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, March 8, 2011 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on March 8, 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	Present	
Al Simonson	Councilperson	Present	
Louie Potetz	Councilperson	Present	
Frank Jordan	Councilperson	Absent	

II. INVOCATION

The Invocation was given by Liberty High School Choir Member, Gabby Foramer.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Liberty High School Choir Member, Haley Domain.

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.

Councilperson Simonson reported that due to business commitments, he would not be filing for re-elction. Mayor Pickett thanked Councilperson Simonson for his service to the Council and the community.

Mayor Pickett reported the following:

- Annual Liberty Jubilee will be held on Friday and Saturday, March 25 & 26, and
- stated that in the Council packets were copies of the most recently approved minutes of the meetings of the Sam Rayburn Municipal Power Agency and the Liberty Community Development Corporation.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 1967)

Various Project Updates

COMMENTS - Current Meeting:

City Manager Gary Broz reported that in Council's packet was information, for their review, regarding the status of each the City's current projects.

B. Information Item (ID # 1968)

Recycling Report

COMMENTS - Current Meeting:

Councilperson Huddleston reported that the next "Shred-It" Event for sensitive documents will be held on Saturday, April 16th, from 9 a.m. - Noon at City Hall. Councilperson Huddleston further reported that this service is free to the citizens, that an art show dedicated to recycling will also be held on-site that same day, and stated that another new service provided by Waste Management is the pickup of electronic equipment such as computers, etc.

Councilperson Potetz remarked that he still had a roll-off container at his lumber yard for the disposal of cardboard only, also free to the public.

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. Monday, January 31, 2011

2. Tuesday, February 08, 2011

B. Council Action 2011-24

Consider an Interlocal Agreement with Liberty County for Use of the County’s Election Voting Equipment, for the May 14, 2011 General Election.

COMMENTS - Current Meeting:

This document is an agreement for use of the County's electronic voting equipment for the May 14, 2011 General Election.

ATTACHMENTS:

- Interlocal Agreement-County Election Equipment (PDF)

C. Resolution 2011-3

Consider a Resolution Authorizing Submission of a Grant Application to the Office of the Attorney General, Criminal Justice Division, for New Technology Equipment.

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, AUTHORIZING SUBMISSION OF THE GRANT APPLICATION FOR A CRIMINAL JUSTICE DIVISION, A FULLY FUNDED GRANT FOR NEW TECHNOLOGY EQUIPMENT FOR THE LIBERTY POLICE DEPARTMENT IN THE AMOUNT OF $75,200.00."

VII. REGULAR AGENDA

A. Regular Session

1. Public Hearing (ID # 1963)

Public Hearing on the Condemnation of the Structure Located at 902 Washington Street.

COMMENTS - Current Meeting:

At 6:17 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 902 Washington 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 6:24 p.m.

ATTACHMENTS:

- Demo 902 Washington Info (PDF)

2. Council Action 2011-25

Consider an Order of Abatement for the Structure Located at 902 Washington Street.

COMMENTS - Current Meeting:

Motion was made to authorize condemnation , by issuance of the Order of Abatement for 902 Washington Street.

ATTACHMENTS:

- Order of Abatement 902 Washington (DOC)

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

3. Public Hearing (ID # 1965)

Public Hearing on the Condemnation of the Structure Located at 839 Washington Street.

COMMENTS - Current Meeting:

At 6:25 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 839 Washington 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 6:30 p.m.

ATTACHMENTS:

- Demo 839 Washington Info (PDF)

4. Council Action 2011-26

Consider an Order of Abatement for the Structure Located at 839 Washington Street.

COMMENTS - Current Meeting:

Motion was made to authorize condemnation, by issuance of the Order of Abatement, for 839 Washington Street.

ATTACHMENTS:

- Order of Abatement 839 Washington (DOC)

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

5. Council Action 2011-27

Consider an Agreement with Trees, Inc. for Tree Trimming of the City's Electric System.

COMMENTS - Current Meeting:

Mr. Broz reported that the proposed agreement is an annual contract for trimming trees away from the City's electrical system. The agreement period is March 9, 2011 thru March 9, 2012.

Motion was made to approve the Agreement with Trees, Inc.

ATTACHMENTS:

- Trees Inc Agreement 2011 (PDF)

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

6. Council Action 2011-28

Consider Appointments to the 2011 Charter Review Commission.

COMMENTS - Current Meeting:

This agenda item was passed on until March 22, 2011.

RESULT:	**NO ACTION TAKEN**

7. Council Action 2011-29

Consider Acceptance of Utility Summary Billing, Related Fees, and Discontinuance of Delinquent Notices.

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on information relative to Utility Summary Billing. Previous discussion of this subject was held at a Work Session on January 31, 2011, in which Management was asked to research costs associated with in-house billing. The process is that the Billing Clerk continues the City's utility billing, then electronically, through secure measures, forward this information to the billing company. The company then prints and mails the bills in a sealed envelop, to include a return envelope for the customer's convenience. Ms. Herrington further reported that the costs were 68 cents per bill, for in-house statement billing, as opposed to 54 cents for TPSI. Management recommended that the City contract with TPSI for statement billing and to discontinue separate delinquent notices.

Motion was made to approve using TPSI for the City's utility billing and discontinue with separate delinquent notices.

RESULT:	**APPROVED [5 TO 1]**
MOVER:	Diane Huddleston, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Beasley, Huddleston, McCarty, Simonson
NAYS:	Louie Potetz
ABSENT:	Frank Jordan

8. Council Action 2011-30

Consider Adopting a City of Liberty Investment Policy.

COMMENTS - Current Meeting:

Mr. Broz reported that the City's Investment Policy is to be reviewed and updated every two years. Mr. Broz further stated that this policy applies to all the financial assets and funds of the City, provides for quality cash management, and includes for an Investment Committee which will evaluate operational strategies and monitor results.

Motion was made to approve the Investment Policy.

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

9. Council Action 2011-31

Consider the Appointment of a Council Member or Council Members to the Investment Committee.

COMMENTS - Current Meeting:

Mr. Broz reported that this committee is a requirement established in the Investment Policy and consists of the City Manager, Finance Director, and at least one Councilperson. This committee will review the economic outlook, maturity structures, investment purchases and related issues.

Motion was made to appoint Councilperson Huddleston to the Investment Committee.

ATTACHMENTS:

- Investment Policy 2011 (DOC)

RESULT:	**APPROVED [5 TO 0]**
MOVER:	Mike McCarty, Mayor Pro-Tem
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Beasley, McCarty, Simonson, Potetz
ABSTAIN:	Diane Huddleston
ABSENT:	Frank Jordan

10. Council Action 2011-32

Consider a Lease Agreement Between the Port of Liberty, the Chambers-Liberty Navigation District, the City of Liberty, and M-I L.L.C. for Lease of a Structure for Warehouse Storage.

COMMENTS - Current Meeting:

Mr. Broz explained that this is an agreement between the three entities and M-I L.L.C. for lease of property, near the Port, for warehouse storage. All provisions in the lease remain unchanged. Mr. Broz stated that this lease had been approved in previous years, contingent upon correction of an incomplete property description. Mr. Broz reported that, at this time, the property description had yet to be corrected.

Motion was made to approve the lease contingent upon the Port of Liberty assuming responsibility for correcting the property description.

ATTACHMENTS:

- Lease Agreement M-I L.L.C. 2011 (PDF)

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

11. Ordinance 2011-5

Consider Adoption of an Ordinance Authorizing the City of Liberty Fire Department to Charge Fees for the Cost of Hazardous Materials Incident Mitigation.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS AUTHORIZING THE CITY OF LIBERTY FIRE DEPARTMENT TO CHARGE FOR THE COST OF HAZARDOUS MATERIALS INCIDENT MITIGATION WITHIN THE RESPONSE AREA OF THE CITY OF LIBERTY FIRE DEPARTMENT; 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."

Mr. Broz stated that this ordinance gives the Fire Department the authority to charge for haz-mat cleanup. The fee schedule is cost, per hour, for personnel and vehicles, based on fees promulgated by the Fire Department.

Motion was made to adopt the Ordinance establishing fees for Hazardous Material Incident Mitigation.

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

12. Council Action 2011-33

Consider Award of Bid for Various Mowing Proposals.

COMMENTS - Current Meeting:

This agenda item was passed until further notice.

RESULT:	**NO ACTION TAKEN**

13. Council Action 2011-35

Consider Award of Bid for the Monta Street Elevated and Ground Storage Tank Rehabilitation.

COMMENTS - Current Meeting:

Mr. Rick Bourque, Schaumburg & Polk, was present to review with Council bids received for the rehabilitation of the Monta Street Elevated and Ground Storage Tanks. After further discussion regarding the scope of the project, and matters related thereto, a motion was made to award the bid to M.K. Painting, Inc., for $513,000.

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

14. Council Action 2011-34

Consider Logo/ Logos for the Monta Street Water Tower.

COMMENTS - Current Meeting:

Mr. Broz requested that Council approve the placement of two City of Liberty logos on the Monta Street Elevated Water Tank. After brief discussion, Council directed management to request a change order for the placement of only one logo on the south side of the elevated tank. This change order will reduce the cost of the project from $513,000 to $509,000.

Motion was made to approve the placement of one City of Liberty logo on the south side of the Monta Street Elevated Tank.

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

15. Council Action 2011-36

Consider Authorizing the City Manager to Advertise for Bids for the TWDB-CWSRF 72124, Contract No. 2, Wastewater System Improvements.

COMMENTS - Current Meeting:

Mr. Broz reported that this project is for the second part of the $8.1 million Water Development Board funds, for work on trunk lines in various locations. Rick Bourque, Schaumburg & Polk, stated that he had received archeological clearance from the Texas Historical Commission, and would like to advertise the project and receive bids after the May 3rd meeting of the Texas Water Development Board. This would provide the TWDB the appropriate time to approve the environmental clearance; which must be done prior to the release of any TWDB funds.

Discussed were lift stations, gravity feed lines, and approximate project cost of $3.2 - $3.3 million. Mr. Broz stated that he was requesting approval to let bids and return to Council with bid results for their approval or disapproval on May 24, 2011.

Motion was made to authorize the City Manager to advertise for bids.

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

16. Information Item (ID # 1981)

Discussion of Possible Issuance of a Drilling Permit for a Location East of Travis Park.

COMMENTS - Current Meeting:

Mr. Broz briefed Council on the possibility of the issuance of a drilling permit, for an oil or gas well, for a location east of Travis Park. Mr. Broz explained that representatives of Choice Exploration had visited him regarding the location, ingress and egress, and other related matters. Mr. Broz stated that he had relayed to the drilling company that the use of Travis or

Jefferson Streets was not a possibility. At this time, Choice Exploration is researching other options for access to this possible well site.

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 7:53 p.m.

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

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary