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

Dianne Tidwell
City Secretary
(936) 336-3684

The City of Liberty

City Council

Regular Meeting

~ Minutes ~

Tuesday, December 14, 2010 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on December 14, 2010 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:03 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	Present	
Louie Potetz	Councilperson	Present	6:34 PM
Frank Jordan	Councilperson	Absent	

II. INVOCATION

The Invocation was given by Randy Wiggins, Electric Services Director.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Mr. Neal Thornton.

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.

Mr. Neal Thornton addressed Council stating his concerns regarding the installation of new water and electric meters, and associated costs. Mr. Thornton also commented on the City's new recycling kiosk, items accepted by the machine, and inquired about the possibility of future curbside recycling.

Mayor Pickett commented on the following items:
1) Bikes for Christmas - thanked all the volunteers that assisted in making this event a success, and
2) stated the City's annual employee Christmas lunch will be held on Thursday, December 16th.

City Manager Gary Broz reported that the Liberty Police Department will be conducting a "Silver Santa" program to assist the elderly with blankets and food items for the holidays.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 1883)

Water Control Improvement District #5

COMMENTS - Current Meeting:

Harvey Joiner, President, Water Control Improvement District #5, addressed Council regarding the recent activities of the District. Mr. Joiner reported the following work had been completed:

1) McGuire Road -

Cleaned and reshaped approximately one-half mile of old ditch and reset the flow line.

2) Travis Park -

Installed an additional 5X7 concrete box through the levee to enhance the flow of rain water when the river is down.

Replaced 2 round 48" corrugated pipes that had completely rusted, with one 4X5 concrete box.

Installed a new headwall, with all new flap gates.

B. Information Item (ID # 1881)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that the City will sponsor a recycling event for Earth Day in April, 2011, with more details at a later date. Ms. Huddleston also reported on the City's recycling kiosk, its limitations, and its use as an educational tool for the public. Councilperson Huddleston also touched on single-source recycling and quarterly residential pick-up of hazardous materials.

C. Information Item (ID # 1884)

Electric Substation Update

COMMENTS - Current Meeting:

City Manager Gary Broz reported that on November 26th, a transformer at the Beaumont Substation lost power, along with three feeders, affecting areas south of Hwy. 90 and west of Main Street. Dashiell Corporation was called to conduct maintenance on the Sam Rayburn Municipal Power Agency transformer, and discovered that it contained water and two burned spots on the main coil. This transformer is being sent to Solomon, Kansas to be rebuilt, while SRMPA has leased a transformer from a supplier to replace the damaged one during the interim. Mr. Broz stated, at this time, the City is operating on one transformer and that he would have more details regarding when to expect the leased transformer on site, and the time frame for rebuilding the damaged transformer.

D. Information Item (ID # 1882)

Community Development Advisory Board

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported the term of the Community Development Advisory Board had been extended for three years, until December 31, 2013, with committee members to be reviewed annually. Ms. Tidwell stated this agenda item affords Council the opportunity to contemplate new appointments to this Board.

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

A. Minutes Approval

1. Tuesday, November 09, 2010

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2010-133

Consider Ratifying the Liberty Community Development Corporation's Action to Execute a Grant Agreement for Business and Commercial Development with Mr. Paul Goodwin.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on an Agreement for Business and Commercial Development between with the Liberty Community Development Corporation and Mr. Paul Goodwin. This agreement provides Mr. Goodwin with $36,000 for the demolition of the structure located at 2106 MLK Blvd.

The terms of the agreement were reviewed with the following changes made to clarify several issues:

1) within six months approval by the City Council, Mr. Goodwin will begin the project,

2) the beginning of the project is defined as the first day of contact between the demolition equipment and the building,

3) the project must be completed within one year of approval by the City Council, in order to collect the grant funds, and

4) Mr. Goodwin will have one year from the actual demolition date, or end of the one year demolition period, whichever comes first, to construct a new permanent building on the property.

Additional discussion was held regarding supporting local business, public interest projects such as the Airport and Fire Station, and obtaining written guidelines from other municipalities regarding practices and policies for funding economic development projects.

Motion was made to ratify the LCDC's action to execute the Grant Agreement for Business and Commercial Development with Mr. Paul Goodwin.

RESULT:	**APPROVED [4 TO 2]**
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Mike McCarty, Louie Potetz
AYES:	Dennis Beasley, Diane Huddleston, Mike McCarty, Louie Potetz
NAYS:	Carl Pickett, Al Simonson
ABSENT:	Frank Jordan

2. Council Action 2010-134

Consider Approval of a Request for Variance from Ordinance 2010-1, Section 1 Regarding Placement of a Manufactured Home Outside the “No Manufactured Home Zone”.

COMMENTS - Current Meeting:

Candice Motschman, Inspection Department, reported on a request for variance from Mr. Fred Majors regarding the age requirement (replacement home must be within ten years of the current model year) for replacement of a manufactured home outside the No Manufactured Home Zone. Ms. Motschman stated that Mr. Majors would like to remove two manufactured homes, in poor condition, and replace with one manufactured home in good condition, that is eleven years from the current model year. The Planning and Zoning Commission voted to approve the variance as the proposed home would be aesthetically pleasing and improve the appearance of the neighborhood.

Motion was made to approve the variance.

ATTACHMENTS:

- Variance Request (PDF)

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

3. Public Hearing (ID # 1888)

Public Hearing on the Condemnation of the Structure Located at 611 Trinity Street.

COMMENTS - Current Meeting:

At 7:00 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 611 Trinity Street. Acting for the City, Attorney Brandon Davis reported that the City had provided proper notice of the condemnation process and directed questions to Candice Motschman, Inspection Department, regarding the structure being identified as a nuisance and its dilapidated/substandard condition. After brief discussion of the structure in question, Mayor Pickett closed the Public Hearing at 7:05 p.m.

ATTACHMENTS:

- Demo Notification 611 Trinity - Burks #1 (PDF)
- Demo Notification 611 Trinity - Burks #2 (PDF)

4. Council Action 2010-135

Consider Authorizing the Condemnation of the Structure Located at 611 Trinity Street.

COMMENTS - Current Meeting:

Motion was made to authorize condemnation of the structure located at 611 Trinity Street.

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

5. Public Hearing (ID # 1889)

Public Hearing on the Condemnation of the Structure Located at 205 Hwy. 90.

COMMENTS - Current Meeting:

At 7:06 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 205 Hwy. 90. Acting for the City, Attorney Brandon Davis reported that the City had provided proper notice of the condemnation process and directed questions to Candice Motschman, Inspection Department, regarding the structure being identified as a nuisance and its dilapidated/substandard condition. After further discussion of the structure in question, Mayor Pickett closed the Public Hearing at 7:19 p.m.

ATTACHMENTS:

- Demo Notification 205 Hwy. 90 (PDF)

6. Council Action 2010-136

Consider Authorizing the Condemnation of the Structure Located at 205 Hwy. 90.

COMMENTS - Current Meeting:

Motion was made to allow the property owner 90 days to complete the demolition process of the structure located at 205 Hwy. 90.

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

7. Council Action 2010-137

Consider Proposals for the Renovation of the Public Works Service Center Located at 1100 N. Main Street.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on proposals received for the renovation of the Public Works Service Center, located at 1100 N. Main Street. The City received two proposals, with additional costs for four alternates:

Alternate #1) Precast concrete fence/gates and monument,

Alternate #2) New millwork, (adding kitchen)

Alternate #3) Paint entire exterior, not part of base bid, and

Alternate #4) Provide work in restroom 119 (bay area)

	Base Bid	Total - Plus Alternates
Arnold Builders	$173,460	$264,064.00
Pelco Construction	$119,840	$207,670.00

Motion was made to award the base bid, with alternates, to Pelco Construction.

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

8. Council Action (ID # 1885)

Consider Award of Bid for the Installation of New Water/Electric Meters in the City of Liberty.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the City had received seven bids for the installation of new water and electric meters for the City, ranging from $140,585 to $353,000. Management recommended the low bid from East Texas Meter & Hydrant Service for $140,585.00.

Mr. Lee Gregory, RG-3 Utilities was present to discuss with Council the bids and various required qualifications for installing meters, as he stated he was the low bidder for the installation of the water meters, but not for the total project. Discussion included the City's electric department's ability to install the electric meters and rebidding the installation of water meters. Further discussion included detailed bid specifications as project completion time not to exceed a specific number of days, definition of weather days, penalty clause, worker certification, and other related information.

Motion was made to reject all bids and rebid the installation of water meters.

ATTACHMENTS:

- Meter Installation Tab Sheet (PDF)

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

B. Executive Session

Consultation With Attorney. Gov. Code §551.071

1. Pending Litigation. Belfor v. City of Liberty.

No Executive Session was held.

C. Reconvene into Regular Session

1. Council Action 2010-138

Consider Action, If Any, on the Items as Discussed in the Executive Session.

RESULT:	**NO ACTION TAKEN**

VIII. COUNCIL MEAL

Council shared an evening meal.

IX. ADJOURNMENT

A. Motion To: Adjourn

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

Carl Pickett, Mayor

ATTEST:

____
Dianne Tidwell, City Secretary