION ACT.

WHEREAS, both WCID and Liberty recognize that a working levee is vital for protection of both individuals and property within the City of Liberty; and

WHEREAS, both Liberty and WCID acknowledge that slope erosion at a pump station embankment is threatening outlet pipes and other facilities at the levee; and

WHEREAS, both Liberty and WCID agree that maintaining the levee and its pumps is a joint effort between Liberty and the WCID; and

WHEREAS, the WCID has received a 75/25 grant in the amount of \$1,763,636.11 from the Natural Resources Conservation Service ("NRCS") for slope erosion repairs (the "Project"); and

WHEREAS, Liberty has agreed to fund the WCID's 25% share of the grant, and to reimburse the WCID for **engineering costs and grant administration fees** for a total cost not to exceed \$534,435.18; and

WHEREAS, due to the fact that the WCID is the grant recipient the WCID will be responsible for managing the grant and project.

NOW, THEREFORE, the City of Liberty contracts with the Liberty County Water Control and Improvement District # 5 for the payment and management of the NRCS grant for Slope Erosion, in exchange for consideration of the mutual covenants, promises and agreements herein expressed, the parties agree as follows:

AGREEMENT

1.

The WCID has received a 75/25 grant from the NRCS in the amount of \$1,763,636.11 for repairs to the levee caused by slope erosion. Liberty agrees to fund the WCID's 25% share of the grant, and to reimburse the WCID for **engineering costs and**

grant administration fees for a total cost not to exceed \$534,435.18. Liberty's payments shall be made on a monthly basis upon being invoiced by the WCID for qualifying work performed and billed by WCID's contractors, engineers, and professionals under the grant contract at that time.

In consideration for the funds provided by Liberty, WCID agrees that it is responsible for managing the grant and the project. The WCID shall hire a competent engineer and contractor for the Project that has previously designed and built similar systems. Additionally, the WCID must hire a grant administrator, approved by Liberty, which will be responsible for handling all paperwork related to the grant.

WCID agrees to share any information obtained from the engineers, contractors, sub-contractors, or grant administrator with Liberty. Liberty shall also be included in all discussions and communications between the engineer and WCID regarding the Project, and Liberty shall be allowed access to the Project site during construction.

The Parties acknowledge and agree that with the exception of Liberty paying the 25% match and reimbursing the WCID for **engineering costs and grant administration fees** up to \$534,435.18, the WCID shall be responsible for any and all other duties and responsibilities included in the grant agreement between the WCID and NRCS. Liberty's liability and responsibility with this project shall be solely limited to reimbursing the WCID for the 25% match and the engineering costs and grant administration fees.

2.

The term of this Agreement is for a period beginning on _____, and lasting until the Project is completed. Either party may terminate this contract at any time upon giving 30 days written notice to the other City.

3.

Liberty and WCID covenant and agree that in the event either party fails to comply with, or breaches, any of the terms and provisions of this Agreement, each party shall provide written notice to the other as soon as reasonably possible after the non-breaching party becomes aware of the failure to comply or breach of contract. In the event that the breaching party fails to cure or correct such breaches within a reasonable time following the receipt of notice, such reasonable time not to exceed 15 days, the non-breaching party shall have the right to declare this agreement immediately terminated, and neither party shall have further responsibility or liability hereunder.

4.

Liberty and WCID covenant that neither they nor any of their respective officers, members, agents, employees, program participants, or subcontractors, while engaged in performing this Agreement shall, in connection with the employment, advancement, or discharge of employees, or in connection with the terms, conditions or privileges of their

employment, discriminate against persons because of their age, except on the basis of a bona fide occupational qualification, retirement plan, or statutory requirement.

5.

The Parties, in the execution, performance or attempted performance of this Agreement, will not discriminate against any person or persons because of sex, race, religion, age, disability, color, national origin, or familial status, nor will Contractor permit its agents, employees, subcontractors or program participants to engage in such discrimination.

6.

The provisions of this Agreement are severable and if for any reason a clause, sentence, paragraph or other part of this Agreement shall be determined to be invalid by a court or federal or state agency, board or commission having jurisdiction over the subject matter thereof, such invalidity shall not affect other provisions which can be given effect without the invalid provision.

7.

The failure of either Party to insist upon the performance of any term or provision of this Agreement or to exercise any right herein conferred shall not be construed as a waiver or relinquishment to any extent of Liberty's or WCID's right to assert or rely upon any such term or right on any future occasion.

8.

Should any action, whether real or asserted, at law or in equity, arise out of the execution, performance, attempted performance or non-performance of this Agreement, venue for said action shall lie in Liberty County, Texas.

9.

The governing bodies of Liberty and the WCID have approved the execution of this Agreement, and the persons signing the Agreement have been duly authorized by the governing bodies to sign this Agreement on behalf of the governing bodies.

10.

This written instrument constitutes the entire agreement by the parties hereto concerning the property and services to be transferred and performed hereunder, and any prior or contemporaneous, oral or written agreement which purports to vary from the terms hereof shall be void.

11.

The parties agree that this agreement may be executed in duplicate originals.

IN WITNESS WHEREOF, the parties hereto have executed this agreement to multiples in Liberty County, Texas, this ____ day of _____, A.D. 2018.

ATTEST:

WCID # 5

James K. Leonard
President

ATTEST:

CITY OF LIBERTY

City Secretary

Carl Pickett
Mayor, City of Liberty

WCID #5

REPAIRS NEAR PUMP STATION SITE A

FEMA Project No.4223/NRCS Project No. 5102

January 17, 2018

Section	Funding Agency	Bid/Contract Amount	Federal Agency Share	Local Share
A	FEMA/WCID #5	\$1,745,920.00	\$1,309,440.00	\$436,480.00
B	NRCS/City	455,825.00	341,868.75	113,956.25
C	NRCS/City	63,700.00	47,775.00	15,925.00
Engineering Design	FEMA/WCID #5	259,154.00	194,365.50	64,788.50
Engineering Design (1)	NRCS/City	95,860.00	38,964.38	56,895.62
Engineering Construction	FEMA/WCID #5	393,812.00	295,359.00	98,453.00
Engineering Construction (1)	NRCS/City	31,535.00	0.00	31,535.00
Grant Management	FEMA/WCID #5	65,000.00	48,750.00	16,250.00
Grant Management (1)	NRCS/City	65,000.00	0.00	65,000.00
Totals		\$3,175,806.00	\$2,276,522.63	\$899,283.37

(1) NRCS Grant includes Technical Assistance (TA) funds not to exceed 10% of the Financial Assistance (FA) funds. The total amount of FA & TA funds for the project are \$389,643.75 and \$38,964.38, respectively.

Total FEMA	\$1,847,914.50
Total NRCS	\$428,608.13
Total WCID #5	\$615,971.50
Total City	\$283,311.87
	\$3,175,806.00



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.2

Meeting: 01/23/18 06:00 PM

Department: Administration
Category: Miscellaneous Issues

RESOLUTION (ID # 4017)

DOC ID: 4017 C

WHEREAS, Park Forest Housing, Ltd. has proposed the acquisition and rehabilitation of the development of affordable rental housing known as Park Forest located at 200 Cook Rd. in the City of Liberty, Liberty County, Texas; and

WHEREAS, Park Forest Housing, Ltd. has communicated that it intends to submit an application to the Texas Department of Housing and Community Affairs for 2018 9% Housing Tax Credits for the Park Forest development; and

WHEREAS, in accordance with Section 11.9(d)(1)(A) of the Qualified Allocation Plan, an application may qualify for points for a resolution voted on and adopted from the governing body expressly setting forth that the City of Liberty supports Park Forest Housing, Ltd., and the Development, in their endeavor; and

WHEREAS, Park Forest Housing, Ltd. has requested an in-kind contribution in the amount of two-hundred fifty and no one-hundredths dollars (\$250.00) for the Park Forest as a commitment of Development funding from the City of Liberty, Texas; and

WHEREAS, in accordance with Section 11.9(d)(7)(B) of the Qualified Allocation Plan, an application may qualify for points for a resolution voted on and adopted from the governing body explicitly stating that the Applicant, Park Forest Housing, Ltd., and the Development, are contributing more than any other to the concerted revitalization efforts of the City of Liberty.

BE IT RESOLVED THAT,

The governing body of the City of Liberty, Texas, hereby adopts this resolution as evidence to its commitment of funds in the amount of two-hundred fifty and no one-hundredths dollars (\$250.00) to be provided to the development in the form of an in-kind contribution through lowering building permit fees by the aforementioned amount.

FURTHER RESOLVED, that in accordance with Section 11.9(d)(7)(B) of the Qualified Allocation Plan, Park Forest Housing, Ltd., and the Development, is contributing more than any other to the concerted revitalization efforts of the City of Liberty as of the date of this resolution; and

FURTHER RESOLVED, that the City of Liberty, acting through its governing body, hereby confirms that it supports the proposed Park Forest located at 200 Cook Rd. and that this formal action has been taken to put on record the opinion expressed by the City of Liberty on January 23, 2018; and

FURTHER RESOLVED, that the City of Liberty hereby supports the proposed Park Forest, and confirms that its governing body has voted specifically to approve the construction/rehabilitation of the Development and to authorize an allocation of Housing Tax Credits for the Development pursuant to Texas Government Code §2306.6703(A)(4); and

Resolution (ID # 4017)

City Council Meeting

January 23, 2018

Page 2

FURTHER RESOLVED, that for and on behalf of the Governing Body, Mayor Carl Pickett is hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

This resolution shall take effect immediately and upon passage.

PASSED, APPROVED and ADOPTED this 23th day of January 2018 at a special meeting of the city council of the City of Liberty.

Carl Pickett, Mayor
City of Liberty

Seal

Dianne Tidwell, City Secretary
City of Liberty

Local Government Support – Sample Resolution

Pursuant to §11.9(d)(1) of the QAP and in accordance with Tex. Gov't Code §2306.6710(b), an Application may qualify for up to seventeen (17) points for a resolution or resolutions from the municipality and/or county in which the proposed development site is located. Resolutions that expressly set forth that the municipality or county supports the Application or Development are worth maximum points while resolutions setting forth that the municipality or county has no objection to the Application or Development are worth fewer points. Pursuant to §11.9(d)(1) once a resolution has been submitted it may not be changed or withdrawn. A sample resolution is provided below.

RESOLUTION # _____

WHEREAS, Park Forest Housing, Ltd. has proposed the acquisition and rehabilitation of the development of affordable rental housing known as Park Forest located at 200 Cook Rd. in the City of Liberty, Liberty County, Texas; and

WHEREAS, Park Forest Housing, Ltd. has communicated that it intends to submit an application to the Texas Department of Housing and Community Affairs for 2018 9% Housing Tax Credits for the Park Forest development; and

WHEREAS, in accordance with Section 11.9(d)(1)(A) of the Qualified Allocation Plan, an application may qualify for points for a resolution voted on and adopted from the governing body expressly setting forth that the City of Liberty supports Park Forest Housing, Ltd., and the Development, in their endeavor; and

WHEREAS, Park Forest Housing, Ltd. has requested an in-kind contribution in the amount of two-hundred fifty and no one-hundredths dollars (\$250.00) for the Park Forest as a commitment of Development funding from the City of Liberty, Texas; and

WHEREAS, in accordance with Section 11.9(d)(7)(B) of the Qualified Allocation Plan, an application may qualify for points for a resolution voted on and adopted from the governing body explicitly stating that the Applicant, Park Forest Housing, Ltd., and the Development, are contributing more than any other to the concerted revitalization efforts of the City of Liberty.

BE IT RESOLVED THAT,

The governing body of the City of Liberty, Texas, hereby adopts this resolution as evidence to its commitment of funds in the amount of two-hundred fifty and no one-hundredths dollars (\$250.00) to be provided to the development in the form of an in-kind contribution through lowering building permit fees by the aforementioned amount.

FURTHER RESOLVED, that in accordance with Section 11.9(d)(7)(B) of the Qualified Allocation Plan, Park Forest Housing, Ltd., and the Development, is contributing more than any other to the concerted revitalization efforts of the City of Liberty as of the date of this resolution; and

FURTHER RESOLVED, that the City of Liberty, acting through its governing body, hereby confirms that it supports the proposed Park Forest located at 200 Cook Rd. and that this formal action has been taken to put on record the opinion expressed by the City of Liberty on January 23, 2018; and

FURTHER RESOLVED, that the City of Liberty hereby supports the proposed Park Forest, and confirms that its governing body has voted specifically to approve the construction/rehabilitation of the Development and to authorize an allocation of Housing Tax Credits for the Development pursuant to Texas Government Code §2306.6703(A)(4); and

FURTHER RESOLVED, that for and on behalf of the Governing Body, Mayor Carl Pickett is hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

This resolution shall take effect immediately and upon passage.

PASSED, APPROVED and ADOPTED this 23th day of January 2018 at a special meeting of the city council of the City of Liberty.

Carl Pickett, Mayor
City of Liberty

Seal

Diane Tidwell, City Secretary
City of Liberty



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.3

Meeting: 01/23/18 06:00 PM

Department: Administration
Category: Vehicles

COUNCIL ACTION (ID # 4018)

DOC ID: 4018



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

4.A.4

Meeting: 01/23/18 06:00 PM

Department: Administration
Category: Miscellaneous Issues

COUNCIL ACTION (ID # 4019)

DOC ID: 4019