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, January 11, 2011 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on January 11, 2011 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	Absent	
Louie Potetz	Councilperson	Present	
Frank Jordan	Councilperson	Present	

II. INVOCATION

The Invocation was given by Pastor A.K. Thomas, Turkey Creek Baptist Church.

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.

Ms. Diane Blalock, 1330 Edgewood, addressed the Council expressing her concerns regarding the sale of the City's property at Bowie and Edgewood Streets and related drainage issues.

Mayor Pickett reported on the following:
1) a Special Called Meeting of the City Council to be held on Tuesday, January 25th,
2) a TML Region XVI Meeting to be held in Port Arthur on February 17th, and
3) the Annual Liberty-Dayton Chamber of Commerce Awards Banquet to be held on February 24th.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 1901)

Financial Report - as of January 1, 2011

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on the City's financials stating that the following were preliminary numbers for the month ending December 31, 2010, without adjustments being made and without the accounts being closed out.

Month of December -

General Fund -	$816,000 revenues ($420,000 from property taxes)
	$475,000 expenses

Ms. Herrington also stated that the following are Year-to-Date figures for the various funds:

General Fund	$15,000 expenses over revenues
Water Fund -	$221,000 revenues over expenses
Electric Fund -	$100,000 revenues over expenses
Garbage Fund -	$ 53,000 revenues over expenses

Ms. Herrington further stated that property taxes are currently being paid and sales tax revenues had increased from the previous year.

B. Information Item (ID # 1902)

Financial Report - Humphreys Cultural Center Expansion Project

COMMENTS - Current Meeting:

City Manager Gary Broz provided a review of the original and current budget for the Cultural Center Expansion Project, and receipts and payments as of December 31, 2010. Brief discussion was held regarding various line items in the budget to include the $18,000 owed to the prison for furniture, future landscaping, bell tower, Tax Anticipation Notes, and other related topics. Mr. Broz stated that there were $3,506,006 in revenues, and $3,405,096 in expenses, providing approximately $82,000 in funds not expended.

Finance Director Naomi Herrington reported that the total construction expense was $3,405,096.

ATTACHMENTS:

- HCC Finance Report Jan 2011 (PDF)

C. Information Item (ID # 1903)

Electric Substation Update

COMMENTS - Current Meeting:

Mr. Broz provided Council with an update on the Beaumont Avenue Electric Substation and the process for repairs. Mr. Broz explained that the Substation belongs to the Sam Rayburn Municipal Power Agency which provides annual maintenance to this facility, contracting with Dashiell Corp. for major maintenance issues. As necessary, the City provides minor maintenance.

Mr. Broz reported that a loaner transformer has been installed at the Beaumont Substation, provided by SRMPA, to replace the damaged transformer, and is now online and functioning. This loaner transformer will return the City to normal operating status. The City can operate solely on one of these transformers, if necessary.

The Boomerang Substation currently has four transformers. Two of them provide service to Boomerang, and two feed the Beaumont Substation which provides service to the City. A new transformer has been purchased and will be installed this spring for Boomerang. The two currently being used by Boomerang will then be returned to normal service for the City.

D. Information Item (ID # 1904)

Trinity Garden Apartments Update

COMMENTS - Current Meeting:

A powerpoint presentation was given by Mr. Broz on the progress of the Trinity Gardens Apartments located on Panther Drive. Presented were various views of the project in construction, along with discussion of sales tax revenues, drainage, and other pertinent information.

E. Information Item (ID # 1905)

Recycling Kiosk/Shred-It Report

COMMENTS - Current Meeting:

Councilperson Huddleston reported on April 16 - Earth Day - and the upcoming "Shred-It" Event to be held from 9 a.m. until Noon. Ms. Huddleston also reported on the City's recycling kiosk located in the City Hall parking lot.

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

A. Minutes Approval

1. Tuesday, December 14, 2010

B. Resolution 2011-1

Consider Acceptance of TXDOT Routine Airport Maintenance Program (RAMP) Grant and Authorize the City Manager to Execute All Related Documents.

ATTACHMENTS:

- RAMP Grant 2011 (PDF)

VII. REGULAR AGENDA

A. Regular Session

1. Public Hearing (ID # 1906)

Public Hearing on the Condemnation of the Structure Located at 205 Avenue E.

COMMENTS - Current Meeting:

At 6:53 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 205 Avenue E. After a powerpoint presentation of the property was reviewed, City Attorney Randy Gunter directed questions to Neighborhood Services Director Robbie Hood confirming that the City had provided proper notice of the condemnation process to all parties involved. Mr. Gunter further questioned Mr. Hood 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 6:59 p.m.

ATTACHMENTS:

- PH Condemnation 205 Avenue E (PDF)

2. Council Action 2011-1

Consider an Order of Abatement for the Structure Located at 205 Avenue E.

COMMENTS - Current Meeting:

Motion was made to approve the Order of Abatement for 205 Avenue E.

ATTACHMENTS:

- Order of Abatement 205 Avenue E (DOC)

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

3. Public Hearing (ID # 1908)

Public Hearing on the Condemnation of the Structure Located at 517 Bowie Street.

COMMENTS - Current Meeting:

At 7:00 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 517 Bowie Street. After a powerpoint presentation of the property was reviewed, City Attorney Randy Gunter directed questions to Neighborhood Services Director Robbie Hood confirming that the City had provided proper notice of the condemnation process to all parties involved. Mr. Gunter further questioned Mr. Hood 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 7:07 p.m.

ATTACHMENTS:

- PH Condemnation 517 Bowie (PDF)

4. Council Action 2011-2

Consider an Order of Abatement for the Structure Located at 517 Bowie Street.

COMMENTS - Current Meeting:

Motion was made to approve the Order of Abatement for 517 Bowie Street.

ATTACHMENTS:

- Order of Abatement 517 Bowie (DOC)

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

5. Council Action 2011-3

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

COMMENTS - Current Meeting:

The preliminary plat of the Glenn Street Addition was presented and approved by Council at the October 12, 2010 meeting. This 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. The final plat was presented to Council for approval.

Motion was made to approve the final plat of the Glenn Street Addition.

ATTACHMENTS:

- Final Glenn Street Plat (PDF)

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

6. Information Item (ID # 1910)

Presentation of the Audit Report for Fiscal Year 2009-2010 by Swaim, Hanagriff, & Associates.

COMMENTS - Current Meeting:

The Audit Report for Fiscal Year 2009-2010 was not ready for presentation at this meeting.

7. Council Action 2011-4

Consider Award of Bid for the Sale of Real Property Located on FM 1909 (Old Landfill Site).

COMMENTS - Current Meeting:

Mr. Broz reported that there was only one bidder for the old landfill property located on FM 1909. The bidder was not able to obtain the funds necessary for purchase of this property. Motion was made to reject the bid.

ATTACHMENTS:

- Real Property Bid Tab Jan 2011 (PDF)

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

8. Council Action 2011-5

Consider Award of Bid for the Sale of Real Property Located at Bowie and Edgewood Streets (South & East Side/Detention Pond).

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the City received no bids for the City's property at Bowie and Edgewood Streets. Lengthy discussion ensued regarding easements, drainage concerns, future construction and restrictions, making the bid document more specific, and other related issues. Mr. Broz will return to Council, at a later date, with various proposals for the sale of this real property.

ATTACHMENTS:

- Real Property Bid Tab Jan 2011 (PDF)

RESULT:	**NO ACTION TAKEN**

9. Council Action 2011-6

Consider Award of Bid for the Sale of Real Property Located on Trinity Street (Trinity Street Complex).

COMMENTS - Current Meeting:

Mr. Broz reported that the City received only one bid for the City's property located at 1203 Trinity Street, known as the City's Trinity Street Warehouse. The bid was from Councilperson Frank Jordan in the amount of $8100. Mr. Broz reported that this property (2.58 acres) has a Central Appraisal District value of $244,660 for improvements and $29,340 for the land.

Councilperson Jordan stated that a clause in the bid document states that after closure on the property, risk of liability or expense for environmental problems/issues are the responsibility of the buyer. Councilperson Jordan further stated that this clause would be a detriment to many prospective buyers.

Motion was made to table this item until the meeting of January 25th.

ATTACHMENTS:

- Real Property Bid Tab Jan 2011 (PDF)

RESULT:	**TABLED [4 TO 0]**	**Next: 2/8/2011 6:00 PM**
MOVER:	Dennis Beasley, Councilperson	
SECONDER:	Diane Huddleston, Councilperson	
AYES:	Carl Pickett, Dennis Beasley, Diane Huddleston, Louie Potetz	
ABSTAIN:	Frank Jordan	
ABSENT:	Mike McCarty, Al Simonson	

10. Council Action 2011-7

Consider Award of Bid for the Sale of Real Property Located on Beaumont Avenue (Water Dept. Tract and Building).

COMMENTS - Current Meeting:

Mr. Broz reported that three bids had been received for the sale of the City's property, known as the Water/Wastewater Department, located at 3012 Beaumont Avenue. Mr. Broz stated that bids were in the amount of $25,100, $2,800, and $7,000.

Mr. Broz further reported that this property (.64 acres) has a Central Appraisal District value of $60,080 for improvements and $20,910 for the land, for a total value of approximately $81,000.

Motion was made to reject all bids.

ATTACHMENTS:

- Real Property Bid Tab Jan 2011 (PDF)

RESULT:	**DEFEATED [4 TO 0]**
MOVER:	Louie Potetz, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Carl Pickett, Dennis Beasley, Diane Huddleston, Louie Potetz
ABSTAIN:	Frank Jordan
ABSENT:	Mike McCarty, Al Simonson

11. Council Action 2011-8

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

COMMENTS - Current Meeting:

City Manager Gary Broz reviewed a bid tabulation sheet for the installation of new water meters in the City of Liberty. Previously, the City had advertised and received bids for the installation of new electric and water meters. However, after further assessment it was decided that the City's Electric Department would be able to install the new meters while checking for unforeseen problems with the weather head, wires from transformer to the house etc., a service that the bidders do not provide.

Mr. Broz recommended the low bid of $72,450 from RG-3 Utilities, from Hallsville, Texas. This project will take 75 days or less to complete.

Motion was made to award the bid to RG-3 for the installation of the water meters, in the amount of $72,450.

ATTACHMENTS:

- Water Meter Installation Bid Tab Jan 2011 (PDF)

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

12. Council Action 2011-9

Consider Award of Bid for Round 1 Disaster Funds for Pole Replacement.

COMMENTS - Current Meeting:

Mr. Broz explained that the bids, for Hurricane Ike Disaster Funds, were let for electric pole replacement. Mr. Broz reported that forty poles would be removed, fifteen would be removed and replaced, two transformer banks would be upgraded, and seven poles would be straightened. Three bids were received in the amounts of $58,000, $143,223, and $341,930.

Electric Department Director Randy Wiggins has previously used the low bidder, stating they provide reliable and outstanding service. Management recommended the low bidder, Earnest Breaux Electrical, Inc. for this project, in the amount of $58,100.

Motion was made to award the bid to the low bidder, Earnest P. Breaux Electrical, Inc, New Iberia, Louisiana.

ATTACHMENTS:

- Round 1 Disaster Funds Pole Replacement (PDF)

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

13. Council Action 2011-10

Consider Appointments to the Community Development Advisory Board.

COMMENTS - Current Meeting:

Councilperson Jordan, Chairman of the Community Development Advisory Board recommended the annual appointments to this Board as follows:

Frank Jordan, Chairman

Beth Takach

Martha Goodwin

Charlotte Goudeau

Marilyn Darbonne

Donnie Smith

Brandon Smith

Motion was made to approve the above-mentioned appointments.

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

14. Council Action 2011-11

Consider Changing the Dates and Relocating the 26Th Annual Liberty Jubilee from Downtown to the Trinity Valley Fairgrounds.

COMMENTS - Current Meeting:

Discussion was held regarding changing the date and the relocation of the City's annual festival, The Liberty Jubilee, to the Trinity Valley Fairgrounds. Discussion was held regarding cost of the new facility, overtime costs, parking, volunteers, logistics, festival image and atmosphere, tourism, moving Jubilee to enhance 4th of July celebration at the municipal park, vendor surveys, and numerous related issues.

Council concensus was to leave the festival "as is" for 2011, but continue investigation for suggestions and possibilities for future years.

RESULT:	**NO ACTION TAKEN**

15. Council Action 2011-12

Discussion, and Possible Action, on the Downtown Analysis and Strategy Program - Mission, Members, and Meetings.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the Liberty Community Development Corporation had commissioned The Retail Coach to provide a downtown visioning project. The mission of the "Downtown Task Force" would be to review the final report, provide strategies, create and implement specific actions by stakeholders (signage, facade, etc.), and investigate costs.

Mr. Broz stated that this group will meet every other Wednesday at Noon, beginning in February. Mr. Broz requested that the Council be prepared to appoint individuals to the task force at the Special Called Council Meeting of January 25, 2011.

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 8:47 p.m.

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

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary