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, February 8, 2011	6:00 PM	City Council Chambers

I. CALL TO ORDER

The Meeting was called to order on February 8, 2011 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:04 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	Present	

II. INVOCATION

The Invocation was given by Rev. Ted Smith, St. Stephens Episcopal Church.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Rachel Dugger and Conner Gilliland, Liberty High School students.

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:

- TML Region XVI Meeting to be held in Port Arthur on Thursday, February 17th, and
- the Annual Liberty Jubilee to be held on Friday and Saturday, March 25th & 26th in downtown Liberty.

Councilperson Potetz reported that someone had left excessive garbage around his home and while cleaning the trash, Waste Management stopped and assisted with clean-up even after having already made their route in the subdivision.

City Manager Gary Broz reported on the following:

- Fly-in to be held at the Liberty Municipal Airport on Saturday, February 12th. The Lions Club will be serving pancakes and 35-40 planes are expected.
- SRMPA representatives will be present for a Special Called Council Meeting to be held on Wednesday, February 16th, 6:00 p.m., and
- the Chamber of Commerce Annual Awards Banquet will be held on Thursday, February 24th

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 1941)

Various Project Updates

COMMENTS - Current Meeting:

City Manager Gary Broz reported that, for Council's review, he had distributed a handout regarding the current status of various City projects, completion percentages, and a listing of grants that the City has received.

B. Information Item (ID # 1940)

Charter Review Commission

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported that appointments to the Charter Review Commission had inadvertently been left off a previous agenda, and appointments need to be made in the very near future. Ms. Tidwell further reported that this Commission is made up of five citizens, with a six-month term of office.

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

A. Minutes Approval

1. Tuesday, January 11, 2011

VII. REGULAR AGENDA

A. Regular Session

1. Public Hearing (ID # 1937)

Public Hearing on the Condemnation of the Structure Located at 901 Martin Luther King Drive.

COMMENTS - Current Meeting:

At 6:13 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 901 Martin Luther King Drive.

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 6:19 p.m.

ATTACHMENTS:

- PH 901 MLK (PDF)

2. Council Action 2011-16

Consider an Order of Abatement for the Structure Located at 901 Martin Luther King Drive.

COMMENTS - Current Meeting:

Motion was made to authorize condemnation, by issuance of the Order of Abatement for 901 Martin Luther King Drive.

ATTACHMENTS:

- Order of Abatement 901 MLK (DOC)

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

3. Public Hearing (ID # 1939)

Public Hearing on the Condemnation of the Structure Located at 801 Martin Luther King Drive.

COMMENTS - Current Meeting:

At 6:19 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 801 Martin Luther King Drive.

After a powerpoint presentation of the property was reviewed, Neighborhood Services Director Robbie Hood reported that the property owner, after receiving the required notification of the condemnation process and prior to the Council Meeting, had razed the structure, the property had been cleaned and cleared of all debris, and that there was no action to be taken regarding this property. City Attorney Randy Gunter stated that this is an example of how a successful condemnation should work, and was due to the diligence of Mr. Hood.

Mayor Pickett closed the Public Hearing at 6:24 p.m.

ATTACHMENTS:

- PH 801 MLK (PDF)

4. Council Action 2011-17

Consider Award of Bid for Round 1 Disaster Funds for Generators at the Water Plants and Lift Stations.

COMMENTS - Current Meeting:

Mr. Rick Bourque, Schaumburg & Polk, was present to review the bid tabulation for Water & Wastewater Generators and a SCADA System. Mr. Bourque reported that this project will be completed with Round 1 Disaster Funds, received by the City from the State.

These generators are for the North Water Plant, Monta Street Water Plant, Wallisville Lift Station, Washington Lift Station, Bowie Lift Station, Wastewater Treatment Plant, and the SCADA System.

Mr. Bourque explained that four bids were received, ranging from $1,009,763 to $1,162,300. Mr. Bourque recommended low bidder, A & A Electric, Beaumont, Texas, at a cost of $1,009,763.

Motion was made to award the bid to A & A Electric.

ATTACHMENTS:

- Bid Tab Letter-Generators-Schaumburg (PDF)
- Bid Tab Generators Lift Sta & Water Plants (PDF)

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

5. Council Action 2011-18

Consider Change Order #2 for Wastewater Treatment Plant Upgrades.

COMMENTS - Current Meeting:

Mr. Broz reviewed, with Council, a powerpoint presentation of the work in progress, and improvements being made, at the Wastewater Treatment Plant. Following the presentation, Mr. Rick Bourque, Schaumburg and Polk, reported that Change Order No. 2 addresses two requests from SouthWest Water Company, the City's Wastewater Services Company, to modify the auto-dialer system and digester decant systems. Mr. Bourque explained that the auto dialer upgrade includes materials for providing four additional monitoring points in the wastewater process, in the amount of $8,133.17. The upgrade to the digester decant system provides for improvements to the air lift pump and its process, in the amount of $22,760.00. Mr. Bourque stated that funds for these improvements are available through the City's Texas Water Development Board Loan, with no additional funding being required.

After brief discussion, a motion was made to approve Change Order No. 2 with Allco, in the amount of $30,893.17.

ATTACHMENTS:

- Change Order #2-WWTP Upgrades 2011 (PDF)

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

6. Council Action 2011-19

Consider Letting Bids for the Monta Street Water Tank/Tower and Facilities Upgrade.

COMMENTS - Current Meeting:

City Manager Gary Broz requested authorization to let bids for the rehabilitation of both the elevated and ground storage tanks located on Monta Street, stating that these two tanks are in need of major repair. Mr. Broz reported that there is $1.2 million, in the recently issued Certificates of Obligation, to cover these costs. Engineer's estimate is $640,000. Mr. Broz further reported that inspection reports indicate the remaining tanks need similar repairs with an estimated cost of $1.2 to 1.6 million.

After discussion of the condition of the tanks and necessary repairs, and a maintenance program, a motion was made to authorized letting bids for the rehabilitation of the two Monta Street storage tanks.

ATTACHMENTS:

- Bid Info Monta Street Water Tank (PDF)

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

7. Council Action 2011-20

Consider Declaring Various City Vehicles and Equipment as Surplus Property for an Online Auction.

COMMENTS - Current Meeting:

Mr. Broz reviewed a list of old vehicles and miscellaneous equipment that he would like to have declared as surplus property, for placement in an on-line auction. Mr. Broz reported the City had great success with its previous sale of items in an on-line auction.

Motion was made to declare the property surplus and move forward with placing the items in an on-line auction.

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

8. Ordinance 2011-1

Consider Adoption of an Ordinance Repealing Ordinance No. 1013 Regulating the Sale of Alcoholic Beverages Within the City of Liberty.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS REPEALING ORDINANCE NUMBER 1013 REGULATING THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF LIBERTY; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE

REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

City Attorney Randy Gunter reported that in 2007, the City adopted limited late hours for the sale of alcoholic beverages, to accommodate a local merchant. Subsequent to adoption, the Texas Alcohol and Beverage Commission stated that limited late hours was not enforceable, it must be every day or not at all. Repealing this ordinance will have no effect, as the City currently does not have late hours, but will assist in cleaning up the City's Codebook.

Motion was made to repeal Ordinance No. 1013.

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

9. Ordinance 2011-2

Consider Adoption of an Ordinance Ordering a General Election to be Held in the City of Liberty on Saturday, May 14, 2011. Considere Una Aceptación a La Ordenanza Que Manda a Una Elección General Que Tendrá Lugar En La Ciudad De Liberty, El Sábado 14 De Mayo Del 2011.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS ORDERING A GENERAL MUNICIPAL ELECTION TO BE HELD ON THE 14TH DAY OF MAY, 2011; AUTHORIZING A JOINT ELECTION WITH THE LIBERTY INDEPENDENT SCHOOL DISTRICT AND LIBERTY COUNTY HOSPITAL DISTRICT NO. 1; DESIGNATING THE POLLING PLACES AND APPOINTING ELECTION OFFICIALS FOR SUCH ELECTION; PROVIDING PAY RATES FOR ELECTION OFFICIALS; PROVIDING FOR EARLY VOTING; PROVIDING FOR TWO TWELVE-HOURS OF EARLY VOTING; PROVIDING FOR THE NOTICE OF ELECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

Those Council Members whose terms expire are Dennis Beasley, Diane Huddleston, and Al Simonson. After brief discussion, a motion was made to adopt the Ordinance ordering a General Election for May 14, 2011.

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

10. Council Action 2011-21

Consider Credit Card Acceptance for Utility and Other Various City Fees, and Associated Costs.

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported that in regard to the City accepting credit card payments, she had checked with Prosperity Bank (1 of 2 businesses that made proposals to the City), and an additional company, to establish if there was a way in which their process could integrate with the City's Incode Software. As none of them do, Ms. Herrington stated that the City would like to move forward with ETS to serve as the City's credit card clearing house. Ms. Herrington stated that fees are comparable, and by use of the card swipe placing the information automatically into the City's system, it removes the probability of human error.

Motion was made to approve ETS as the City's credit card provider.

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

11. Ordinance 2011-3

Consider Adoption of an Ordinance Establishing Liberty Municipal Library Fees.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS AMENDING ORDINANCE NO. 664, AS AMENDED; TO PROVIDE NEW LIBRARY FINES AND FEES; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

Motion was made to adopt the Ordinance establishing fines and fees for the Liberty Municipal Library.

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

12. Ordinance 2011-4

Consider Adoption of an Ordinance Establishing Liberty Municipal Airport Fees.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS AMENDING ORDINANCE NO. 787, AS AMENDED; TO PROVIDE RENTAL FEE RATES FOR THE AIRPORT; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

Motion was made to adopt the Ordinance establishing rental fees for the Liberty Municipal Airport.

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

13. Council Action 2011-22

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

COMMENTS - Current Meeting:

Motion was made to reject the bid, of $8100, for the sale of the City's property on Trinity Street, known as the Trinity Street Complex.

ATTACHMENTS:

- Real Property Bid Tab Jan 2011 (PDF)

RESULT:	**DEFEATED [4 TO 1]**
MOVER:	Louie Potetz, Councilperson
SECONDER:	Mike McCarty, Mayor Pro-Tem
AYES:	Carl Pickett, Diane Huddleston, Mike McCarty, Louie Potetz
NAYS:	Dennis Beasley
ABSTAIN:	Frank Jordan
ABSENT:	Al Simonson

14. Council Action 2011-23

Consider Acceptance of the Tax Abatement Certification from Boomerang Tube, LLC.

COMMENTS - Current Meeting:

Mr. Broz reported that as a stipulation of the Tax Abatement Agreement with Boomerang Tube, LLC, Boomerang must annually, on or before February 15th of each year, certify to the City Council that it is in compliance with the terms of the Agreement, as of January 1st of that year.

Mr. Broz reported that he was in receipt of a certified copy, from an independent auditor, that Boomerang has met the terms of the Tax Abatement Agreement. Motion was made to accept that certification.

ATTACHMENTS:

- Boomerang Tax Abatement Certification (PDF)

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

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 7:50 p.m.

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

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary