The City of Liberty
City Council
Regular Meeting
~ Agenda ~

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

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, January 12, 2010 | **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	Arrival
Mayor Carl Pickett	..	..	..	
Councilperson Dennis Beasley	..	..	..	
Councilperson Diane Huddleston	..	..	..	
Mayor Pro-Tem Mike McCarty	..	..	..	
Councilperson Al Simonson	..	..	..	
Councilperson Louie Potetz	..	..	..	
Councilperson Frank Jordan	..	..	..	

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

V. PRESENTATIONS / REPORTS

A. Information Item 2010-1

Water System Study - Schaumburg & Polk, Inc.

VI. 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. Minutes Approval

1. Tuesday, December 08, 2009

2. Monday, December 21, 2009

3. Monday, December 21, 2009

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2010-121

Consider Declaring a 1999 Ambulance as Surplus Property.

2. Ordinance 2010-1

Consider Adoption of an Ordinance Providing New Requirements for Manufactured Homes Located in Non-Restricted Areas.

3. Ordinance 2010-2

Consider Adoption of an Ordinance Amending the City's Authority to Remove, and Bill For, Refuse Collection in the City of Liberty.

4. Resolution 2010-1

Consider Approval of a Resolution Authorizing a One-Year Extension of the Tax Abatement Agreement with Boomerang Tube, LLC.

5. Council Action 2010-122

Consider Postponement of the Liberty Bell Tower Construction.

6. Council Action 2010-123

Consider Awarding Bids for Various City Vehicles.

- Bid No 09-002 Vehicle Bid Tabulation2 (XLS)

B. Executive Session

Deliberation Regarding Economic Development Negotiation. Gov. Code §551.087
Consultation With Attorney. Gov. Code §551.071
Meeting Concerning Municipally Owned Utility. Gov. Code §551.086

1. Discussion of economic development prospect.
2. Discussion of possible incentives for economic development prospect.

C. Reconvene into Regular Session

1. Council Action 2010-124

Consider Any Action, as Discussed in the Executive Session, Relative to the Economic Development Prospect.

2. Council Action 2010-125

Consider Approval of Incentives for a New Economic Development Prospect.

VIII. COUNCIL MEAL

IX. ADJOURNMENT

A. Motion To: Adjourn

CERTIFICATION

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 8th day of January, 2010 at 2:00 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 given to The Vindicator, Liberty Gazette, and KSHN Radio.

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 ____________________, 2010.

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/12/10 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM 2010-1

DOC ID: 1519

Water System Study - Schaumburg & Polk, Inc.

.

The City of Liberty
City Council
Regular Meeting
~ Minutes ~

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

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, December 8, 2009 | **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

The Meeting was called to order on December 8, 2009 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:00 PM by Mayor Carl Pickett.

Attendee Name	Present	Absent	Late	Arrived
Carl Pickett	þ	¨	¨	
Dennis Beasley	þ	¨	¨	
Diane Huddleston	þ	¨	¨	
Mike McCarty	þ	¨	¨	
Al Simonson	þ	¨	¨	
Louie Potetz	þ	¨	¨	
Frank Jordan	þ	¨	¨	

II. INVOCATION

The Invocation was given by Father Ted Smith, St. Stephens Episcopal Church, Liberty.

III. PLEDGE OF ALLEGIANCE

City Manager Gary Broz led the pledge to the American and Texas flags.

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, regarding non-agenda items.

City Manager Gary Broz reported that a Special Called City Council Meeting and Work Session would be scheduled for Tuesday, December 22nd.

V. PRESENTATIONS / REPORTS

A. Information Item 2009-72

Recycling Report - “Shred it Day” - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported on the city-sponsored "Shred-It Day" held on Saturday, December 5th. Ms. Huddleston stated that the event was a great success with approximately 6500-7000 lbs. of paper being shredded, between 9:00 a.m. and Noon. Another shredding event is planned within the next six months.

B. Information Item 2009-74

Community Development Advisory Board - Councilperson Jordan

COMMENTS - Current Meeting:

Councilperson Jordan, Chairman of the Community Development Advisory Board, reported that this Board is charged with making recommendations to the City Manager and City Council regarding economic development, tourism, and beautification. Mr. Jordan further stated that the Board had met on November 30 and discussed proposed projects. Mr. Jordan briefly reported on the following projects:

1) placement of trash receptacles in the downtown area,
2) Park playground equipment, lighting, and tables,
3) tourism long-term plan,
4) joint projects with various wildlife entities,
5) sidewalks around school areas,
6) city entry beautification,
7) beautification of the downtown area,
8) placement of benches in the downtown area, and
9) renovation of the old Liberty Bridge.

ATTACHMENTS:

- LCDAB Minutes 11 30 09 (DOC)

C. Information Item 2009-73

Property Acquisition for City Facilities - City Mgr. Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported that an earnest money contract had been signed for land and a building to house the electric department. Mr. Broz and Finance Director Naomi Herrington met with FEMA representatives to change the scope of work on the project worksheet for the Power Plant building, moving it across the street. Mr. Broz reported that the project looks very positive.

VI. 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.

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

A. Minutes Approval

1. Tuesday, November 10, 2009

2. Tuesday, November 24, 2009

B. Resolution 2009-21

Consider Approval of a Resolution Authorizing Signators on State of Texas Documents for Requesting Funds.

VII. REGULAR AGENDA

A. Regular Session

1. Ordinance 2009-26

Consider Adoption of an Ordinance Authorizing the Issuance of "City of Liberty, Texas, Tax Anticipation Notes, Series 2010", Specifying the Terms and Features of Said Notes; Levying a Continuing Direct Annual Ad Valorem Tax for the Payment of the Principal of and Interest on Said Notes; and Resolving Other Matters in Connection Therewith.

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the ordinance into the record as follows;

"AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF LIBERTY, TEXAS, TAX ANTICIPATION NOTE, SERIES 2010", SPECIFYING THE TERMS AND FEATURES OF SAID NOTE; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTE; AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH."

City Manager Gary Broz reported on the proposed Ordinance for Tax Anticipation Notes which will fund, in the amount of $975,000, the city's portion of the Humphreys Cultural Center Expansion Project and construction of the new bell tower. Mr. Broz stated that this ordinance protects the bank that will loan the money, which can later be repaid by the issuance of the certificates of obligation.

Lengthy discussion was held regarding costs of the new police department, ad valorem tax, sales tax figures, budget figures, debt, and other related topics. Motion was made to adopt Ordinance No. 2009-26.

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	Frank Jordan, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Beasley, McCarty, Simonson, Potetz, Jordan
ABSTAIN:	Diane Huddleston

2. Council Action 2009-109

Consider Awarding a Bid for Various City Vehicles.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that bids for various city vehicles had been opened on Thursday, December 3rd. Mr. Broz further stated that bids specifications were for six vehicles; bids being received from three vendors. Low bidder on the vehicles are as follows:

4-Door Sedan - Fire Department - BJ Ford

Compact 4-Door Sedan - Neighborhood Services - BJ Ford

3/4 Ton Pickup - Electric Department - Philpott Motors

2- Regular Cab Pickups - Meter Readers - BJ Ford

Pickup - Community Services Director - BJ Ford

Lengthy discussion was held regarding expending funds with sales tax figures down, FEMA funds not yet received, deferring this item until the January Council Meeting for further consideration, and other relative issues. There was no action taken on this agenda item.

ATTACHMENTS:

- Bid No 09-002 Vehicle Bid Tabulation2 (XLS)

3. Council Action 2009-110

Consider Extending the Term of the Airport Advisory Board.

COMMENTS - Current Meeting:

Brief discussion was held regarding the importance of the knowledge, expertise, and ideas garnered from the Airport Advisory Board. A motion was made to extend the term of the Airport Advisory Board for two years, the Board disbanding December 31, 2011.

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

4. Council Action 2009-111

Consider Appointments to the Airport Advisory Board.

COMMENTS - Current Meeting:

Discussion was held regarding the number of airport advisory board members, non-resident members, those willing to serve again, and interest from other citizens. This item will be placed on the December 22nd Council agenda. There was no action taken.

5. Council Action 2009-112

Consider Ratifying an Amendment to the City Personnel Policy Regarding Comp Time.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on an amendment to the employee personnel policy, regarding comp time. Mr. Broz stated that he has removed the practice of earning comp time and paid the employees for their current comp time accrued; removing any liability and bookkeeping issues.

Motion was made to ratify and approve the amendment to the employee personnel policy removing compensatory time.

ATTACHMENTS:

- Old Comp Time (PDF)

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

B. Executive Session

Deliberation Regarding Economic Development Negotiation. Gov. Code §551.087
Consultation With Attorney. Gov. Code §551.071
Meeting Concerning Municipally Owned Utility. Gov. Code §551.086

1. Discussion and update of industrial prospect.
2. Discussion of economic development prospect.

At 7:01 p.m., Mayor Pickett closed the open meeting and opened the Executive Session, as authorized above.

C. Reconvene into Regular Session

At 8:16 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2009-113

Consider Approval of Incentives for a New Economic Development Prospect.

COMMENTS - Current Meeting:

There was no action taken on this agenda item.

VIII. COUNCIL MEAL

Council shared an evening meal.

IX. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 8:17 p.m.

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

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

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

Monday, December 21, 2009 **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

The Meeting was called to order on December 21, 2009 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:00 PM by Mayor Carl Pickett.

Attendee Name	Present	Absent	Late	Arrived
Carl Pickett	þ	¨	¨	
Dennis Beasley	þ	¨	¨	
Diane Huddleston	þ	¨	¨	
Mike McCarty	þ	¨	¨	
Al Simonson	þ	¨	¨	
Louie Potetz	þ	¨	¨	
Frank Jordan	þ	¨	¨	

II. INVOCATION

Mayor Pickett dispensed with the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pickett dispensed with the Pledge to the American and Texas flags.

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, regarding non-agenda items.

Mayor Pickett, on behalf of the Council, wished everyone a Merry Christmas.

City Manager Gary Broz introducted his wife, Georgia.

David Santoy addressed the Council requesting the construction of a skate park, which would provide a fun and safe place for young people to expend their energy. Mr. Santoy presented Council with a list of 250 people that support his endeavor.

V. PRESENTATIONS / REPORTS

A. Information Item 2009-75

Financial Report November 2009

COMMENTS - Current Meeting:

City Manager Gary Broz and Finance Director Naomi Herrington reported on the November financials, with the use of a powerpoint presentation. Lengthy discussion included review of the various funds and their current status, sales tax figures, cash balances, FEMA project worksheets and payments, a hold on capital purchases, and other related issues. Mr. Broz reported to Council, for their information, that budget figures could be divided by 12 or 365, reflecting a cost is $60,817 to open the doors and operate each day.

Other topics reviewed were the approval of the demolition of the power plant but, with funds not yet received, FEMA close-out audit, and the approximately one million dollars still owed to the City, by FEMA, which will be paid at the completion of this audit. Also discussed was a organizational chart and review of all employee positions.

B. Information Item 2009-76

Current City Projects - Electric, Water, Wastewater, Airport, Library

COMMENTS - Current Meeting:

City Manager Gary Broz reviewed the following current city projects:

- SECO funds available, through the Comptroller's Office, in the amount of $35,000 for energy conservation. The city is compiling an energy plan to apply for replacement of HVAC units in several city facilities, and for pumps to upgrade lift stations for an economic development project. There is no City match to these funds. There is the possibility of another allocation of funds.

- Demolition of the Power Plant facility approved, working on specifications for the demo of this project

- TxDOT Airport Capital Improvement Program which includes rehabilitating the runway, aprons, taxiway, drainage improvements, and relocating the electric vault. The engineer's cost estimate is $785,000; the city's 10% match has already been paid to TxDOT. These items go to bid in January, 2010.

- Spreadsheet from Schaumburg & Polk on various projects:

$8.1 million Water Development Board Project - engineering fees, construction costs, administrative costs, etc. relative to wastewater treatment plant improvements. After acceptance of the bid, there is $3,421,000 remaining out of the $8.1 million.

S&P working on SSES report relative to the collection system, info to be sent to the Water Development Board and TCEQ in January.

S&P ready to report on the Water System Analysis and Hardin/Ames Wastewater Audit, and continuing work on an economic development project for the City.

- Community Development Block Grant Round 1 Disaster Funds - 2, 025,000 awarded, but not yet funded, for a Fire Department generator, power poles, and pumps for various lift stations.

- Community Development Block Grant Round 2 Disaster Funds - reviewed list of items submitted including fire department substation, police station, more electric poles, bell tower, hangars and other items for a total of $4,347,000.

- Humphreys Cultural Center Expansion Project - The City has currently paid 1.6 million to the contractor, is staying within the budget with change orders, and the project is approximately 73% complete.

- LCDC - started process and awarded to Schaumburg & Polk the Jefferson Drive extension project.

Other projects mentioned were the property purchase for the Fire Department Substation soon to be closed on, demolition of the Mercy Hospital and new Police Department, still working with economic development prospect that spent $2.2 million to locate here, and looking at cost savings to the city's health insurance program.

VI. REGULAR AGENDA

A. *Regular Session*

1. Council Action 2009-114

Consider Renaming Loop 146 to Veterans Memorial Highway.

COMMENTS - Current Meeting:

Mr. Richard Ayers, Liberty County Veterans' Service Officer was present to address the Council in regard to renaming the Bypass, from Hwy. 90 to Hwy. 146, (Veterans Memorial Highway). Mr. Ayers stated that this would be a way to honor those that have served our country. Discussion involved concerns regarding address changes, cost of street signage, a Resolution from the City supporting this project, a letter of support from the Chamber of Commerce, and other related issues.

After lengthy discussion, City Manager Gary Broz recommended that city management, the Chamber of Commerce, and Mr. Ayers gather additional information, form an action plan, and return to Council with a Resolution in support of this project.

There was no formal action taken on this agenda item.

ATTACHMENTS:

- Veterans Memorial Highway (PDF)

2. Council Action 2009-115

Consider Awarding a Bid for Infrastructure Improvements to the Wastewater Treatment Plant.

COMMENTS - Current Meeting:

Mr. Steve Jordan, Schaumburg & Polk was present to address the recent bid opening of December 15, 2009 for improvements to the Wastewater Treatment Plant. Mr. Jordan reported that the low bid was from Allco, Beaumont, Texas, in the amount of $2,945,800. Mr. Jordan and Mr. Broz commented that each had previous experience and a good working relationship with this company. Mr. Jordan recommended the award to Allco, also stating that the bid documents will be reviewed and must be approved by the Texas Water Development Board.

Further discussion included that construction may begin in 60 days and the project completion date is 365 days. Additional discussion included the financial and experience packet submitted by the contractor, which Mr. Jordan will email to Council for their review.

Motion was made to award the bid to Allco, contingent upon approval by the Texas Water Development Board.

ATTACHMENTS:

- Bid Tab WWTP Imp (PDF)

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

3. Council Action 2009-116

Consider Appointments to the Airport Advisory Board.

COMMENTS - Current Meeting:

Mayor Pickett reported that at the Council Meeting of December 8, 2009, the Airport Advisory Board was reinstituted for two years; the Board to disband December 31, 2011. After discussion of various individuals to fill the eight positions on this Board, two of whom may be non-residents, a motion was made to reappoint those members willing to reserve and three new members as follows:

Charles Grabein

Mike McCarty

Dale Clawson

Linda DuBois - Non Resident

Chet Tims

Darrell Taylor

David Lawrence

Bill Sjolander - Non Resident

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

4. Council Action 2009-117

Consider and Act on a Long Term City Financial Plan Including Entering into And/Or Terminating, Any Contracts with Consultants, or Entities to Assist with Long and Short Term Financial Planning.

COMMENTS - Current Meeting:

City Manager Gary Broz addessed Council regarding the need for a long and short term financial plan for the City. Mr. Broz reported on the necessity for a debt management plan, fixed assets plan, reserve accounts, and new funds that may need to be set up. Mr. Broz requested permission to cancel the business relationship with the current financial advisor and bring in a new candidate that can assist in establishing these plans and achieving these goals.

Motion was made to authorize the City Manager to terminate the contract with current financial advisor, Mr. Jim Gilley, Coastal Securities.

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

5. Council Action 2009-118

Consider Purchase of the GM Dealership Building for the Electric Department.

COMMENTS - Current Meeting:

City Attorney Randy Gunter reported that previously Council had voted to authorize the Mayor to execute a purchase and sale contract for the GM Dealership facility at 1100 N. Main Street. This contract has been executed. Mr. Gunter stated that due to recent financial trends and some of Council's financial concerns in recent weeks, it was prudent to bring this item back to Council.

Earlier, this day, the LCDC voted to provide interim financing, in the amount of $495,000, to the City to fund this project at an interest rate of prime, plus one, for a period of one year. If FEMA approves the use of the facility for the Electric Department, upon receipt of those funds, the money could be repaid to the LCDC. At the end of one year, if a there is a necessity to extend this time period, the LCDC would be agreeable to that extension. Relative documents include a Note to LCDC, a Deed of Trust, and a deed to the City from L-D Real Estate, LTD.

Motion was made that the City purchase the property at 1100 N. Main Street, formerly known as the GM Dealership, for $496,000; and that Mayor Pickett be authorized to execute a Note and a Deed of Trust in the amount of $495,000 in favor of the Liberty Community Development Corporation in order to provide interim financing at an annual interest rate of prime, plus 1% for one year. The motion also further moved that Mayor Pickett be authorized to sign any other documents required to complete the purchase of the referenced property.

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

VII. WORK SESSION

1. Work Session 2009-16

Discussion of the Garbage Ordinance and Requirements of Residents/Businesses to Utilize Refuse Collection Services.

COMMENTS - Current Meeting:

Finance Director, Naomi Herrington reported that the City currently has an ordinance in place regarding the City being responsible for trash collection, within the City. After review of this document, it was discovered that it does not make reference that each resident or business is required to use the service provided by the City.

The amended ordinance states that all utility account holders shall pay for garbage collection service, to the City of Liberty. Further discussion included multiple business account holders being charged only one garbage fee, multi-family dwellings, roll-off containers, remodeling materials, Waste Management contract, and other related topics.

ATTACHMENTS:

- Refuse Collection Dec 09 (PDF)

2. Work Session 2009-17

Discussion of the Manufactured Home Ordinance and Model Year Requirements.

COMMENTS - Current Meeting:

Mr. Broz reported that the proposed ordinance amends Section 1 to state that a manufactured home brought into the City of Liberty be ten model years of age or newer.

Discussion included model years of age, appearance, three-year, one time change out in an area where not approved to place a manufactured home, FEMA trailers, and other relative topics.

ATTACHMENTS:

- Manufactured Home Model Year Dec 09 (PDF)

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 8:14 p.m.

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

____
Carl Pickett, Mayor

ATTEST:

____
Dianne Tidwell, City Secretary

The City of Liberty

City Council

Addendum to Meeting

~ Minutes ~

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

Dianne Tidwell
City Secretary
(936) 336-3684

Monday, December 21, 2009 **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. Addendum to Meeting

1. Council Action 2010-119

Consider and Act on Ratification of LCDC Action to Purchase 1100 N. Main Property.

COMMENTS - Current Meeting:

This addendum to the Special Called Council Meeting was not utilized. There was no action taken on this agenda item.

2. Council Action 2010-120

Consider and Act on Assignment of Real Estate Contract for 1100 N. Main to the Liberty Community Development Corporation.

COMMENTS - Current Meeting:

This addendum to the Special Called Council Meeting was not utilized. There was no action taken on this agenda item.

____
Carl Pickett, Mayor

ATTEST:

____
Dianne Tidwell, City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/12/10 06:00 PM

Department: Administration
Category: Surplus Property

COUNCIL ACTION 2010-121

DOC ID: 1522

Consider Declaring a 1999 Ambulance as Surplus Property.

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/12/10 06:00 PM

Department: Administration
Category: Manufactured Homes

ORDINANCE 2010-1

DOC ID: 1525

Consider Adoption of an Ordinance Providing New Requirements for Manufactured Homes Located in Non-Restricted Areas.

AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS AMENDING ORDINANCE NO. 684, AS AMENDED; TO PROVIDE NEW REQUIREMENTS FOR MANUFACTURED HOMES LOCATED IN NON-RESTRICTED AREAS; PROVIDING FOR INSPECTION OF HOMES FOR HABITABILITY; PROVIDING A DEFINITION OF HABITABILITY; PROVIDING FOR SERVABILITY; PROVIDING FOR REPEAL OF INCONSISTENT OR CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

WHERAS, the City Council of the City of Liberty, Texas, finds it to be in the public interest to require that all new or replacement manufactured homes located in the non-restricted area be no more than ten (10) model years of age older than the current model year; and

WHERAS, the City Council of the City of Liberty, Texas, finds it to be in the public interest to require that all new or replacement manufactured homes located in the non-restricted area satisfy the HUD code requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

Section 1

Any new or replacement manufactured home located in the non-restricted area of the City of Liberty must be no more than ten (10) model years of age older than the current model year, and must satisfy the HUD code requirements.

Section 2

Prior to placement of a manufactured home, the structure shall be inspected by the Building Official or his designee to ensure the structure is habitable and complies with Title 24, code of Federal Regulations, Part 3280 - Manufactured Home Construction and Safety Standards, as amended and the relevant provisions of State law regarding the installation of manufactured housing.

Section 3

Habitable manufactured home: "Habitable" as applied to manufactured housing is limited to and means that there is no defect, damage, or deterioration to the home which creates a dangerous, unsafe, or unsanitary situation or condition; that the plumbing, heating, and electrical systems are in safe working order, that the walls, floor and roof are free from any substantial openings not designed and are structurally sound; and that all exterior doors and windows are in place.

Section 4

It is the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 5

The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances, currently in force or hereafter enacted, governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

Section 6

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two days is hereby dispensed with.

Section 7

This Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of

Liberty, this __________ day of _________________________, 20____.

____

Carl Pickett, Mayor

ATTEST:

____
Dianne Tidwell, City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/12/10 06:00 PM

Department: Administration
Category: Garbage Issues

ORDINANCE 2010-2

DOC ID: 1526

Consider Adoption of an Ordinance Amending the City's Authority to Remove, and Bill For, Refuse Collection in the City of Liberty.

AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 13, GRANTING THE CITY OF LIBERTY AUTHORITY TO REMOVE REFUSE FROM WITHIN THE RIGHT-OF-WAY OF A STREET OR ALLEY, AND TO REMOVE ANY REFUSE NOT PREVIOUSLY COLLECTED VIA REGULAR GARBAGE COLLECTION SERVICES AND BILL CITIZENS FOR SAID REMOVAL; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

WHERAS, by adoption of previous ordinances, The City Council of the City of Liberty, Texas detailed the appropriate procedures for the collection of refuse within the corporate limits; and

WHERAS, the City Council of the City of Liberty, Texas, finds it to be in the public interest to amend the ordinance and grant the City of Liberty authority to remove refuse from within the right-of-way of a street or alley and to remove any refuse not previously collected via regular garbage collection services; and

WHEREAS, the City Council of the City of Liberty, Texas, finds it to be in the public interest to amend the ordinance and allow the City of Liberty to bill citizens for the removal of refuse from within the right-of-way of a street or alley.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

<u>Section 1:</u>

The City of Liberty shall have the authority to remove any and all refuse from the right-of-way of a street or alley and to remove any refuse not previously collected via regular garbage collection services. The City of Liberty shall have the right to bill the owner of the refuse for said removal.

<u>Section 2</u>:

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two days is hereby dispensed with.

<u>Section 3:</u>

This Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Liberty, this __________ day of ________________________, 2010.

____
Carl Pickett, Mayor

ATTEST:

____
Dianne Tidwell, City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/12/10 06:00 PM

Department: Administration
Category: Tax Abatement

RESOLUTION 2010-1

DOC ID: 1527 A

Consider Approval of a Resolution Authorizing a One-Year Extension of the Tax Abatement Agreement with Boomerang Tube, LLC.

A RESOLUTION BY THE CITY COUNCIL OF THE
CITY OF LIBERTY, TEXAS, INDICATING ITS INTENT TO REVISE A TAX
ABATEMENT AGREEMENT WITH BOOMERANG TUBE, LLC

WHEREAS, the City Council of the City of Liberty desires to promote economic development and re-development within the City of Liberty;

WHEREAS, the City of Liberty is authorized to enter into Tax Abatement Agreements for commercial/industrial purposes as authorized in Chapter 312 of the Texas Tax Code, "Property Redevelopment and Tax Abatement Act" (The Act) after certain actions by the City are made pursuant to the Tax Code; and

WHEREAS, the City Council of the City of Liberty did previously approve and adopt Tax Abatement Guidelines and Criteria; and

WHEREAS, the City Council of the City of Liberty did previously approve and grant a tax abatement agreement between the City of Liberty and Boomerang Tube, LLC on July 22, 2008; and

WHEREAS, such agreement was ratified by the City Council of the City of Liberty on August 12, 2008 at a regular meeting; and

WHEREAS, due to the fault of no party involved Boomerang Tube, LLC was unable to begin operations at the time specified in the original agreement; and

WHEREAS, due to delays the Revised Completion Period shall be on December 31, 2010; and

WHEREAS, it appears to be in the best interest of the citizens of the City of Liberty to enter into a Tax Abatement agreement that will allow Boomerang Tube, LLC to locate in Liberty, Texas;

NOW, THEREFORE, BE IT RESOLVED that through the adoption of this Resolution, the Mayor of the City of Liberty, Carl Pickett, is authorized to execute the Revised commercial/Industrial Tax Abatement Agreement as attached hereto.

PASSED AND APPROVED this 12th day of January, 2010.

CITY OF LIBERTY, TEXAS

____
Carl Pickett
Mayor

ATTEST:

____
Dianne Tidwell
City Secretary

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/12/10 06:00 PM

Department: Administration
Category: Bell Tower

COUNCIL ACTION 2010-122

DOC ID: 1523

Consider Postponement of the Liberty Bell Tower Construction.

EXPLANATION:
In monitoring our finances, until we get our new financial advisor on board and some plans of how we are going to structure the debt, I think we need to put the bell tower on hold for a period of time. We have spend $13,000 to remove the tower and $25,000 to have the bell reconditioned. I would suggest that we have the bell shipped back and displayed in the lobby of the Cultural Center for now.

Gary Broz

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/12/10 06:00 PM

Department: Administration
Category: Bids

COUNCIL ACTION 2010-123

DOC ID: 1524

Consider Awarding Bids for Various City Vehicles.

EXPLANATION:
My recommendation is that you reject the bids and we will re-bid at a later date, after we see some recovery in the General Fund.

Gary Broz

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BID NO. 09-002--VEHICLES
BID TABULATION

SPECIFICATION	PHILPOTT MOTORS	BJ FORD	LIBERTY-DAYTON CHRYSLER/DODGE
New, 2008 or Later Year Model, Full-Size, 4-Door Sedan with	Year: 2010	Year: 2008	Year: 2010
High-Performance Police Pursuit Package. Quote with Standard	Model: Ford	Model: Ford	Model: Dodge
Equipment PLUS the following required features:	Crown Victoria	Crown Victoria	Charger
Full-Size Spare Tire and Wheel	Yes	Yes	Yes
Heavy-Duty Vinyl Floor Covering Front and Rear	Yes	Yes	Yes
White Exterior, Dark Interior	Yes	Yes	Yes
Estimated Delivery	10 days	Available on Demand	February 18, 2010
Bid Price	$21,398.00	$17,890.00	$21,475.00
New Current Year Model or Later,	Year: 2010	Year: 2010	Year: 2010
4-Door Compact Sedan	Model: Ford Focus	Model: Ford Focus	Model: Dodge Avenger
2.0 L, I-4 Engine	Yes	Yes	No, 2.4L Engine
Automatic Transmission	Yes	Yes	Yes
Air Conditioner & Heater	Yes	Yes	Yes
Full-Size Spare Tire and Wheel	Yes	No	Yes
Power Door Locks	Yes	Yes	Yes
Floor Mats Front and Rear	Yes	Yes	Yes
White Exterior, Dark Interior	Yes	Yes	Yes
Estimated Delivery	10 days	10-12 weeks	February 18, 2010
Bid Price	$13,945.00	$13,616.00	$15,290.00
New Current-Year Model or Later, 3/4-Ton	Year: 2011	Year: 2010	Year: 2010
4x2 Regular Cab Pick Up Truck	Model: F-250	Model: F-250 RC	Model: Dodge 2500
6.4 or greater V-8 Diesel Engine	Yes	Yes	Yes
5-Speed Automatic Transmission	Yes	Yes	No, 6-Speed
3.31 Reg Axle	Yes	Yes	No, 3.73 is recommended
Air Conditioner & Heater	Yes	Yes	Yes
Trailer Tow Package	Yes	Yes	Yes
Full-Size Spare Tire and Wheel	Yes	Yes	Yes
Vinyl Bench Seats	Yes	Yes	Yes
Power Door Locks	Yes	Yes	No
Floor Mats Front and Rear	Yes	Yes	Yes
White Exterior, Dark Interior	Yes	Yes	Yes
Estimated Delivery	60-90 days	10-12 weeks	February 18, 2010
Bid Price	$24,799.00	$26,267.00	$27,884.00

BID NO. 09-002--VEHICLES
BID TABULATION

SPECIFICATION	PHILPOTT MOTORS	BJ FORD	LIBERTY-DAYTON CHRYSLER/DODGE
Two (2) New Current-Year Model or Later	Year: 2010	Year: 2010	Year: 2010
4x2 Regular Cab Pick Up	Model: Ford Ranger RC	Model: Ford Ranger RC	Model: Dodge Dakota
2.3L I-4 Engine	Yes	Yes	No, 3.7L V6
5-Speed Automatic Transmission	Yes	Yes	No, 4-Speed Automatic
4.10 Reg Axle	Yes	Yes	No
Air Conditioner & Heater	Yes	Yes	Yes
Full-Size Spare Tire and Wheel	Yes	Yes	Yes
Split Vinyl Bench Seats	Yes	Yes	No
Power Door Locks	No	No	No
Vinyl Floor Mats Front and Rear	Yes	Yes	Yes
White Exterior, Dark Interior	Yes	Yes	Yes
Estimated Delivery	30-60 Days	10-12 weeks	February 18, 2010
Bid Price, each	$11,415.00	$11,143.00	$14,964.00
New Current-Year Model or Later,	Year: 2010	Year: 2010	Year: 2010
4x2 Super Cab Pick Up	Model: Ford Ranger SC	Model: Ford Ranger SC	Model: Dodge 1500 Q-Cab
4.0L V-6 Engine	Yes	Yes	No, 3.7L V6
5-Speed Automatic Transmission	Yes	Yes	No, 4-Speed Automatic
3.55 Reg Axle	Yes	Yes	No, 3.92 Axle
Air Conditioner & Heater	Yes	Yes	Yes
Full-Size Spare Tire and Wheel	Yes	Yes	Yes
Split Vinyl Bench Seats	No	No	Yes
Power Door Locks	Yes	Yes	Yes
Vinyl Floor Mats Front and Rear	Yes	Yes	Yes
White Exterior, Dark Interior	Yes	Yes	Yes
Estimated Delivery	30-60 Days	10-12 weeks	February 28, 2010
Bid Price	$15,701.00	$15,504.00	$18,995.00

Attachment: Bid No 09-002 Vehicle Bid Tabulation2 (CA-2010-123 : Vehicle Bids)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/12/10 06:00 PM

Department: Administration
Category: Executive Session Items

COUNCIL ACTION 2010-124

DOC ID: 1520

Consider Any Action, as Discussed in the Executive Session, Relative to the Economic Development Prospect.

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/12/10 06:00 PM

Department: Administration
Category: Economic Development Issues

COUNCIL ACTION 2010-125

DOC ID: 1521

Consider Approval of Incentives for a New Economic Development Prospect.

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