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, October 12, 2010 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on October 12, 2010 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:05 PM by Mayor Carl Pickett.

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Dennis Beasley	Councilperson	Present	
Diane Huddleston	Councilperson	Present	
Mike McCarty	Mayor Pro-Tem	Absent	
Al Simonson	Councilperson	Present	
Louie Potetz	Councilperson	Present	
Frank Jordan	Councilperson	Present	

II. INVOCATION

The Invocation was led by Associate Pastor Ron Davis, First Baptist Church, Liberty, Texas.

III. PLEDGE OF ALLEGIANCE

Pledge to the American and Texas flags was led by Liberty High School Seniors Haili Beam and Alicia Trujillo.

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.

City Manager Gary Broz commented on the following items:
1) Cooperation among departments in cleaning up the old Electric Dept. site on Monta Street,
2) Clean up and removal of inactive records from the Records Room,
3) Success of Police Department's National Night Out Program, and
4) Sales Tax Revenues.

Mayor Pickett commented on the following items:
1) Employee Appreciation Dinner to be held on Thursday, November 4th, sponsored by the City Council,
2) TML Annual Conference in Corpus Christi, October 26-29th, and
3) Upcoming Trinity Valley Fair and Exposition.

Street Supt. Harvey Joiner reported on the following:
1) WCID #5 working on new drainage corridor on McGuire Road,
2) TXDOT contractor working on Sandune Road Bridge, and
3) WCID #5 contractor adding new drainage and replacing old drainage under the levee in

Travis Park.

Councilperson Jordan reported that Boomerang Tube, LLC has now employed 168 employees and new business Ricochet Pipe will soon be employing 14-20 individuals.

Councilperson Potetz reminded everyone that he has a roll-off container at his place of business for the recycling of cardboard, at no-charge.

Mr. Alfred Dingler inquired about new garbage service provided by Waste Management.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 1840)

Annual Review and Update of the Community Development Capital Improvement Program.

COMMENTS - Current Meeting:

Liberty Community Development Corporation General Manager Gary Broz presented to Council the annual report, as required by LCDC Bylaws, on the Community Development Capital Improvement Program.

Mr. Broz reported that the FY 2009-2010 actual figures for the LCDC were $953,360 in revenues, $292,368 in expenses, with a fund balance for the fiscal year of $660,992. Mr. Broz further reported that the LCDC fund balance, as of September 30, 2010 was $2,100,332.74. Mr. Broz further reviewed projects paid for thru the Liberty Community Development Corporation as follows:

1) Retail Coach-Retail Gap Analysis	$30,000
2) Fire Substation Property Purchase	$123,808
3) Mercy Hospital Purchase	$1,689
4) Mercy Hospital Demolition	$109,160
5) Legal Fees	$17,658
6) Workforce Academy	$8,333
7) New Street Project-Preliminary Engineering Plan	$11,000
8) Levee Maintenance	$12,000
9) Retail Coach-Downtown Analysis & Strategy Program	$14,000
10) Provide interim financing for City for purchase of GM Bldg.	$496,000 (repaid)
11) Architect, travel, Meetings, Meals, etc.	$43,546

Mr. Broz further reviewed current ongoing projects as follows:

1) Airport Improvements	$450,000
2) Fire Substation Building	$150,000
3) New Street Project-Engineering	$223,000
4) Workforce Academy	$10,000

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:	Dennis Beasley, Councilperson
SECONDER:	Al Simonson, Councilperson
AYES:	Pickett, Beasley, Huddleston, Simonson, Potetz, Jordan
ABSENT:	Mike McCarty

A. Minutes Approval

1. Tuesday, September 14, 2010

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2010-107

Consider Ratifying the Liberty Community Development Corporation’s Action to Approve an Engineering Proposal from CivilCorp, LLC for Phase 1 of the Texas Street Extension Project.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that proposals had been received from various engineering firms for the Texas Street Extension Project. Each firm made a 15-minute presentation to the Liberty Community Development Corporation Board of Directors and various staff members. Presentations were scored and ranked, with CivilCorp LLC scoring highest CivilCorp's proposal was a lump sum amount of $254,600 for pre-engineering services for the project, which was approved by the LCDC Board. This fee will be paid by the LCDC and is broken down as follows:

1) Pre-Engineering Study	$200,000
2) Surveying & Field Investigation	$25,000
3) Geotech & Pavement Design	$2,000
4) Preliminary Environmental Investigation	$27,600

Motion was made to ratify LCDC's action to approve the engineering proposal from CivilCorp, LLC.

ATTACHMENTS:

- CivilCorp Proposal Phase I (PDF)

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

2. Council Action 2010-108

Consider Approval of the Preliminary Plat of the Glenn Street Addition.

COMMENTS - Current Meeting:

Candice Motschman, Inspection Department, presented to Council a preliminary plat of the Glenn Street Addition stating that the plat was created to dedicate a 60' right of way to extend Glenn Street, to provide access to properties at the end of the existing street. This will also grant road frontage to the properties for possible future development.

Ms. Motschman stated that the Planning and Zoning Commission conditionally approved the plat subject to minor changes. Those minor changes include: 1) subdivision boundary lines are to be indicated with bold lines, 2) lot and block numbers must be on the tracts, 3) building setback lines must be indicated, 4) and correction of the street name on the plat from Glen Street to "Glenn Street".

Motion was made to approve the preliminary plat subject to the changes approved by the Planning and Zoning Commission.

ATTACHMENTS:

- Glenn Street Addition (PDF)

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

3. Council Action 2010-109

Consider Extending the Term of the Community Development Advisory Board.

COMMENTS - Current Meeting:

Motion was made to extend the term of the Community Development Advisory Board for a period of three years, ending December 31, 2013, with committee members reviewed annually.

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

4. Council Action 2010-110

Consider and Approve a Nomination to the Central Appraisal District Agricultural Advisory Board.

COMMENTS - Current Meeting:

Motion was made to nominate Mr. Fredrick Freeman to serve on the Liberty County Central Appraisal District Agricultural Advisory Board.

ATTACHMENTS:

- CAD Ag Brd 2010 (PDF)

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

5. Council Action 2010-111

Consider and Approve a Nomination to the Central Appraisal District Appraisal Review Board.

COMMENTS - Current Meeting:

A meeting will be held on Tuesday, October 19th at Noon for discussion and possible action on a nomination to the CAD Appraisal Review Board.

ATTACHMENTS:

- CAD App Rev Brd 2010 (PDF)

RESULT:	**NO ACTION TAKEN**

6. Council Action 2010-112

Consider and Possible Action on Request of Business to Lease City Property.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that Ricochet Tube has leased five acres on the northwest corner of Boomerang Tube LLC property, located at FM 3361 and Navigation Street. Mr. Broz stated that Ricochet needs ingress and egress for trucks hauling pipe, to make a loop and cross scales located inside the gate, on their property. This proposed document leases 1.5 acres of city property to Ricochet, next to the easement previously given by the City to Boomerang, on the west end of the property.

Motion was made to accept the lease with Ricochet Tube.

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

7. Council Action 2010-113

Consider and Possible Action on Agreed Order with the Texas Commission on Environmental Quality.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that this topic is relative to a previous TCEQ issue with concerns regarding mercury levels in City water, which involved actions proposing a penalty of $47,000. The City's position was that the readings were not accurate and, to this end, Mr. Broz and City Attorney Randy Gunter met with TCEQ, resolving this issue with no penalty being assessed. The City will participate in a Supplemental Environmental Project (SEP) to replace forty sewer lines from the main to individual homes for low income residents with infiltration and inflow issues. This program allows the City to make progress in replacing old lines, while also doing something positive for the community.

Motion was made to approve the Agreed Order with Texas Commission on Environmental Quality.

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

8. Council Action 2010-114

Consider Award of Bid for Power Pole Removal and Replacement through the Texas Department of Rural Affairs.

COMMENTS - Current Meeting:

Mr. Broz reported that the City received only one bid for power pole removal and replacement through the Texas Department of Rural Affairs. This bidder was not able to get bonded, so no action will be taken on this agenda item.

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 7:30 p.m.

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

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary