The City of Liberty
City Council

Special Called Meeting

~ Minutes ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

April Gilliland
City Secretary
936-336-3684

Tuesday, October 25, 2022 **6:00 PM** **City Council Chambers**

I. CALL TO ORDER

This meeting was called to order on October 25, 2022 in the City Council Chambers, 1829 Sam Houston Street, Liberty, Texas at 6:00 p.m. by Mayor Carl Pickett.

A.

Attendee Name	Present	Absent	Late	Arrived
Mayor Carl Pickett	X			
Mayor Pro Tem Diane Driggers	X			
Council Member Dennis Beasley	X			
Council Member Libby Simonson	X			
Council Member Chipper Smith	X			
Council Member Tommy Brents	X			
Council Member Ed Seymour	X			

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.

Mayor Pickett welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council. No comments were made.

III. CONSENT AGENDA

All consent items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, and if such a request is made, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

A motion was made by Council Member Beasley to approve all items on the consent agenda and seconded by Council Member Brents. The motion passed 7 to 0 with all present voting yes.

A. Consider the dates of March 24 & 25, 2023 for the 2023 Jubilee.

IV. REGULAR AGENDA

A. Regular Session

1. A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, AUTHORIZING THE CITY MANAGER TO RELEASE THE FINAL PAYMENT, INCLUDING RETAINAGE, TO NBG CONSTRUCTORS, INC., FOR THE WASTEWATER TREATMENT PLANT FLOOD MITIGATION IMPROVEMENTS AND OUTFALL REPLACEMENT PROJECT.

The Wastewater Treatment Plant (WWTP) was out of service for approximately two weeks as a result of flooding from Hurricane Harvey in 2017. The flood waters around the WWTP were approximately ten (10) feet above natural ground level. As a result of the flood damage from Hurricane Harvey and previous floods in 2015, 2016 and 2017, the City submitted and received a grant through the States Hazard Mitigation Grant Program (HMGP) to construct a Floodwall and Levee around the plant. The first phase of the project was completed and the Texas Department of Emergency Management (TDEM) authorized the City to begin Phase II, which includes the construction of the improvements. On September 10, 2020, the City received six bids to construct the improvements. The bids ranged from the apparent low bid, submitted by NBG Constructors, Inc., in the amount of $5,586,810.00 to $7,541,198.00. HR Green, the City's Engineer on the Project, determined the bid submitted by NBG Constructors, Inc., was the lowest and most responsive bid. With an estimated cost of $5,586,810.00, the federal and local share will be $4,190,107.50 (75%) and $1,396,702.50 (25%), respectively. City Council awarded the project to NBG Constructors during the September 22, 2020 City Council Meeting. NBG Constructors has completed the project and submitted their final pay application in the amount of $110,431.07. This amount represents the retainage on the project. There was one change order on the project that resulted in a decrease of $15,054.27 in the contract amount. The City's engineer on the project, HR Green, has certified the project has been completed in accordance with the plans and specifications. The total cost, based on quantities installed, is $5,521,533.73 or $50,202.00 under the original bid cost, less the change order. City Council previously authorized the use of $1,300,000.00 in 2016 bond proceeds and $263,600 in Cambridge Funds for the local match. The total matching funds required for Phase I and Phase II is $1,554,622.03 or $8,377.97 under the anticipated local match.

A motion was made by Council Member Simonson to approve the resolution authorizing the City Manager to release the final payment, including retainage, to NBG Constructors, Inc., for the Wastewater Treatment Plant Flood Mitigation Improvements and Outfall Replacement Project and seconded by Council Member Seymour. The motion passed 7 to 0 with all present voting yes.

2. A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, AUTHORIZING THE CITY MANAGER TO MAKE THE FINAL PAYMENT TO HR GREEN FOR ENGINEERING RELATED SERVICES FOR THE WASTEWATER TREATMENT PLANT FLOOD MITIGATION IMPROVEMENTS AND OUTFALL REPLACEMENT PROJECT.

HR Green provided engineering services associated with the Wastewater Treatment Plant (WWTP) Flood Mitigation Improvements and Outfall Replacement. Their services included the design of the floodwall and outfall improvements, preparation of the plans and specifications, bidding, construction management, environmental review and permitting, and construction observation. With construction of the project being recently completed, the engineering services of HR Green are no longer required. The final payment to HR Green is in the amount of $4,297.10. All engineering services associated with this project are eligible for funding under the grant on a 75% Federal and 25% local basis. The total amount paid to HR Green, including this payment, is $669,858.44 with $245,430.69 for construction observation. City Council previously authorized the use of $1,300,000.00 in 2016 bond proceeds and $263,600 in Cambridge Funds for the local match. The total matching funds required for Phase I and Phase II is $1,554,673.33 or $8,429.97 under the anticipated local match.

A motion was made by Council Member Simonson to approve the resolution authorizing the City Manager to release the final payment to HR Green for Engineering Related Services for the Wastewater Treatment Plant Flood Mitigation Improvements and Outfall Replacement Project and seconded by Council Member Brents. The motion passed 7 to 0 with all present voting yes.

3. A RESOLUTION OF THE CITY OF LIBERTY, TEXAS, AUTHORIZING PROFESSIONAL SERVICE PROVIDER SELECTION FOR COMMUNITY DEVELOPMENT BLOCK GRANT-MITIGATION (CDBG-MIT) REGIONAL METHOD OF DISTRIBUTION (MOD) PROGRAMS THROUGH THE TEXAS GENERAL LAND OFFICE (GLO).

On September 6, 2022, the Texas General Land Office (GLO) approved the Houston-Galveston Area Council's (HGAC) Method of Distribution (MOD) for the allocation of U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG-MIT) Regional Mitigation Program funds to counties and local for risk management projects related to flooding, hurricanes and other natural disasters. The approved MOD includes the amount of funding available for eligible jurisdictions for risk mitigation projects. The City of Liberty has been allocated $2,684,331.00 in funds to finance, in part, the new water well, elevated storage tank, ground storage tank, and booster pump station. The remaining funding for this project will include $2,307,878.00 in American Rescue Plan funding and $630,690.00 in local funding. The local funding is from Certificates of Obligation that were issued in July of 2022. To assist the City in the administration of the CDBG-MIT funds, Requests for Proposals (RFP's) were solicited from companies providing these types of services. The two firms that responded to the RFP were Traylor and Associates and Public Management. The firms were evaluated by four staff members on experience, work performance, capacity to perform and proposed cost. The firm with the highest score was Public Management, with a bid in the amount of $148,000.00. The cost for administration management is included as a part of the CDBG-MIT funding.

A motion was made by Council Member Brents to approve the resolution authorizing Professional Service Provider Selection for Community Development Block Grant-Mitigation (CDBG-MIT) Regional Method of Distribution (MOD) Programs through the Texas General Land Office (GLO) and seconded by Council Member Beasley. The motion passed 7 to 0 with all present voting yes.

4. A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, AUTHORIZING THE TRANSFER OF FUNDS FROM THE CAMBRIDGE FUND TO THE CAPITAL IMPROVEMENT PROGRAM FOR RENOVATIONS TO FIRE STATION 1 AND THE CONSTRUCTION OF FIRE STATION 2.

During the September 27, 2022, City Council Work Session, staff reported the architect had completed the schematic design phase and prepared cost estimates for the renovations to Station No.1 and the construction of Fire Station No. 2. The estimated probable cost for Fire Station 1 is $1,697,396 and Fire Station 2 is $7,017,975. The City Council had previously allocated in the Capital Improvement Program $250,000 for Station 1 and $1,315,730 as the local match for the construction of Fire Station 2. The City has received a $5,000,000 grant from the Texas Department of Housing and Community Affairs (TDHCA) for the construction of Station 2. When reviewing Fire Station 1, the architect identified major issues with the station. The areas of the building needing immediate attention included the roof, sealing of potential water intrusion areas, insulation, HVAC, ceiling, restrooms, sleeping quarters, day room and building code related items. In order to repair these items and bring the building into code compliance, another $1,447,396.00 in funding will be required. When the City submitted the grant application to TDHCA in December 2021, the estimated cost of construction for Station 2 was $5,243,790. Although the price of materials is decreasing, the estimated cost to construct Station 2 is now $5,888,052. With architectural and administrative costs added, the estimated cost for Station 2 is $7,017,975. This increase in construction costs will increase the local match to $2,017,975 or $702,245 more than originally budgeted.

A motion was made by Council Member Simonson to approve the resolution authorizing the transfer of funds from the Cambridge Fund to the Capital Improvement Program for renovations to Fire Station 1 and the construction of Fire Station 2 and seconded by Council Member Smith. The motion passed 7 to 0 with all present voting yes.

B. Executive Session

At 6:31 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized by Title 5, Chapter 551 of the Texas Government Code.

1. **Texas Government Code §551.071 - Private Consultation with Attorney**
   Discussion with attorney regarding contemplated/pending litigation and/or regarding matters protected by the attorney/client privilege.

2. **Texas Government Code §551.087 - Deliberation Regarding Economic Development Negotiations.**
   Discussion regarding economic development negotiations.

3. **Texas Government Code §551.074 - Personnel Matters.**
   To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

C. Reconvene into Regular Session

At 7:29 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Consider and take possible action regarding contemplated/pending litigation and/or matters protected by attorney/client privilege.

A motion was made by Council Member Simonson to approve the proposed agreement with Tyler Technologies as presented in executive session and seconded by Council Member Brents. The motion passed 7 to 0 with all present voting yes.

2. Consider and take possible action on economic development matters discussed in executive session.

No action was taken.

V. ADJOURNMENT

A. Motion To: Adjourn

With no further business to discuss, Mayor Pickett adjourned the meeting at 7:31 p.m.

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Carl Pickett, Mayor

ATTEST:

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April Gilliland, City Secretary