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, November 9, 2010 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on November 9, 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	Present	
Al Simonson	Councilperson	Absent	
Louie Potetz	Councilperson	Present	
Frank Jordan	Councilperson	Absent	

II. INVOCATION

The Invocation was given by Rev. L.C. Speights, Mt. Rose Baptist Church.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Liberty High School students Ayana Hutcheson and Rachel Dugger.

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.

Mayor Pickett reported on the following:

1) Employee Appreciation Dinner sponsored by the City Council on November 9,
2) welcomed the return of Councilperson McCarty after a lengthy hospital stay,
3) City Manager Gary Broz was the speaker at the recent Rotary Club Meeting, and,
4) music and hot dogs on the square on Sunday night.

City Manager Gary Broz reported that he is available to make presentations to various organizations in regard to the city's activities.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 1854)

Downtown Analysis and Strategy Program- Retail Coach, LLC

COMMENTS - Current Meeting:

Mr. Sean Garrison, The Retail Coach, presented the final report of the Downtown Analysis and Strategy Program. Mr. Garrison reported on the process by which their recommendations were reached and the vision for the downtown area. The vision includes that:

"DOWNTOWN LIBERTY IS A WALKABLE, SAFE AND LIVELY DESTINATION FOR THE COMMUNITY AND REGION."

Discussed were the downtown study area, its strengths and weaknesses, pedestrian traffic, vehicle circulation, signage, and various additional related topics. Proposed priority projects include a:

1) Market Pavilion - new depot and caboose on the square,
2) Gateway Enhancement - monument, signage, and cleanup,
3) Streetscape Improvements - sidewalks, streets, marked crossings, and
4) Business Assistance - facade grant assistance, business loans.

Mr. Garrison suggested the creation of a task force made up of several members of the City Council, Liberty Community Development Corporation, Chamber of Commerce, and several business owners to review the final report document and make plans for implementation.

B. Information Item (ID # 1855)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported on the new recycling kiosk provided to the City, at no cost, by Waste Management. Ms. Huddleston reported that this kiosk accepts plastics and aluminum and is located in the parking lot on the west side of City Hall.

Councilperson Huddleston also reviewed the new Household Hazardous Waste Collection Program provided by Waste Management. This program is a free residential service provided to the citizens in which collected items include garden chemicals, paints, oil, and other hazardous materials.

C. Information Item (ID # 1848)

Financial Report - Unaudited 09/10 - City Manager Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the close out of the 09-10 fiscal year end. Mr. Broz stated the year was closed out in General Fund with a $845,000 shortfall. The Water Department was closed with a $246,000 surplus, Electric Department with a $178,000 shortfall, and Garbage with a $15,000 surplus.

Mr. Broz reported that these were unaudited funds and that the city's annual audit would begin soon. Mr. Broz stated that expenditures were being closely watched and further reported the following:

Fiscal Year Beginning Fund Balance:	FYE Fund Balance:
General Fund - $2.4 million	$1.5 million
Water Fund - $446,000	$690,000
Electric Fund - $778,000	$599,000
Garbage Fund - $49,000	$64,000

1. Information Item (ID # 1856)

Airport Update - City Manager Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz updated the Council on the recent activities at the Liberty Municipal Airport. Mr. Broz reported that the airport had been closed for approximately two weeks while work was being conducted on the north end of the runway; patching, crack sealing, and striping which will bring the runway into proper condition.

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:	Mike McCarty, Mayor Pro-Tem
SECONDER:	Diane Huddleston, Councilperson
AYES:	Pickett, Beasley, Huddleston, McCarty, Potetz
ABSENT:	Al Simonson, Frank Jordan

A. Minutes Approval

1. Tuesday, October 12, 2010

2. Tuesday, October 19, 2010

B. Resolution 2010-21

Consider a Resolution Authorizing the Submission of a Texas Community Development Block Grant Program Applicatoin, for Comprehensive City Planning to the Texas Department of Rural Affairs for the Planning/Capacity/Building Fund, and Authorizing the Mayor to Act as the City's Representative in All Matters Relating to the City's Participation in the Community Development Program.

C. Resolution 2010-22

Consider Approval of a Resolution Authorizing Submission of a Texas Community Development Block Grant Program Application to the Texas Department of Rural Affairs for Sewer System Improvements, and Authorizing the Mayor to Act as the City's Representative in All Matters Relating to the City's Participation in the Community Development Program.

VII. REGULAR AGENDA

A. Regular Session

1. Public Hearing (ID # 1849)

Public Hearing on the Condemnation of the Structure Located at 2722 Cornell Street.

COMMENTS - Current Meeting:

At 6:36 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 2722 Cornell. Robbie Hood, Neighborhood Services Director, described the structure and its dilapidated state. There were no comments from the public.

After brief discussion between the Council and Staff, Mayor Pickett closed the Public Hearing at 6:40 p.m.

ATTACHMENTS:

- Cornell St. Condemnation Info (PDF)

2. Council Action 2010-116

Consider Authorizing the Condemnation of the Structure Located at 2722 Cornell Street.

COMMENTS - Current Meeting:

Motion was made to authorize condemnation, by issuance of the order that the nuisance be abated by demolishing the structure.

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

3. Public Hearing (ID # 1851)

Public Hearing on the Condemnation of the Structure Located at 619 Garrett Street.

COMMENTS - Current Meeting:

At 6:42 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 619 Garrett. Robbie Hood, Neighborhood Services Director, described the structure and its dilapidated state.

Mr. Hood stated that the property owner, after receiving the required notification of this process and prior to this meeting, has raised the structure, the property been cleaned up, and that there is now no action to take regarding this property.

At 6:45 p.m., Mayor Pickett closed the Public Hearing.

ATTACHMENTS:

- Garrett Street Condemnation Info (PDF)

4. Council Action 2010-117

Consider Authorizing the Condemnation of the Structure Located at 619 Garrett Street.

COMMENTS - Current Meeting:

There was no action to be taken on this agenda item.

RESULT:	**NO ACTION TAKEN**

5. Council Action 2010-129

Consider Award of Bid for Two (2) Dump Trucks for the Street Department.

COMMENTS - Current Meeting:

City Manager Gary Broz stated that in the recent issuance of certificates of obligation, $140,000 was budgeted for the purchase of two dump trucks. Local vendors were not able to obtain these vehicles, therefore, they were purchased through the HGAC BuyBoard. Purchase price for both was $134,994.

Motion was made to approve the purchase of the two dump trucks, for the Street Department, through the Houston Galveston Area Council BuyBoard.

ATTACHMENTS:

- Dump Truck Info (PDF)

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

6. Council Action 2010-120

Consider Rejecting the Bid for a Pickup Truck for the Water Department.

COMMENTS - Current Meeting:

Mr. Broz reported that recently Council awarded a bid to Liberty-Dayton Chrysler, in the amount of $21,315, for a 3/4 ton regular cab pickup for the Water Department. Upon ordering the vehicle it did not meet specifications, specifically the ability to pull 12,000 pounds. Management recommends rejection of this bid.

Motion was made to reject the bid from Liberty-Dayton Chrysler for the above-mentioned vehicle for the Water Department.

ATTACHMENTS:

- Vehicle Bid Tab (PDF)

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

7. Council Action 2010-121

Consider Award of Bid for a Pickup Truck for the Water Department.

COMMENTS - Current Meeting:

Motion was made to award a bid, in the amount of $22,236.61, to BJ Ford for a pickup truck for the Water Department.

ATTACHMENTS:

- Vehicle Bid Tab (PDF)

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

8. Council Action 2010-122

Consider Award of Bid for a Steel Storage Building at the Liberty Municipal Park.

COMMENTS - Current Meeting:

Mr. Broz stated that the City recently let bids for a 40X50X14 steel storage building, with a concrete floor, to house tractors and other equipment at the Liberty Municipal Park. Seven bids were received ranging from $35,500 to over $50,000.

Motion was made to award the bid for construction of a steel storage building to Pelco Construction, in the amount of $35,500.

ATTACHMENTS:

- Storage Bldg @ Park (PDF)

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

9. Council Action 2010-123

Consider Award of Bid for a Transformer for the Boomerang Tube Substation, Located on FM 3361.

COMMENTS - Current Meeting:

Mr. Broz explained that the City's electrical engineers, Nowlin & Associates, let for bids for a transformer for the Boomerang Tube Substation. Several bids were received, with management and engineers recommendation being the purchase of the GE Prolac for $585,000, which has a six-month delivery time, and life expectancy of twenty years. Budgeted amount for this equipment was $700,000.

Motion was made to approve the purchase of a GE Prolac for $585,000.

ATTACHMENTS:

- Transformer Bid Boomerang (PDF)

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

10. Resolution 2010-23

Consider Approval of a Resolution Abandoning a Portion of Louisiana Street Right-Of-Way.

COMMENTS - Current Meeting:

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

"A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, ABANDONING A CERTAIN PORTION OF THE LOUISIANA STREET RIGHT OF WAY."

City Attorney Randy Gunter reported at the intersection of Louisiana and Cos Street a piece of property, on Louisiana, has been designated surplus by the City. The City will be placing this property for sale, which includes a right-of-way of approximately three-quarters of an acre. As there are no plans to extend Louisiana Street, the recommendation is to abandon the right-of-way prior to the sale. The sale would then be for one whole piece of property, with no right-of-way.

Motion was made to abandon the portion of right-of-way on Louisiana Street.

ATTACHMENTS:

- Louisiana St ROW Abandonment Doc (DOC)

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

11. Resolution 2010-24

Consider Approval of a Resolution Abandoning a Portion of Cos Street Right-Of-Way.

COMMENTS - Current Meeting:

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

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, ABANDONING A CERTAIN PORTION OF THE COS STREET RIGHT OF WAY."

City Attorney Randy Gunter also reported at the intersection of Louisiana and Cos Streets a piece of property, on Cos, has been designated surplus by the City. The City will be placing this property for sale, which includes a right-of-way of approximately one-half acre. As there are no plans to extend Cos Street, the recommendation is to abandon the right-of-way prior to the sale. The sale would then be for one whole piece of property, with no right-of-way.

Motion was made to abandon the portion of right-of-way on Cos Street.

ATTACHMENTS:

- Cos Street ROW Abandonment Doc (DOC)

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

12. Council Action 2010-124

Consider Authoring the Employment of a Part-Time Construction Manager for City Projects.

COMMENTS - Current Meeting:

City Manager Gary Broz requested Council's approval to employ a part-time construction manager to serve as the City's representative on various projects. This individual would provide objectivity and watch for the City's best interest in the quality of work being performed.

Motion was made to authorize the employment of a part-time construction manager for City projects, as needed.

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

13. Council Action 2010-125

Consider Approval of R.J. Covington Consulting, LLC Proposal for an Electric Cost of Service and Rate Design Study.

COMMENTS - Current Meeting:

Mr. Broz requested approval from Council to expend funds to alleviate concerns regarding the City's electric rate structure. Mr. Broz stated that he would like a review of the structure from the time the City is in receipt of the Sam Rayburn Municipal Power Agency bill until the time the City's bills are mailed to its utility customers. This study would confirm that the City's bills are calculated correctly and up to date with the electric utility market.

Motion was made to approve the proposal from R.J. Covington Consulting for an electric cost of service and rate design study, in the amount of $19,500.

ATTACHMENTS:

- RJ Covington (PDF)

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

14. Council Action 2010-118

Consider Engaging Schaumburg & Polk, Inc. for Engineering Services for Water Tower Improvements.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that regular inspections had been performed on the City's water storage tanks, in which numerous issues relating to this equipment are in need of repair. Mr. Broz stated that in the recently issued certificates of obligation, $1.2 million was earmarked for ground storage and elevated water tank issues. Discussion ensued regarding various repairs, related infrastructure improvements, and future plans for a new elevated storage tank. Mr. Ricky Bourque, Schaumburg & Polk was present to discuss these issues with Council and stated that an incremental plan for repairs would be developed to provide a rotating maintenance schedule for the six tanks. Mr. Bourque explained that the rehabilitation would begin with the two tanks located at the Monta Street site and only limited repairs would be made to the remaining tanks to correct immediate safety items. S&P would also provide the evaluation of a schedule for the remaining repairs, over a three to five year period, along with cost estimates.

Motion was made to authorize management to engage Schaumburg & Polk for engineering services for water tower improvements at the Monta Street site, in an amount not to exceed $54,500.

ATTACHMENTS:

- S & P Water Tank Imp(PDF)

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

15. Council Action 2010-126

Consider Ratifying an Agreement for Fire Protection Services Between the City of Liberty and Liberty County.

COMMENTS - Current Meeting:

Fire Chief Fred Collins reviewed the agreement for county rural fire protection and reimbursement for calls made. Reimbursement rates are based as follows:

50 calls or less per year	$500 per month
More than 50 calls but less than 100 per year	$750 per month
Greater than 100 calls per year	$1000 per month

In addition to the monthly reimbursement rate, the City shall receive reimbursement for each call made, in the amount of $300.

Motion was made to ratify the agreement for fire protection services between Liberty County and the City of Liberty.

ATTACHMENTS:

- Fire Protection Svs Agreement (PDF)

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

16. Council Action 2010-127

Consider Approval of a Harmonics Agreement with the Sam Rayburn Municipal Power Agency and Boomerang Tube, LLC.

COMMENTS - Current Meeting:

City Attorney Randy Gunter explained that the process by which Boomerang Tube, LLC draws power for its operations can cause distortion or interference in the electric system. The proposed agreement requires the installation of filters, by the City, to maintain harmonics (electric voltages and currents that appear on the electric power system as a result of certain kinds of loads) within acceptable limits.

Motion was made to authorize the execution of a Harmonics Agreement between Entergy Texas Inc. and the City of Liberty, on the condition that Boomerang Tube, LLC execute a mirror agreement with Entergy Texas.

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

17. Council Action 2010-119

Consider Change Order #1 for a Wastewater Treatment Plant Upgrade of a Blower Motor.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that in regard to the Wastewater Treatment Plant rehabilitation, Change Order #1 is for the installation of a new 200 horsepower motor on Blower #1. The original contract for improvements included rehab of the blowers, but not the motors.

This motor quit functioning and was sent to the manufacturer, whose recommendation is to replace and not rebuild the motor.

Motion was made to approve Change Order #1for a Wastewater Treatment Plan upgrade of a blower motor, in the amount of $7,914.50.

ATTACHMENTS:

- Change Order Blower Motor (PDF)

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

18. Council Action 2010-130

Consider Request for Proposals for Airport Hangar Design/Construction and Authorize the City Manager to Negotiate Costs.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the City had let Requests for Proposals for design/build services for a 10 unit T-hangar at the Liberty Municipal Airport. This service includes all aspects of design and construction. Mr. Broz recommended that the City release generic specifications for the hangar and allow each vendor that responded the opportunity to submit costs. Council was in agreement of moving forward with this process.

ATTACHMENTS:

- Airport Hangar Design&Const (PDF)

RESULT:	**NO ACTION TAKEN**

19. Council Action 2010-131

Consider Request for Proposals for Operation, Maintenance, and Management of Wastewater Facilities and Lift Stations, and Authorize the City Manager to Negotiate Costs.

COMMENTS - Current Meeting:

Mr. Broz stated that the City recently let Requests for Qualifications for the operation, maintenance, and management of the wastewater facilities and lift stations. Currently, the City contracts with Southwest Water to run the Wastewater Treatment Plant, on a month to month basis. Cost for this service is $7500 per month for labor, licenses, paperwork, etc. Mr. Broz stated that he would like to allow those that submitted qualifications, the opportunity to submit costs for two variables; cost for the operation, maintenance, and management of the treatment plant, and also for the treatment plant and the lift stations. Council was in agreement of moving forward with this process.

ATTACHMENTS:

- Wastewater Facilities & Lift Station Operation (PDF)

RESULT:	**NO ACTION TAKEN**

20. Council Action 2010-128

Consider Request for Proposals, and Execution of Contract, for New Water and Electric Meters for AMI/AMR System.

COMMENTS - Current Meeting:

Mr. Broz reviewed the tabulation sheet for the purchase of new water and electric meters for the AMI/AMR System. Several bids were received with Management and staff recommending the Aqua-Metric Omni Meter. These meters will provide wireless communication to the collector located on the water towers, which in turn communicate with the server located at City Hall. Omni meters are composite, state of the art, smart meters, with the electric meters being of the same quality.

Budgeted funds for this project are $2.7 million. Aqua-Metrics proposal "Alternate B" reflects a cost of $2,288,168.69.

Motion was made to approve proposal "Alternate B" from Aqua-Metrics for the purchase of the water and electric Omni Meters, based on staff's recommendation.

ATTACHMENTS:

- New Meter Purchase 2010 (PDF)

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

21. Council Action 2010-132

Consider Request for Proposals for the Installation of New Water and Electric Meters in the City of Liberty.

COMMENTS - Current Meeting:

Mr. Broz requested that this agenda item be passed on, however, he stated once the installation process began, there would be an approximate 90-day completion period.

ATTACHMENTS:

- Meter Installation 2010 (PDF)

RESULT:	**NO ACTION TAKEN**

B. Executive Session

Deliberation Regarding Real Property. Gov. Code §551.072

1. Deliberation regarding real property purchase, river property.

At 8:03 p.m., Mayor Pickett closed the open meeting and opened the Executive Session, as authorized above.

C. Reconvene into Regular Session

At 8:55 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting. There was no action taken as a result of the Executive Session.

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 8:56 p.m.

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

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary