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, March 9, 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 (ID # 1598)

Financial Report - January 2010 - Naomi Herrington, Finance Director

B. Information Item (ID # 1595)

Humphreys Cultural Center Expansion Project & Other Projects Update - Gary Broz, City Manager

C. Information Item (ID # 1588)

Liberty Municipal Airport Presentation - Avon Moore, Community Services Director

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, February 09, 2010

2. Tuesday, February 16, 2010

3. Tuesday, February 23, 2010

VII. REGULAR AGENDA

A. Regular Session

1. Council Action (ID # 1589)

Consider Authorizing the Purchase of Incode Call Center Software.

FISCAL IMPACT:

Purchase Price - $9691.00 with annual maintenance of $2438.00.

- Call Center Software (PDF)

2. Council Action (ID # 1590)

Consider Approval of an Agreement with Trees, Inc. for Tree Trimming Services of the City’s Electric System.

- Trees Inc Contract Feb 2010 (DOC)

3. Council Action (ID # 1592)

Consider Awarding Bid for Demolition of the Electric Department Power Plant Building.

- BID NO. 10-005 Bid Tab (DOC)
- Bid No. 10-005 Contractors' Plans (PDF)

4. Resolution (ID # 1594)

Consider a Resolution Declaring an Urgent Need for Use of Texas Community Development Block Grant Hurricane Ike 2008 Supplemental Disaster Recovery Funds, and Authorizing the Mayor to Act as the City's Executive Officer and Authorized Representative in All Matters Pertaining to Participation in the 2008 Supplemental Disaster Recovery Fund Program.

5. Information Item (ID # 1591)

Discussion Regarding Bid Award for the FY 09-10 Airport Improvement Project.

6. Information Item (ID # 1593)

Discussion Regarding Sale of Old Police Department Building, Located at 323 San Jacinto.

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
Deliberation Regarding Real Property. Gov. Code §551.072

1. Discussion of electrical services and/or incentives to Boomerang Tube, LLC.
2. Discussion of electrical services and/or incentives to Holiday Inn Express.
3. Discussion of real property value.

C. Reconvene into Regular Session

1. Council Action (ID # 1596)

Consider Approval Regarding Electrical Services And/Or Incentives to Boomerang Tube, LLC.

2. Council Action (ID # 1597)

Consider Approval Regarding Electrical Services And/Or Incentives to Holiday Inn Express.

3. Council Action (ID # 1609)

Consider Any Action, as Discussed in the Executive Session, Relative to Real Property Value.

VIII. COUNCIL MEAL

IX. ADJOURNMENT

A. 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 4th day of March, 2010 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 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: 03/09/10 06:00 PM

Department: Finance
Category: Reports

INFORMATION ITEM (ID # 1598)

DOC ID: 1598

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

Meeting: 03/09/10 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 1595)

DOC ID: 1595

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

Meeting: 03/09/10 06:00 PM

Department: Administration
Category: Presentations

INFORMATION ITEM (ID # 1588)

DOC ID: 1588

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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, February 9, 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

The Meeting was called to order on February 9, 2010 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 Councilperson Beasley.

III. PLEDGE OF ALLEGIANCE

The pledge to the American and Texas flags was led by Harvey Joiner, Street/Solid Waste Dept. Head.

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 reported on the following:
1) A special called meeting of the City Council has been scheduled for Tuesday, February 23, 2010, and
2) Mayor Pro Tem Mike McCarty would be reading a proclamation on Sunday, February 21st regarding Black History Month, at a celebration to be held in the Liberty Center.

Mr. Paul Graham, Liberty County Long-Term Recovery Committee was present to address Council and reported that the County had received $500,000 for minor home repairs for those individuals whose homes still have damages due to Hurricane Ike. Mr. Graham reported that requirements stipulate that the resident must be the homeowner and that repairs could amount to 25% of the appraised value of the home. Mr. Graham further stated that the committee is seeking additional projects.

City Manager Gary Broz stated that Mr. Graham's contact information and project details would be placed on the city's website and the bulletin board for public notices.

V. PRESENTATIONS / REPORTS

A. Information Item 2010-8

Presentation of the Audit Report for Fiscal Year 08-09 by Swaim, Hanagriff, & Associates.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that he had spoken with LeAnn Brents, Swaim, Hanagriff, and Associates, and that the audit report was not yet complete.

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

A. Minutes Approval

1. Tuesday, January 12, 2010

2. Tuesday, January 26, 2010

3. Wednesday, January 27, 2010

4. Wednesday, February 03, 2010

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2010-16

Consider Proposal for Bank Depository Services for the City of Liberty.

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported that proposals for bank depository services had been opened on January 7th and two proposals were received. Proposals were received from First Liberty National Bank and Prosperity Bank. Ms. Herrington stated that these proposals were very close, however, Prosperity Bank offered a guaranteed floor of 0.75 on money market accounts. Ms. Herrington recommended that due to the state of the economy, the floor provides security for the City and recommended that the City stay with its current depository, Prosperity Bank. Ms. Herrington stated that other reasons to remain with Prosperity Bank included that checks and other financial forms would need to be replaced and can be costly, and that automatic drafts would need to be stopped and transferred to new accounts.

Motion was made to continue with Prosperity Bank as the city's depository.

ATTACHMENTS:

- Bank Depository Analysis (DOC)

RESULT:	**APPROVED [5 TO 0]**
MOVER:	Mike McCarty, Mayor Pro-Tem
SECONDER:	Dennis Beasley, Councilperson
AYES:	Beasley, McCarty, Simonson, Potetz, Jordan
ABSTAIN:	Carl Pickett, Diane Huddleston

2. Resolution 2010-3

Consider Approval of a Resolution Authorizing Publication Of Notice of Intention to Issue Certificates of Obligation.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that this Resolution authorizes the publication of the notice that must be published before issuing any debt. These certificates would provide funding for the Boomerang Tube, LLC Substation, in the amount of $3,400,000. Mr. Broz reported the current document, contained in the council agenda, reflects an amount of $3,300,000.

Motion was made to approve the Resolution with the change from $3.3 million, to an amount not to exceed to $3.4 million.

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

3. Resolution 2010-4

Consider Approval of a Resolution Expressing Official Intent to Reimburse, with Tax-Exempt Obligation Proceeds, for Costs Associated with Acquiring Vehicles and Equipment for Varius City Departments and Constructing a Maintenance Barn Primarily for the Parks Department.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that this Resolution refers to the list of capital equipment reflected in the budget, in the amount of $715,000. The only purchase made, to date, has been the new ambulance, and no other purchases are being considered at this time. Mr. Broz stated that the city's Financial Advisor, Bob Henderson, suggested that this resolution be passed so that if any other financing or capital purchase made, that the city could reimburse itself with the tax exempt obligation proceeds.

Brief discussion was held regarding FEMA payments, the city's fund balance, and that this resolution offers an option for leaving funds in the fund balance, should an emergency expenditure need to be made, spreading the purchase over a period to time, since the remaining FEMA funds have not yet been received.

RESULT:	**NO ACTION TAKEN**

4. Resolution 2010-5

Consider a Resolution Authorizing the City Manager to Enter into an Agreement with the Texas Department of Transportation for the Temporary Closure of Main Street During the Liberty Jubilee.

COMMENTS - Current Meeting:

Motion made to approve the Resolution as presented.

ATTACHMENTS:

- TxDOT Temporary Rd. Closure Agreement (DOC)

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

5. Ordinance 2010-4

Consider Adoption of an Ordinance Requiring All Residents and Businesses to Utilize and Make Payment for Refuse Collection Services.

COMMENTS - Current Meeting:

City Manager Gary Broz reported this ordinance stipulates that every citizen and business is required to pay for garbage service in the City of Liberty. This service is billed by electric meter. Discussion included apartment buildings, Waste Management and collection costs, roll-off containers, council members working with staff to write specifications for garbage collection services, and other related topics.

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

"AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 13, REQUIRING ALL RESIDENTS AND BUSINESSES TO UTILIZE AND MAKE PAYMENTS FOR REFUSE COLLECTION SERVICES; 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."

Motion was made to adopt Ordinance No. 2010-4.

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

6. Ordinance 2010-5

Consider Adoption of an Ordinance Ordering a General Election to be Held in the City of Liberty on Saturday, May 8, 2010. Considere Una Aceptación a La Ordenanza Que Manda a Una Elección General Que Tendrá Lugar En La Ciudad De Liberty, El Sábado 8 De Mayo Del 2010.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS ORDERING A GENERAL MUNICIPAL ELECTION TO BE HELD ON THE 8TH DAY OF MAY, 2010; AUTHORIZING A JOINT ELECTION WITH THE LIBERTY INDEPENDENT SCHOOL DISTRICT AND LIBERTY COUNTY HOSPITAL DISTRICT NUMBER 1; DESIGNATING THE POLLING PLACES AND APPOINTING ELECTION OFFICIALS FOR SUCH ELECTION; PROVIDING PAY RATES FOR ELECTION OFFICIALS; PROVIDING FOR EARLY VOTING; PROVIDING TO TWO TWELVE-HOUR DAYS OF EARLY VOTING; PROVIDING FOR THE NOTICE OF ELECTION; PROVIDING A SEVERABILITY CLAUSE; 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."

Motion was made to adopt Ordinance No. 2010-5.

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

7. Ordinance 2010-6

Consider Adoption of an Ordinance Ordering a Special Election to be Held in the City of Liberty on May 8, 2010 for Voter Consideration of Proposed Amendments to the City's Home Rule Charter. Considere Una Aceptación a La Ordenanza Que Manda a Una Elección Especial Que Tendrá Lugar En La Ciudad De Liberty, El Sábado 8 De Mayo Del 2010 Para La Consideración Del Votante De Las Enmiendas Propuestas a La Ciudad Acerca De La Regla De Contrato De Casa (Home Rule Charter).

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS ORDERING A SPECIAL ELECTION TO BE HELD ON THE 8TH DAY OF MAY, 2010; FOR THE PURPOSE OF VOTER CONSIDERATION OF PROPOSITIONS AMENDING THE HOME RULE CHARTER; DESIGNATING THE POLLING PLACES AND APPOINTING ELECTION OFFICIALS FOR SUCH ELECTION; PROVIDING PAY RATES FOR ELECTION OFFICIALS; PROVIDING FOR EARLY VOTING; PROVIDING FOR TWO TWEVE-HOUR DAYS OF EARLY VOTING; PROVIDING FOR THE NOTICE OF ELECTION; PROVIDING A SEVERABILITY CLAUSE;

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."

Motion was made to adopt Ordinance 2010-6.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Frank Jordan, 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 of electrical services and/or incentives for Boomerang Tube, LLC.

At 6:43 p.m., Mayor Pickett closed the open meeting and opened the Executive Session, as authorized above.

C. Reconvene into Regular Session

At 8:38 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2010-17

Consider Approval Regarding Electrical Services And/Or Incentives to Boomerang Tube, LLC.

RESULT:	**NO ACTION TAKEN**

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 8:40 p.m.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Louie Potetz, Councilperson
SECONDER:	Dennis Beasley, 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

Tuesday, February 16, 2010 | **12:00 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 February 16, 2010 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 12:00 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. 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. There were no comments.

III. PRESENTATIONS / REPORTS

A. Information Item 2010-9

Presentation of the Audit Report for Fiscal Year 08-09 by Swaim, Hanagriff, & Associates.

COMMENTS - Current Meeting:

Ms. LeAnn Brents, Swaim, Hanagriff & Associates, presented, to Council, the Audit Report for Fiscal Year 2008-2009. Ms. Brents gave a brief presentation and highlighted various sections of this document. Ms. Brents reported that the independent auditor's report reflects a clean opinion, and that the City was subject to Single Audit Act requirements, due to receiving FEMA funds. Ms. Brents stated that the city's total combined assets were $28.4 million as of September 30, 2009; up from $27.5 million from September 30, 2008. Ms. Brents further reviewed operating costs and revenues of various funds, property tax, and other related issues.

City Manager Gary Broz reported that this presentation was brief, as Ms. Brents will return to review the audit report in more detail, on February 23rd.

IV. REGULAR AGENDA

A. 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 electrical services and/or incentives for Boomerang Tube, LLC.

At 12:19 p.m., Mayor Pickett closed the open meeting and opened the Executive Session, as authorized above.

B. Reconvene into Regular Session

At 1:00 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2010-18

Consider Approval Regarding Electrical Services And/Or Incentives to Boomerang Tube, LLC.

COMMENTS - Current Meeting:

Motion was made to authorize the City manager to move forward with the design and construction plans for a substation to serve Boomerang Tube, LLC, and to work with the Sam Rayburn Municipal Power Agency to finalize a contract electric rate between SRMPA and the City and to negotiate an electric rate with Boomerang Tube, LLC that will be brought to Council for adoption.

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

V. COUNCIL MEAL

Council shared an evening meal.

VI. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 1:01 p.m.

RESULT:	**APPROVED [6 TO 1]**
MOVER:	Louie Potetz, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Beasley, Huddleston, McCarty, Potetz, Jordan
NAYS:	Al Simonson

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

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

City Council

Special Called Meeting

~ Minutes ~

Tuesday, February 23, 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

The Meeting was called to order on February 23, 2010 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. 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 reported on the following:
1) The Annual Chamber of Commerce Banquet to be held on Thursday, March 4th, and
2) the Black & Gold Street Sign Program.

III. PRESENTATIONS / REPORTS

A. Information Item 2010-10

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston stated that the eCycle Event is still a work in progress, and details are not yet finalized.

B. Information Item 2010-11

Community Development Advisory Board Report - Councilperson Jordan

COMMENTS - Current Meeting:

Councilperson Jordan, Chairman of the Community Development Advisory Board, gave a report on the most recent board meeting. Councilperson Jordan gave a brief overview of the various projects discussed by the Board. Those projects reported on were as follows:

1) lighting at the various neighborhood parks,

2) beautification of the downtown square, also to include trash containers,

3) beautification of the entry, to the city, from Hwy. 90 west,

4) renovation of the old Trinity River Bridge,

5) Renovation and Relocation of the Liberty Train Depot, and

6) promotion of tourism and use of hotel-motel tax.

Councilperson Jordan thanked the members of the Community Development Advisory Board for their work, and stated that the Board would be meeting on a monthly basis.

ATTACHMENTS:

- CDAB Minutes 1-11-10 (PDF)

C. Information Item 2010-12

Electric Department Presentation - Randy Wiggins, Elec. Services Director

COMMENTS - Current Meeting:

Randy Wiggins, Electric Services Director, gave a powerpoint presentation of the recent activities of the Electric Department. This presentation reflected the clean up of the substation on FM 3361 near Boomerang Tube, LLC, and other work conducted by electric department personnel.

D. Information Item 2010-13

Finance Report - January 2010 - Gary Broz, City Manager

COMMENTS - Current Meeting:

Mayor Pickett reported that, in the absence of the City Manager and Finance Director, the monthly financial report would be reviewed at a later date.

E. Information Item 2010-14

Humphreys Cultural Center Expansion Project & Other Projects Update - Gary Broz, City Manager

COMMENTS - Current Meeting:

In the absence of the City Manager, the only report given was an update of the Humphreys Cultural Center Expansion Project, by Library Director Dana Abshier. Ms. Abshier reported that she had been working on shelving plans and that the Library would be closed March 4th for two weeks, in order to lay carpet, place the shelving, and begin moving books.

Ms. Abshier also stated that the Library would also be closed for an additional week, March 22-26, to move furniture, computers, and the staff into the new addition. On March 29, the Library will be open and staff will be working out of the new section, at which time, the old portion will be closed down and refurbished.

IV. REGULAR AGENDA

A. Regular Session

1. Public Hearing 2010-1

Public Hearing Regarding Participation in the Texas Enterprise Zone and the Nomination of Boomerang Tube, LLC as a Texas Enterprise Project.

COMMENTS - Current Meeting:

At 6:21 p.m., Mayor Pickett opened the Public Hearing regarding participation in the Texas Enterprise Zone and the nomination of Boomerang Tube, LLC as a Texas Enterprise Project.

City Attorney Randy Gunter stated that in order to participate in the Texas Enterprise Project, a public hearing must be held to provide citizens the opportunity to express their approval or disapproval. The project consists of the City nominating a company, in which there are certain requirements such as a major contribution of capital, jobs, manufacturing, etc. The project then goes into a competitive bid process at the State level. If the grant is awarded, the State tax portion of the sales tax is refunded to the company as an incentive for locating here. Mr. Gunter further stated that none of the City's portion of the sales tax is refunded.

Brief discussion was held among the Council regarding the designated enterprise zone, that Boomerang Tube, LLC has a good chance of receiving a bid award, that there is no cost to the City, and other related issues. There were no comments from the audience.

At 6:26 p.m., Mayor Pickett closed the Public Hearing.

ATTACHMENTS:

- Public Hearing Notice Enterprise Zone (PDF)

2. Ordinance 2010-7

Consider Adoption of an Ordinance Authorizing Participation in the Texas Enterprise Zone Program, Pursuant to the Texas Enterprise Zone Act, and Nominating Boomerang Tube, LLC as an Enterprise Project.

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, AUTHORIZING THE CITY OF LIBERTY TO PARTICIPATE IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE ("ACT"), PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH THE INTERESTED PARTIES, AND NOMINATING BOOMERANG TUBE, LLC TO THE OFFICE OF THE GOVERNOR, ECONOMIC

DEVELOPMENT AND TOURISM ("OOGEDT") THROUGH THE ECONOMIC DEVELOPMENT BANK ("BANK") AS A DOUBLE JUMBO ENTERPRISE PROJECT ("PROJECT"), AND DISPENSING OF THE REQUIREMENTS OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

Motion was made to adopt Ordinance No. 2010-7.

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

3. Council Action 2010-19

Consider the Appointment of Two Council Members to Assist with Solid Waste Bid Specifications.

COMMENTS - Current Meeting:

Mayor Pickett reported that the City Manager Gary Broz will be forming a committee to work on bid specifications for solid waste collection services. Mr. Broz would like this committee to include two council members. A motion was made to appoint Councilpersons Huddleston and Simonson to work with City staff to prepare bid specifications for solid waste collection services.

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

4. Ordinance 2010-8

Consider Adoption of an Ordinance Repealing the 9% Gross Receipts Tax at the Liberty Municipal Airport.

COMMENTS - Current Meeting:

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

"AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 5, REMOVING COMMERCIAL OPERATING FEES AND REQUIRING CITY MANAGER APPROVAL FOR COMMERCIAL ACTIVITIES TAKING PLACE AT THE LIBERTY MUNICIPAL AIRPORT; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

Avon Moore, Community Services Director, recommended to Council that in preparation of future growth at the Liberty Municipal Airport, that the 9% gross receipts tax be repealed.

Motion was made to adopt Ordinance No. 2010-8.

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

5. Council Action 2010-20

Consider Authorizing the Purchase of Incode Call Center Software.

COMMENTS - Current Meeting:

In the absence of the City Manager, there was no action taken on this agenda item, as Mr. Broz would like to be present for discussion of this item.

ATTACHMENTS:

- Incode Call Center Proposal (PDF)

RESULT:	**NO ACTION TAKEN**

6. Council Action 2010-21

Review, Discuss, and Consider Acceptance of the Fiscal Year 08-09 Audit Report, as Prepared by Swaim, Hanagriff, and Associates.

COMMENTS - Current Meeting:

Ms. LeAnn Brents, Swaim, Hanagriff & Associates addressed the Council regarding the FY 2008-2009 Audit Report. Ms. Brents gave a brief review of this document at the Council Meeting of February 16. Ms. Brents again stated that the City had received a clean opinion, and reviewed the various funds. Ms. Brents further stated that the City's total combined assets were $28.4 million as of September 30, 2009; up from $27.5 million from September 30, 2008.

Ms. Brents explained that this year's numbers are skewed due to the FEMA numbers, and that the auditor separated those numbers, so that normal operating costs and revenues could be seen.

After review of the audit document and various funds, Ms. Brents answered questions regarding monthly financial statements, income statements, balance sheets, fund transfers, adjustments, FEMA funds, and numerous related topics.

Motion was made to accept the FY 08-09 Audit Report as presented.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Frank Jordan, Councilperson
SECONDER:	Mike McCarty, Mayor Pro-Tem
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 of electrical services and/or incentives to Boomerang Tube, LLC.
2. Discussion of electrical services and/or incentives to Holiday Inn Express.

At 7:22 p.m., Mayor Pickett closed the open meeting and opened the Executive Session, as authorized above.

C. Reconvene into Regular Session

At 7:55 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2010-22

Consider Approval Regarding Electrical Services And/Or Incentives to Boomerang Tube, LLC.

RESULT:	**NO ACTION TAKEN**

2. Council Action 2010-23

Consider Approval Regarding Electrical Services And/Or Incentives to Holiday Inn Express.

RESULT:	**NO ACTION TAKEN**

V. WORK SESSION

1. Work Session 2010-3

Discussion of Proposed Ordinance Regarding Parking and Surface Requirement for Commercial Use Property.

COMMENTS - Current Meeting:

Robbie Hood, Neighborhood Services Director, addressed Council regarding parking and surface requirements for commercial use property.

Lengthy discussion was held regarding the economic impact of these requirements on businesses, adding verbiage in the ordinance to include grandfathering existing businesses, not wanting to discourage development, and creating a balance between enforcing these requirements and property ownership rights.

Further discussion included salvage yards, used car lots, permitting, fencing, mobile businesses, abandoned vehicles, blight and property values, public nuisance laws, and other related issues.

Mr. Hood was directed to research State mandated laws on the various issues discussed, and to return to Council with issues of concern, and stories of success.

ATTACHMENTS:

- Parking Ordinance Amendment-Proposed (PDF)

VI. COUNCIL MEAL

Council shared an evening meal.

VII. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 8:46 p.m.

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

____

Carl Pickett, Mayor

ATTEST:

____

Dianne Tidwell, City Secretary

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

Meeting: 03/09/10 06:00 PM

Department: Administration
Category: Expenditures

COUNCIL ACTION (ID # 1589)

DOC ID: 1589

EXPLANATION:

Enclosed you have a proposal from Incode for software purchase. Understanding that now is not a good time to spend money, I feel that this purchase will help the city be more accountable. The software will tract all our calls, also it has the ability for the employees to keep up with time and materials spent on each job. This software also enables anyone to see where the process is on any repair or problem. I am requesting approval to purchase this software from Incode at the price of $9691 with an annual maintenance fee of $2438 per year. If you have any questions, please let me know.

Gary Broz

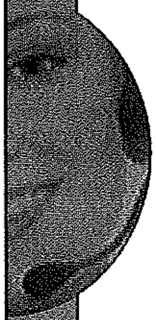
FISCAL IMPACT:

Purchase Price - $9691.00 with annual maintenance of $2438.00.

.

CITIZEN SERVICES

PRODUCT | INCODE CALL CENTER



Tyler's INCODE Call Center module provides the ability to record and track incoming calls, complaints, notifications, and resolutions to citizen requests. This module allows for efficient management of staff notification, issue tracking, and reporting of statistical data related to incidents.

The Call Center module provides detailed user-defined workflows for resolution of issues, including automatic generation of letters and notifications to citizens or contacts associated with an incident. Call Center interfaces with Tyler's INCODE Building Permits and Contact and Property Management modules.

TRANSACTION EFFICIENCY

- Automatic assignment of due dates and status based upon workflow and code setup parameters.
- Automatic notification of past due tasks to staff or group.
- Specialized console programs for incident entry to increase operator efficiency.
- Support for user-defined data elements.
- Automatic creation of next task in workflow.
- Independent task processing.

USER FRIENDLY

- Fast access to incident and task information to facilitate citizen requests.
- Reduction of data entry duplication through contact and property associations.
- Filtering of data views by property, citizen, incident type, dates, staff, group, priority, and user-defined data.
- Full audit trail for creation, editing, and resolution.
- Simplified reporting using saved report filtering and formatting settings.
- Full integration to INCODE Mapping.

INFORMATION & REPORTS

- Provides complete information regarding incident status, task status, and resolution actions performed.
- Allows setup of user-defined codes for incident types, statuses, task groups, and priorities.
- Automatically generates tasks based on user-defined resolution.
- Closes incidents or generates new tasks upon completion.
- Allows users to define employee groups which can be assigned to incidents and tasks.
- Provides full complement of reports including detailed reports for statistical analysis on call volume, statuses, staff or group workload, and resolutions.
- Integrates with Microsoft® Office for letter generation.
- Allows setup and processing of user-defined workflows for incident resolution.

"We had outgrown our previous software and after receiving high recommendations from several other INCODE users in our surrounding area, and seeing a product demonstration- we were sold on Tyler's INCODE products! The outstanding interface capabilities Tyler's INCODE products offer will cut down on staff time, allowing for increased productivity and a much quicker response time to citizens. We are looking forward to Tyler's outstanding training, support, and staff!"

Sandi Beatty,
Finance Officer,
Pleasant Hill, MO

tyler
TECHNOLOGIES

5808 4th Street | Lubbock, TX 79416 | P. 800-646-2633 | F. 806-797-4849 | sales@incode-inc.com www.tyler-incode.com

Customer Relationship Management Information Systems Proposal

Call Center
& Call Center Online

Prepared for

City of Liberty, TX

Melody Fisher
Purchasing Agent
1829 Sam Houston St
Liberty, TX 77575-4742
Phone: (936) 334-7126
FAX: (936) 336-9846
mfisher@cityofliberty.org

Prepared By:
Tyler Technologies
Robin Reeves
(800) 646-2633
February 5, 2010

tyler
TECHNOLOGIES

tyler
TECHNOLOGIES

Customer Name:	City of Liberty, TX
Contact:	Melody Fisher
Date:	February 5, 2010
Salesman:	Robin Reeves

Summary Investment

Summary Investment		*Annual Maintenance Fees*	
License Fees *(Existing Customers)*	4,400	Software Maintenance	1,238
Estimated Services	2,750		
Internet Application(s)	1,600	Internet Applications	1,200
Total Purchase Price	**8,750**	**Total Annual Fees**	**2,438**

Estimated Travel Expenses	
License Fees (Existing Customer)	
Estimated Travel Expenses	941
Total Estimated Travel Expenses	**941**

Note: Travel expenses are billed as incurred based on Federal IRS per diem standards.

Monthly Lease Option:

A Monthly Lease is available for *274* per month for 36 Months

NOTE: *Monthly lease option provided by Diversified Lenders of Lubbock, Texas.*
The first and last month payments are due in advance, with a $1 purchase at the end of the lease.
Contact our office for more information and options.

Note: Proposal provided by INCODE is valid for 120 days. After 120 days proposal pricing is subject to change.

Prepared By
Tyler Technologies
800.646.2633

20080505

tyler
TECHNOLOGIES

Customer Name:	City of Liberty, TX
Contact:	Melody Fisher
Date:	February 5, 2010
Salesman:	Robin Reeves

Software Licenses and Professional Services

	Pricing			INCODE - Implementation			
Application Software	QTY	License Fee	Conversion	Estimated Hours	Estimated Services	Total Cost	Annual Maintenance
INCODE Customer Relationship Management Applications							
Call Center	1	4,950		22	2,750	7,700	1,238
Preferred Customer Discount		-550				-550	

INCODE Subtotal		4,400		22	2,750	7,150	1,238
Total		4,400		22	2,750	7,150	1,238

Prepared By:
Tyler Technologies
800.646.2633

Attachment: Call Center Software (1589 : Call Center Software)

tyler
TECHNOLOGIES

Customer Name:	City of Liberty, TX
Contact:	Melody Fisher
Date:	February 5, 2010
Salesman:	Robin Reeves

OPTIONAL Online Services and Products

Service	QTY	Charges		Initial Year	Annual Fee
INCODE Online Component Setup					
One Time Setup Fee - Hardware Configuration - DNS registration	1	400		400	
INCODE Call Center Online Component					
Monthly support/maintenance fee - Create code enforecement complaints online - View complaints (open, closed) - Security -- SSL (Secure Socket Layer)		100	/month	1,200	1,200
Total				1,600	1,200

Note: INCODE's Online modules support merchant accounts through ETS and Authorize.net.
INCODE's Online modules utilize INCODE Web Services which require a dedicated public IP address (provided by Entity).

Prepared By
Tyler Technologies
800.646.2633

20090303

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

Meeting: 03/09/10 06:00 PM

Department: Administration
Category: Contracts

COUNCIL ACTION (ID # 1590)

DOC ID: 1590

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Trees, Inc.

GENERAL AGREEMENT

THIS AGREEMENT, made this 15 day of February, 2010 between City of Liberty hereinafter called "**COMPANY**", and TREES, INC., a Delaware Corporation, having its principal office in Houston, Texas hereinafter called "**CONTRACTOR**".

WITNESSETH, that for and in consideration of the covenants and agreements hereinafter mentioned, to be performed by the parties hereto, and the payment hereinafter agreed to be made, it is mutually agreed as follows:

1. a) Contractor agrees to furnish all supervisors and labor for the sole purpose of trimming and/or removing trees interfering with the Company's lines, cutting and/or chemically treating brush and undergrowth on Company's rights-of-way, and disposing of the debris resulting from such work as specified by the Company, its agents or employees, to the extent described in Schedule A, "Scope of Work and Special Terms and Conditions".

   b) It is specifically understood and agreed by the parties hereto that Contractor shall not be required to provide trimming or removal of trees for the purpose of discouraging the climbing of trees or to prevent contact with the Company's lines or other electrical equipment by persons other than employees of Contractor engaged in the work contemplated by this Agreement. Contractor's responsibility is limited to providing line clearance so as to prevent interruption of service by trees or tree limbs coming into contact with the lines or other electrical equipment. The Contractor shall have no liability for personal injury or property damage sustained as a result of persons coming into contact with such lines or other electrical equipment.

2. Company agrees to secure all permits and licenses of a temporary nature necessary for the prosecution of the work to be performed hereunder and to pay all charges and fees required for such permits and licenses. Permits, licenses and easements of a permanent nature shall be obtained and paid for by the Company.

3. Contractor agrees to perform all work in accordance with all federal and other local laws, ordinances and regulations applicable to said work.

4. Contractor agrees that its personnel shall at all times present a neat appearance, and all work shall be done, and all complaints shall be handled by Contractor with due regard for the Company's public relations.

5. It is understood that Contractor is an independent contractor under the terms of this Agreement, and each of the parties shall perform its obligations hereunder as an independent contractor and not as the agent, employee, or servant of the other party.

6. Company agrees to install and maintain the necessary guards and protective devices at locations where work is being performed to prevent accidents to the general public or damage to the property and personnel of the Contractor or the general public.

7. Contractor agrees to secure from the Company, and the Company agrees to provide, information as to the nature of the feeders involved in all cases before work is commenced. It is understood by and between the parties that the electric feeders of the Company are to continue in normal operation during this work, and that Company is to provide and Contractor is to use such protective equipment as it deems necessary for the protection of its employees, and to guard against interfering with the normal operation of said circuits.

8. Company agrees to indemnify, hold harmless and defend the Contractor from and against any and all damage or expense which the Contractor may suffer or for which the Contractor may be held liable by reason of any injury (including death) or damage to any property arising out of the execution of the work to be performed hereunder.

It is the intention of the parties that Contractor shall have no liability to Company for losses and damages or expenses which result from specific work directives given by Company's agents or employees, or from the Contractor's compliance with the Company's specifications concerning work to be performed.

9. Company agrees to provide Workers' Compensation, Property Damage, and Public Liability Insurance in terms and amounts satisfactory to the Contractor.

10. If required by the Company, Contractor agrees to furnish to the Company, or its representative, time sheets and other required reports, showing the nature, amount and location of work performed, together with the number of man hours involved, the quantities of material used, the number of trees trimmed and removed, the number of acres or spans cut or chemically treated, and other pertinent information which may, from time to time, be required by the Company.

11. Company agrees to pay invoices monthly for the work provided herein to be done and materials and equipment provided herein to be used in accordance with the attached Schedule A.

12. This Agreement shall be binding upon the parties hereto and their heirs, successors, executors, administrators, and assigns. Contractor shall not assign any of its rights or duties under this Agreement, or subcontract the whole or any part of the work to be performed hereunder without first having obtained the written consent of the Company authorizing such transfer of rights or duties.

13. This Agreement is not intended to constitute an agreement of hiring under the provisions of any Workers' Compensation or unemployment compensation law, any old age benefit law or any similar law, and it shall not be so construed. Company agrees to accept full and exclusive liability for the payment of contributions or taxes imposed under such laws by the federal and/or state government which are measured by remuneration paid to Contractor's employees.

14. Whenever due to special circumstances such as, but not limited to, storm emergency work, an employee of the Company is assigned to work directly with Contractor's employees, it is understood that such employee shall at all times remain in the employ of the Company and that Company shall be responsible for all wages and payroll taxes and shall provide Workers' Compensation coverage for such employee.

a) This Agreement shall continue and remain in full force from February 3, 2009 thru January 31, 2010, but may be terminated for any reason by either party upon five (5) day's written notice to the other.

b) Should Contractor fail to carry out the work or to comply with any of the provisions of this Agreement, the Company may terminate this Agreement upon twenty-four (24) hour's written notice to Contractor.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate by their proper officers thereunto duly authorized, the day and year first hereinabove written.

CITY OF LIBERTY
(“COMPANY”)

By:

____

Title: ____________________________

TREES, INC.
("CONTRACTOR")

By:

____

Title: ______________________________

SCHEDULE A
(SCOPE OF WORK AND SPECIAL TERMS AND CONDITIONS)

Forming part of the GENERAL AGREEMENT between __City of Liberty____________and TREES, INC., dated __February 15_______, 20__10____.

Provide clear cut clearance of 10 feet around distribution electrical lines within the city limits of Liberty.

Time and Material Rates
Trees Inc for City of Liberty
Calendar Year 2010

ITEM	Rate Per Hour		
Crew Rate	**ST**	**Storm**	**OT**
Supervisor	$36.91	$41.14	$49.62
4 Man Manual Crew	$83.42	$91.72	$108.33
2 Man Bucket Crew	$54.62	$59.66	$69.73
2 Man Jarraff Crew	$87.77	$92.80	$102.88
2 Man Tractor Crew	$63.77	$68.59	$78.22
3 Man Manual Crew	$67.33	$74.58	$89.07
3 Man Bucket Crew	$72.08	$79.33	$93.82

Herbicide
Invoice cost plus 10%

Emergency Response

Lodging and meals not provided during emergency restoration efforts will be invoiced at cost + 10%.
Labor rates will be higher of City of Liberty or sending utility for manpower not normally assigned to City of Liberty.
Overtime will be paid and invoiced for hours worked over 40, including non City of Liberty hours and those hours worked outside normal 8 to 10 hour work day.
Labor will be invoiced for travel to and from home location and storm location.
Equipment not assigned to City of Liberty and requested for emergency response will be invoiced at the following rates per mile, aerial lifts and manual trucks $1.65, pick up trucks $.90.

Rates valid for consideration of work assigned related to the Request for Rates submitted 02/15/09 until 1/31/11

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

Meeting: 03/09/10 06:00 PM

Department: Administration
Category: Demolition

COUNCIL ACTION (ID # 1592)

DOC ID: 1592 A

EXPLANATION:
The solicitation of bids for the demolition of the Electric Power Plant building resulted in the submission of five bids. The low bid was a lump sum of $37,500.00 submitted by Albo Construction, LLC. Attached are the Bid Tabulation and Contractor's Plan for each submittal.

Gary Broz

.

BID NO. 10-005: DEMOLITION OF ELECTRIC POWER PLANT BUILDING

BID TABULATION SHEET

BIDDER	PRICE	ABILITY TO MEET INSURANCE REQUIREMENTS	YEARS IN BUSINESS	NUMBER OF EMPLOYEES
Albo, LLC	$37,500.00	Yes	14	17 F/T, 6 P/T
Gulf States Demolition, LLC	$39,202.00	Yes	1	2 F/T, 3 P/T
Cherry Demolition	$67,125.00	Yes	57	200 F/T
CST Environmental, LP	$67,200.00	Yes	20	75 F/T, 150+P/T
Huffman Construction	$88,500.00	Yes	5	25 F/T, 70 P/T

Each Bidder was asked to submit a Work Plan which is attached.

Demolition Contractor ˙ Licensed Asbestos/Lead Abatement Contractor & Transporter ˙
HUB Certified ˙ Member of The National Demolition Assoc. & Building of America Network

February 22, 2010

RE: BID NO. 10-005
Demolition of Electric Power Plant Building

Contractor's Plan:

Albo LLC will start by lifting the collapsed roof off of the generator using a skid steer equipped with a "shark" (a long extension beam used for lifting and demo of tall walls). Equipped with cut off and chain saws Albo LLC will dismantle and remove collapsed roof from second level. Albo LLC will then remove (by hand) any portions of exterior walls that appear unstable and the two roll up garage doors. The owner will have up to seven business days to remove supplies and disconnect generator.

The owner will have to hire a third party asbestos consultant to write specs and perform air monitoring duties. It is unlawful for an asbestos contractor to hire a consultant on his own project unless the consultant is only doing OSHA air samples.

Once the owner is complete Albo LLC will remove and wrap acm windows for disposal.wet down the remaining portions of building using 1 ½ " water line provided by owner. Albo LLC will then demolish the remaining portions with an excavator equipped with thumb while separating inert material from contaminated debris. Albo LLC will continuously spray debris until it is loaded into tractor trailers. The acm and any other debris that is not inert will be manifested and sent to Atascocita Landfill. The site will then be leveled compacted and seeded.

Allan Boegner, Owner (979) 574-3026
Fax (979) 778-0389
3888 Dilly Shaw Tap Road Bryan, Texas 77808
allan@albollc.com

"Ex: A

BID SHEET

BID NO. 10-005

DEMOLITION OF ELECTRIC POWER PLANT BUILDING

THE CITY OF LIBERTY RESERVES THE RIGHT TO AWARD THIS CONTRACT BASED ON WHICH BID IS MOST ADVANTAGEOUS TO THE CITY.

Lump Sum Bid for Complete Demolition and Removal of the Electric Power Plant Building

$ 39,202.00

Contractor's Plan

Please give a brief narrative description of how your firm plans to complete the project. The plan shall include the technique that will be used to demolish the structure as well as the equipment that will be used to demolish the structure and haul away debris.

contractor will coordinate with city to Remove All salvage idioms and with Abetment contract to Remove windows. We will use an excavator to Demolish Building & Load Trucks with Brick and concrete and Rolloff For Trash
Project should Take approximately Three weeks for completion

If more space is needed, attach a separate sheet of paper to packet.

Signature of Authorized Official(s)

Donnie Jeffcoat

PRINTED OFFICIAL'S NAME & TITLE: Donnie Jeffcoat President

FIRM NAME: Gulf STATes Demolition LLC

ADDRESS: 526 Kingwood Dr. Suite 132 Kingwood TX 77339

PHONE #: 800 207 7874

BIDS MUST BE RECEIVED BY CITY SECRETARY BEFORE BID OPENING AT 2:15 P.M. CST ON WEDNESDAY, FEBRUARY 24, 2010.

City of Liberty- Demolition of Electric Power Plant - Work Plan

1.0 Introduction

Cherry Demolition respectfully submits our plan to perform the demolition and debris removal of the former Power Plant building located in Liberty Texas.

The purpose of this document is to illustrate our intended demolition methodology and standard safety and health procedures for Cherry Demolition in the performance of this project. All work will comply with all applicable federal, state and local regulations.

2.0 Scope of Work

Cherry is to perform all demolition work required. Cherry's scope of work includes:

- Hand demolition of the portion of the collapsed roof.
- Demolition of portion of the brick walls to make the building safer
- Remove the Gen set
- Demolition and removal of the building
- Demolition and removal of the building slab and foundations to 3' below grade
- Backfill the remaining low spots and seed
- The mitigation and clean up of dust generated from the demolition
- The segregation of debris and the disposal of all waste and recyclable materials.

3.0 Equipment Requirement

Cherry will mobilize the following equipment to perform the project. All equipment will be fully operational and will be inspected for oil leaks. Cherry will insure that all equipment is in safe and working condition prior to mobilization on site:

- Track excavator
- Manlift
- Support pick up trucks
- Trucks with end dump trailers

If job conditions or the schedule require additional or different equipment, Cherry will provide any equipment needed to maintain a safe and efficient project.

4.0 Manpower Requirement

Cherry will mobilize the following personnel to safely complete the project in a timely manner:

- Foreman
- Operators
- Laborers

5.0 Safe Work Procedures

Cherry will mobilize all equipment, personnel and safety equipment needed for the project. Cherry will maintain and protect the owners provided perimeter security fencing. Cherry will not allow visitors to enter the building or work area with out an escort and no one will be allowed into regulated areas.

The perimeter fence has been installed with the intent to maintain security of the site and limit pedestrian traffic and on lookers near the building.

Prior to mobilization, Cherry will participate in a coordination meeting.

Cherry, along with the owners' representative, will walk the entire building to insure that all hazardous, regulated, and/or asbestos containing materials has been identified

All utilities to the building will be disconnected.

Cherry will begin mobilizing personnel and equipment needed to perform this demolition project.

Cherry may place a diesel fuel tank for onsite equipment use. The tank will be permitted, if required, and contain a double containment. The location of the tank will be determined with coordination with the city.

6.0 Demolition Methods

Cherry will initially mobilize a crew to cap water, sewer and storm sewer lines.

Cherry will mobilize a crew to begin the hand removal of the portion of the roof that has collapsed. Portions of the walls will also be removed. Personnel will use manlifts where practicable and beneficial. Cherry will place personnel inside the building. The roof will be handled as normal C & D waste, the walls will be disposed of as Asbestos containing debris.

Once the building is deemed safe, the contents of the storage room and the gen set will be removed from the building.

Once this work is complete, Cherry will begin demolishing the building.

Using the track excavator, we will demolish and segregate the rest of the structure. The debris will be segregated into three categories; C & D, ACM containing C & D and metal.

Upon completion of the demolition and haul off of the building, the slab and foundations to be broken up and removed. The concrete is assumed to be clean and it will be recycled. The resulting low areas will be backfilled and seed will be sprayed over the area.

During the demolition, Cherry will provide any required protection for adjacent structures. Cherry will be responsible for the protection of the adjacent structures and the clean up of the resulting dust.

Cherry will demobilize our equipment and personnel from the site.

6.1 Debris Clean Up & Recycling Plan

Cherry will recycle all of the clean concrete. All metal will be separated and recycled.

6.2 Traffic Control Plan

Cherry will coordinate all activities to insure our work does not block traffic. Cherry will stage trucks on site. Cherry will use the haul route required by the City of Liberty. Cherry will provide a flagman to assist trucks entering and exiting the site, as deemed necessary.

6.3 Dust Control Plan

Cherry is very conscious of the neighbors concerns to dust. As this work is performed water will be used to suppress the dust emissions.

6.4 Site Work and Demobilization

Cherry will backfill, rough grade and seed the site upon completion of the demolition. Cherry will begin removing all equipment and personnel from the site.

7.0 Employee Training

Cherry has trained our employees in safe work practices and to insure they are instructed in known hazards. Cherry will generate a site-specific safety plan for this project. The safety plan will address the following items:

- Lead/ asbestos awareness
- Nuisance Dust
- Noise
- Trips and Falls
- Falling Objects
- Heavy Equipment Operations
- Working Around Heavy Equipment & Vehicle Traffic
- Electrical
- Compressed Gas Cylinders
- Impalement Hazards
- Cut Hazards
- Temperature Stress
- Traffic Control/ Flagman

8.0 Personal Protective Equipment

Cherry will require our employees to do the following minimum safety equipment:

- Hardhat
- Safety Glasses
- Boots or sturdy leather Shoes
- Gloves

The following are required for specific work tasks:

- Safety Harness
- Hearing Protection
- Face Shield
- Respirators
- Chemical Goggles
- Coveralls
- Air Monitoring Equipment
- Reflective vests and flags

9.0 <u>Accident Prevention</u>

Cherry insists on having a work place free of accidents. To accomplish this, Cherry takes a strong proactive approach to safety. Cherry will implement the following programs to promote and maintain a safe work place:

- Pre-Demolition Engineering Survey
- Daily Tool Box Safety Meeting
- Defined Safety Responsibilities for All On Site Personnel
- Employee Training
- Drug Screening Program
- Weekly Safety Meeting
- Safety Inspections

10.0 <u>Lead Awareness</u>

Cherry will perform all work in accordance OSHA 1926.62, The Lead Standard. This will require Cherry to protect our workers from the exposure to lead. From previous projects, Cherry has historical data that will dictate how we will perform the work. While cutting steel members painted with lead based paints our workers will use engineered controls.

11.0 <u>Emergency Procedures</u>

Cherry's primary concern in any emergency is for worker and public safety. All environmental or production concerns are secondary. We will use the following plan in case of emergencies:

- A specified location will be designated as our evacuation assembly point

In case of a major emergency the following steps will be in place:

- The Cherry superintendent and the Owners Rep. will be notified
- All work will stop
- In a medical emergency, seek medical treatment and insure the worker is not in further danger in his/her current location. Only move the person if necessary.

A phone list of all parties will need to be produced and distributed. The list will need to include all emergency numbers.

12.0 <u>Material Safety Data Sheets</u>

Cherry will maintain on site a MSDS for all chemical known to be in the building and for all chemicals Cherry will bring on site. The book of MSDS's will be made available to all Cherry workers, subcontractors and visitors.

BID SHEET

BID NO. 10-005

DEMOLITION OF ELECTRIC POWER PLANT BUILDING

THE CITY OF LIBERTY RESERVES THE RIGHT TO AWARD THIS CONTRACT BASED ON WHICH BID IS MOST ADVANTAGEOUS TO THE CITY.

Lump Sum Bid for Complete Demolition and Removal of the Electric Power Plant Building

$ 67, 200.00

Contractor's Plan

Please give a brief narrative description of how your firm plans to complete the project. The plan shall include the technique that will be used to demolish the structure as well as the equipment that will be used to demolish the structure and haul away debris.

CST will provide our own excavator to demolish the building and slab.

We will provide our own trucking to haul debris to the designated landfill

and treating building materials as non friable asbestos. The concrete

slab will be recycled. The building will be demolished from the east end working west.

If more space is needed, attach a separate sheet of paper to packet.

Signature of Authorized Official(s)

PRINTED OFFICIAL'S NAME & TITLE: Donald B. McGlamery, Jr. Senior Vice President

FIRM NAME: CST Environmental, LP dba CST Acquisition, LP

ADDRESS: 16421 Aldine Westfield Road Houston, TX 77032

PHONE #: (281) 449-5911

BIDS MUST BE RECEIVED BY CITY SECRETARY BEFORE BID OPENING AT 2:15 P.M. CST ON WEDNESDAY, FEBRUARY 24, 2010.

DEMOLITION PLAN

Demolition Company: HUFFMAN CONSTRUCTION, INC.

Telephone: (504) 301-7008 Fax: (504) 754-7825

Address: 761 Cherokee Ave. Port Neches, TX 77651

E-mail: michael@huffmanconstructioninc.com

Owner/Responsible Party Information: City of Liberty Texas

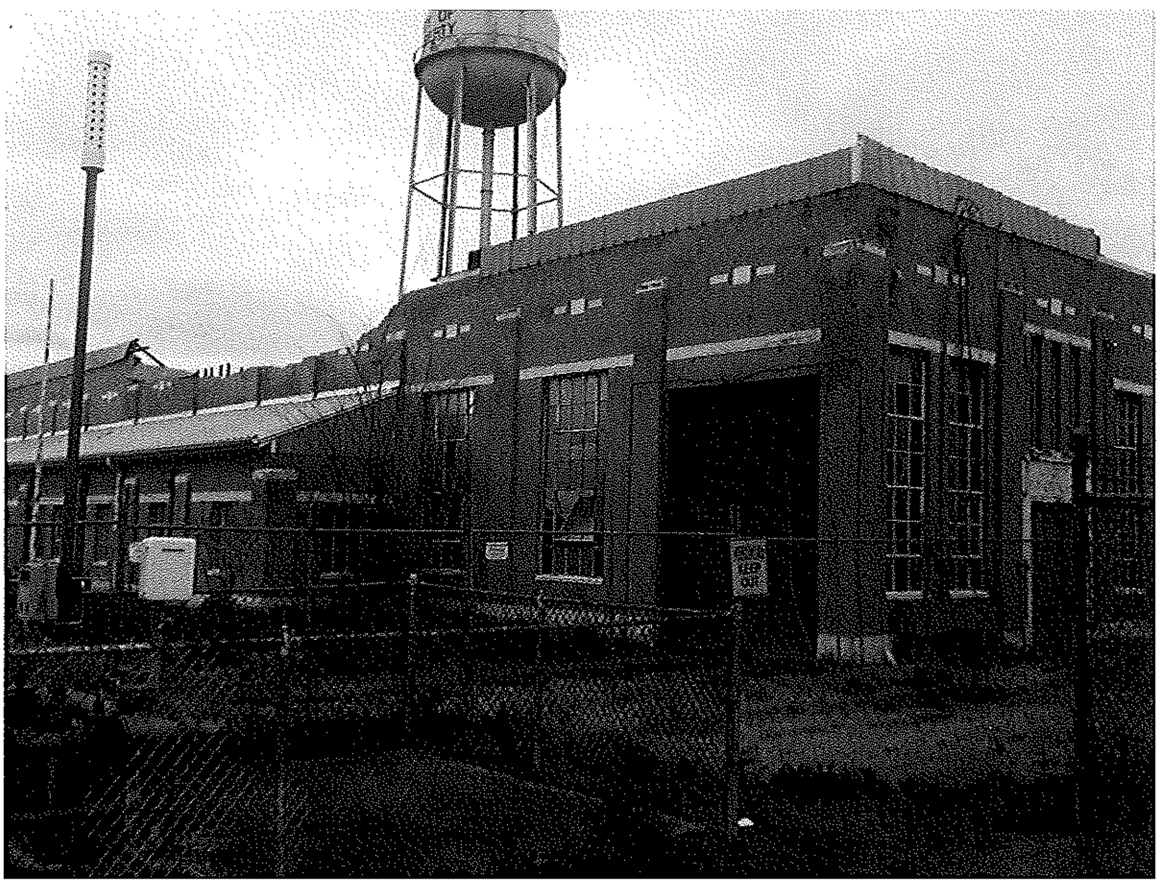
Telephone Number: (936) 336-3684

Address: 1829 Sam Houston Liberty, TX 77575

POC Name: Mr. Avon Moore

Telephone Number: (936) 776- 2133

190 Monta Street Liberty, Texas



Builing Information

Dimensions: **Length:** 140 ft **Width:** 54 ft **Height:** 20 ft

Building Type: Brick with wood and metal roof

Builder : Unknown **Year Built:** 1900

BUILDING SURVEY

Casualty / Location: *(check all that apply)*

Type of Casualty: ☐ Fire/Explosion ☑ Wind ☐ Collapsed

☐ Flooded ☐ Tornado ☑ Hurricane Damage

☐ Other: ____________________

Asbestos Threat: ☑ Yes ☑ No

Asbestos detected in vapor barrier and window caulking

Reported Damage

Damage Description: 1. Roof has partially collapsed

2. Roof has pulled some brick loose at top of building

Demolition Procedures

Demolition Steps:

1. Install safety fence before conducting any demolition operations.
2. Conduct pre demo safety meeting.
3. Remove two roll up doors on north-east side of building.
4. Remove roof from generator.
5. Remove all anchoring hardware and exhaust from generator.
6. Place nylon slings on generator for lifting.

7. Lift generator with excavator and place on city's trailer.

8. Remove remaining portion of collapsed roof over center of building.

9. Remove all loose brick hanging from top of building.

10. Ensure building is safe for entry of city employees.

11. Let city remove all items wanted from building.

12. Begin demolition of building and spray with water as needed .

13. Haul Debris to approved landfill.

14. Remove concrete foundation 3 feet below grade.

15. Haul fill compact in 9 inch lifts to ensure (94%) compaction

16. Cover fill material with topsoil

17. Seed lot

18 Remove all equipment

Equipment To Be Utilized

Link Belt 210 LX Excavator
Bobcat T-250 Skid Steer
5-10 Tri Axle Dump trucks
2- 36 Cubic Yard Dump Trailers
Water Truck

Disposal

Destination: Beaumont or Port Arthur Landfill.

Purpose of Transit: Debris disposal.

Safety: Tarp Loads, check all lights on trucks.

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

Meeting: 03/09/10 06:00 PM

Department: Administration
Category: Tx Comm Dev Block Grants

RESOLUTION (ID # 1594)

DOC ID: 1594

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, DECLARING AN URGENT NEED FOR THE USE OF TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT HURRICANE IKE 2008 SUPPLEMENTAL DISASTER RECOVERY FUNDS AS ADMINISTERED BY THE OFFICE OF RURAL COMMUNITY AFFAIRS; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE 2008 SUPPLEMENTAL DISASTER RECOVERY FUND PROGRAM.

WHEREAS, the City Council of the City of Liberty desires to maintain a viable community, including decent housing and a suitable living environment and maintaining economic opportunities, principally for persons of low/moderate income; and

WHEREAS, the City suffered a disaster from the wind and water forces perpetrated by Hurricane Ike, which damaged houses, businesses, roads, bridges and other public infrastructure; and

WHEREAS, it is necessary and in the best interests of the City of Liberty to apply for funding under the Texas Community Development Block Grant Hurricane Ike 2008 Supplemental Disaster Recovery Program.

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

1. That an urgent need be declared for financial assistance to construct and/or reconstruct housing and infrastructure, which was damaged and/or failed to function during and after Hurricane Ike and is further delineated in Exhibits A attached to this resolution.

2. That the City Council directs and designates the Mayor as the City's Chief Executive Officer and Authorized Representative to act in all matters in connection with these funds and the City 's participation in the Texas Community Development Block Grant Hurricane Ike 2008 Supplemental Disaster Recovery Program.

Passed and approved this ____ day of ________________, 2010.

____
Carl Pickett, Mayor

____

Dianne Tidwell, City Secretary

Exhibit A

The City of Liberty had the following serious conditions requiring assistance during and after Hurricane Ike:

- Inadequate or no backup power at the Fire Station, Library, Police Station, Electric Building, Water facilities, Sewer facilities, Drainage facilities.
- The Police Department Building was damaged and failed to function.
- The Bell Tower was damaged and failed to function.
- A SCADA System for the Water and Sewer system that failed to function.
- The Liberty Independent School District football stadium parking lot was damaged.
- Three L.I.S.D. buildings were damaged and need to be demolished.
- Electric Poles that were damaged.
- Six Airport Plane T-Hanger and one single Hanger were damaged and failed to function.
- A Radio System for the Water and Electric facilities that failed to function.
- The Electric Department building was damaged and failed to function.
- The Milam Street Right of Way Bridge was damaged.

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

Meeting: 03/09/10 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 1591)

DOC ID: 1591 A

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

Meeting: 03/09/10 06:00 PM

Department: Administration
Category: Discussion

INFORMATION ITEM (ID # 1593)

DOC ID: 1593

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

Meeting: 03/09/10 06:00 PM

Department: Administration
Category: Economic Development Issues

COUNCIL ACTION (ID # 1596)

DOC ID: 1596

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

Meeting: 03/09/10 06:00 PM

Department: Administration
Category: Economic Development Issues

COUNCIL ACTION (ID # 1597)

DOC ID: 1597

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

Meeting: 03/09/10 06:00 PM

Department: Administration
Category: Executive Session Items

COUNCIL ACTION (ID # 1609)

DOC ID: 1609

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