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, March 9, 2010 **6:00 PM** **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on March 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 Father Anil Thomas, Immaculate Conception Catholic Church, Liberty, Texas.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American and Texas flags was led by Fire Chief Fred Collins.

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. There were no comments from the audience.

Mayor Pickett reported on the following items:

1) Rebate Program from the Texas Comptroller's Office regarding energy efficient appliances,
2) TML Region XVI Meeting on March 18th in Cleveland, Texas,
3) City Manager's program to the Rotary Club on March 9 regarding current city projects, and
4) Council member's money due for the Chamber of Commerce Banquet and the Black-Gold Street Sign Program.

At this point in the agenda, Mayor Pickett closed the open meeting, at 6:07 p.m., and opened an Executive Session regarding the following:

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 6:30 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

V. PRESENTATIONS / REPORTS

A. Information Item 2010-17

Liberty Municipal Airport Presentation - Avon Moore, Community Services Director

COMMENTS - Current Meeting:

Avon Moore, Community Services Director, provided a powerpoint presentation on the Liberty Municipal Airport. Mr. Moore reported on the condition of the airport and the status of airport related projects.

Brief discussion was held regarding land acquisition, private hangars, fencing and other associated topics.

B. Information Item 2010-15

Financial Report - January 2010 - Naomi Herrington, Finance Director

COMMENTS - Current Meeting:

City Manager Gary Broz reported on a balance sheet for the month ending January 31, 2010. Mr. Broz reported that this document reflects asset balances as listed below:

1) General Fund - $2+ million

2) Water & Wastewater - $14 million

3) Electric - $2 million

4) Garbage - $198,000

Mr. Broz also reported that current to-date revenues over expenditures reflect the following:

1) General Fund - $383,000 revenues over expenditures

2) Water & Wastewater - 1 million +

3) Electric Department - $500,000 to the negative

4) Garbage - $72,000 - to the negative

Mr. Broz stated the following issues were being reviewed:

1) reviewing salaries for each department,

2) reviewing large expenses,

3) working on trimming 5%-10% from the current budget, and

4) staff is currently reviewing their department budgets, in preparation for the new fiscal year budget.

Finance Director Naomi Herrington reported that she would have the sales tax report out by the end of the week, and per Councilperson Simonson's request, would also report on numbers projected in the budget for sales tax, compared to what was actually received, starting with the beginning of the 09-10 fiscal year.

C. Information Item 2010-16

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

COMMENTS - Current Meeting:

City Manager Gary Broz reported that Library Director Dana Abshier, had given an informative report on the Humphreys Cultural Center Expansion Project, at the last council meeting.

Mr. Broz reported that:

1) he had spoken with Schaumburg & Polk, and equipment should arrive at the Wastewater Treatment Plant, by the end of next week, to begin work on plant improvements,

2)sewer system upgrades are being reviewed by the Texas Water Development Board,

3) bids should be let soon for the Washington Street Lift Station, and

4) the City should soon receive ninety electric poles and several generators, from Round 1 Disaster Funds.

Mr. Broz further reported that internally staff is working on health insurance, keeping the budget in balance, and preparing for the new fiscal year budget process. Mr. Broz stated that the budget document will be in a new format, to include more detail.

Mr. Broz stated that at the Council Meeting of March 23rd, Bob Henderson, RBC Capital, will be present to further discuss the City's financial plan.

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:	Frank Jordan, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Beasley, Huddleston, McCarty, Simonson, Potetz, Jordan

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 2010-25

Consider Authorizing the Purchase of Incode Call Center Software.

COMMENTS - Current Meeting:

City Manager Gary Broz requested authorization to purchase Incode Call Center software. Mr. Broz reported that this product provides the ability to record and track incoming calls and complaints, allows for efficient management of staff notification, and tracks time and materials spent on jobs. Mr. Broz stated that this program is a much needed tool which will increase efficiency and provide accountability. Cost of the software is $9691.00, with an annual maintenance fee of $2438.00.

Motion was made to authorize the City Manager to purchase the Incode Call Center software as presented.

ATTACHMENTS:

- Call Center Software (PDF)

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

2. Council Action 2010-26

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

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the contract presented is a renewal of the current contract, in the amount of $60,000, for trimming of the City's electric lines. Mr. Broz stated that Trees, Inc. provides quality work, is contacted on an as-needed basis, and charges did not increase. Mr. Broz further stated that the City's tree trimming crew had been reduced, attempting to keep the electric department budget in balance. Randy Wiggins, Electric Dept. Director, stated the City's lines are currently in good shape, and the electric system can easily be maintained by use of Trees Inc., and the remaining employee tree trimming crew.

Motion was made to approve the contract with Trees, Inc.

ATTACHMENTS:

- Trees Inc Contract Feb 2010 (DOC)

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

3. Council Action 2010-27

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

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the City had received five bids for the demolition of the Electric Department Power Plant building, 1909 Monta Street. The specifications for this job include lifting the roof off the plant, to allow access for removal of contents, prior to demolition. Bids ranged from $37,500 - $88,500.

Brief discussion included non-friable asbestos, material disposal, foundation issues, and other related topics. The demolition will be totally paid for with FEMA funds. Mr. Broz stated that references had been checked and that his recommendation is to award the bid to the low bidder, Albo LLC.

Motion was made to approve the bid submitted by Albo LLC, a lump sum bid of $37,500, for the demolition of the Power Plant building.

ATTACHMENTS:

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

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

4. Resolution 2010-6

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.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that this Resolution is relative to Round 2 of the 2008 Supplemental Disaster Recovery Funds for Hurricane Ike. The Resolution declares the need for the use of Texas Community Development Block Grant funds and the attached Exhibit A spells out those conditions requiring assistance to include, but not limited to, the damaged police department building.

Motion was made to approve the Resolution.

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

5. Information Item 2010-18

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

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the recent bids received for the FY 09-10 Airport Improvement Project. Mr. Broz reported that TxDOT handles the entire bid process, including the bid award. The City received one bid, from BC Company, Ft. Worth, Texas, which was well within the budgeted project amount of $595,000, to include a 10% match from the City. This bid was low enough that the runway surface was upgraded, from a P631 cold emulsion to a flex grip Type C emulsion.

6. Information Item 2010-19

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

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the recent solicitation of bids for the sale of the Police Department building, damaged during Hurricane Ike, which resulted in no bids. The required minimum bid, on this property, was the CAD value of the land, $88,000. Mr. Broz requested direction from the Council as how to proceed.

Brief discussion was held regarding soliciting bids again, listing with a real estate agent, fencing for added security of the property, and other topics.

Council would like to see this property put up for sale again, asked for an appraised value from a real estate agent, and obtain numbers for the cost of demolition of the building, for possible future negotiation purposes.

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.

At 7:31 p.m., Mayor Pickett once again, closed the open meeting and opened the Executive Session, as authorized above.

C. Reconvene into Regular Session

At 8:27 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2010-28

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

COMMENTS - Current Meeting:

Motion was made to approve a Resolution by the City Council of the City of Liberty, Texas indicating intent to adopt the "Electrical Services Construction Charge Agreement" with Boomerang Tube LLC.

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

2. Council Action 2010-29

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

RESULT:	**NO ACTION TAKEN**

3. Council Action 2010-30

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

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 8:30 p.m.

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

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary