The City of Liberty
City Council

Regular Meeting

~ Agenda ~

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

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, July 12, 2011 **6:00 PM** **City Council Chambers**

THE City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrival
Mayor Carl Pickett	¨	¨	¨	
Mayor Pro-Tem Mike McCarty	¨	¨	¨	
Councilperson Dennis Beasley	¨	¨	¨	
Councilperson Diane Huddleston	¨	¨	¨	
Councilperson Frank Jordan	¨	¨	¨	
Councilperson Louie Potetz	¨	¨	¨	
Councilperson Libby Simonson	¨	¨	¨	

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2105)

Proclamation-Lauren Cook Day

B. Information Item (ID # 2107)

Recycling Report - Councilperson Huddleston

C. Information Item (ID # 2106)

Various Project Updates

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.

A. Minutes Approval

1. Tuesday, June 14, 2011

2. Tuesday, June 28, 2011

VII. REGULAR AGENDA

A. Regular Session

1. Public Hearing (ID # 2108)

Public Hearing on the Condemnation of the Structure Located at 903 Lamar Street.

- Condemnation-903 Lamar (PDF)

2. Council Action (ID # 2113)

Consider an Order of Abatement for the Structure Located at 903 Lamar Street.

- Order of Abatement 903 Lamar (DOC)

3. Public Hearing (ID # 2114)

Public Hearing on the Condemnation of the Structure Located at 3019 Grand Street.

- Condemnation-3019 Grand (PDF)

4. Council Action (ID # 2115)

Consider an Order of Abatement for the Structure Located at 3019 Grand Street.

- Order of Abatement 3019 Grand (DOC)

5. Council Action (ID # 2109)

Consider Bids for the Monta Elevated Water Tank Valve Replacement Project and Award of Contract.

- Bid Tab- Monta Valve Replacement (PDF)

6. Council Action (ID # 2110)

Consider Approval of Change Order No. 4 for Wastewater Treatment Plant Project TWDB CWSRF No. 72124 and Take Any Action Deemed Necessary.

- Change Order No. 4 WWTP (PDF)

7. Council Action (ID # 2111)

Consider Management Services Contract with Public Management Inc. for the 2009 Hazard Mitigation Grant Project and Take Any Action Deemed Necessary.

- Public Mgmt Contract 2009 Haz Mitigation (PDF)

8. Council Action (ID # 2112)

Consider Elimination of the City Council Meal.

- Agenda Item-Meal (PDF)

B. Executive Session

Deliberation Regarding Real Property. Gov. Code §551.072

1. Discussion of land acquisition.

C. Reconvene into Regular Session

1. Council Action (ID # 2116)

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

VIII. COUNCIL MEAL

IX. ADJOURNMENT

A. Motion To: Adjourn

CERTIFICATION

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 7th day of July, 2011 at 2:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

_____
Dianne Tidwell, City Secretary

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the _____ day of _____, 2011.

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 07/12/11 06:00 PM

Department: Administration
Category: Proclamations

INFORMATION ITEM (ID # 2105)

DOC ID: 2105

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 07/12/11 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2107)

DOC ID: 2107

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 07/12/11 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2106)

DOC ID: 2106

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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, June 14, 2011 **6:00 PM** **City Council Chambers**

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Mike McCarty	Mayor Pro-Tem	Present	
Dennis Beasley	Councilperson	Present	
Diane Huddleston	Councilperson	Present	
Frank Jordan	Councilperson	Present	
Louie Potetz	Councilperson	Present	
Libby Simonson	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Randy Gunter	City Attorney	Present	

II. INVOCATION

The Invocation was given by David Taylor, Liberty Middle School Principal.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Liberty High School Students Kathryn McAdams and Caroline Moorman.

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. There were no comments from the audience.

Mayor Pickett reported that the City's annual Independence Day celebration and fireworks display will be held on Sunday, July 3rd, at the Liberty Municipal Park; and the United Methodist Army will be in town making home repairs for those in need.

City Manager Gary Broz reported that the draft copy of the codebook, complete with proposed changes, will be distributed to Council at the next meeting. Mr. Broz further reported that budget meetings will begin the week of July 11th.

Minutes Acceptance: Minutes of Jun 14, 2011 6:00 PM (Minutes Approval)

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2067)

Proclamation - LHS Business Professionals

COMMENTS - Current Meeting:

Mayor Pickett read a proclamation proclaiming June 15, 2011 as Liberty High School Business Professionals Day. Mayor Pickett welcomed the students and congratulated them on their accomplishments.

B. Information Item (ID # 2068)

Proclamation - LHS Girls Softball Team

COMMENTS - Current Meeting:

Mayor Pickett read a proclamation proclaiming June 15, 2011 as Liberty High School Girls Softball Team Day. Mayor Pickett welcomed the students and congratulated them on their accomplishments.

C. Information Item (ID # 2069)

Proclamation - LHS Literary Criticism Team

COMMENTS - Current Meeting:

Mayor Pickett read a proclamation proclaiming June 15, 2011 as Liberty High School Literary Criticism Team Day. Mayor Pickett welcomed the students and congratulated them on their accomplishments.

D. Information Item (ID # 2070)

Various Project Updates

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the status of numerous city projects to include funds expended from the 2010 Certificates of Obligation to include the installation of new smart water and electric meters, Monta Street water storage rehabilitation, IT Study, park shed, and fleet purchase.

Mr. Broz further reported on the various Airport projects, the Public Works Facility, the Wastewater Treatment Plant rehabilitation, installation of generators received through Round 1 Disaster Funds, Boomerang Substation, and summary billing.

Mr. Broz discussed with Council sales tax revenues and new Speaker Request forms and citizen information regarding the purpose and description of City Council meetings.

E. Information Item (ID # 2071)

Recycling Report

Minutes Acceptance: Minutes of Jun 14, 2011 6:00 PM (Minutes Approval)

COMMENTS - Current Meeting:

Councilperson Huddleston reported that she had received numerous calls requesting the date of the next Shred-It Event, for the destruction of sensitive documents. Councilperson Huddleston stated that she would soon announce a date for this popular recycling event.

F. Information Item (ID # 2072)

Annual Review and Update of the Community Development Capital Improvement Program.

COMMENTS - Current Meeting:

This report will be given at a later date.

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:	Dennis Beasley, Councilperson
AYES:	Pickett, McCarty, Beasley, Huddleston, Jordan, Potetz, Simonson

A. Minutes Approval

1. Tuesday, May 10, 2011

2. Tuesday, May 17, 2011

VII. REGULAR AGENDA

A. Regular Session

1. Public Hearing (ID # 2051)

Public Hearing on the Condemnation of the Structure Located at 617 Washington Street.

COMMENTS - Current Meeting:

At 6:23 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 617 Washington Street. After a Power Point presentation of the property was reviewed, City Attorney Randy Gunter directed questions to Code Enforcement Officer Robbie Hood confirming that Mr. Hood had inspected the County real property records, and other applicable records, to assure that proper notice of the condemnation process had been provided 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 6:28 p.m.

ATTACHMENTS:

- PH Washington St & Tennessee St. (PDF)

Minutes Acceptance: Minutes of Jun 14, 2011 6:00 PM (Minutes Approval)

2. Council Action 2011-57

Consider an Order of Abatement for the Structure Located at 617 Washington Street.

COMMENTS - Current Meeting:

Motion was made to authorize condemnation, by issuance of the Order of Abatement, for 617 Washington Street.

ATTACHMENTS:

- Order of Abatement 617 Washington (DOC)

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

3. Public Hearing (ID # 2053)

Public Hearing on the Condemnation of the Structure Located at 615 Washington Street.

COMMENTS - Current Meeting:

At 6:29 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 615 Washington Street. After a Power Point presentation of the property was reviewed, City Attorney Randy Gunter directed questions to Code Enforcement Officer Robbie Hood confirming that Mr. Hood had inspected the County real property record, and other applicable records, to assure that proper notice of the condemnation process was provided 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:

- PH Washington St & Tennessee St. (PDF)

4. Council Action 2011-58

Consider an Order of Abatement for the Structure Located at 615 Washington Street.

COMMENTS - Current Meeting:

Motion was made to authorize condemnation, by issuance of the Order of Abatement, for 615 Washington Street.

ATTACHMENTS:

- Order of Abatement 615 Washington (DOC)

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

5. Public Hearing (ID # 2055)

Public Hearing on the Condemnation of the Structure Located at 107 Tennessee.

Minutes Acceptance: Minutes of Jun 14, 2011 6:00 PM (Minutes Approval)

COMMENTS - Current Meeting:

At 6:31 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 107 Tennessee Street. After a Power Point presentation of the property was reviewed, City Attorney Randy Gunter directed questions to Code Enforcement Officer Robbie Hood confirming that Mr. Hood had inspected the County real property records, and other applicable records, to assure that proper notice of the condemnation process was provided 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 6:35 p.m.

ATTACHMENTS:

- PH Washington St & Tennessee St. (PDF)

6. Council Action 2011-59

Consider an Order of Abatement for the Structure Located at 107 Tennessee.

COMMENTS - Current Meeting:

Motion was made to authorize condemnation, by issuance of the Order of Abatement, for 107 Tennessee Street.

ATTACHMENTS:

- Order of Abatement 107 Tennessee (DOC)

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

7. Public Hearing (ID # 2057)

Public Hearing on the Condemnation of the Structure Located at 618 Confederate Street.

COMMENTS - Current Meeting:

At 6:36 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 618 Confederate Street. After a power Point Presentation of the property was reviewed, the 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 6:40 p.m.

ATTACHMENTS:

- PH 618 Confederate (PDF)

8. Council Action 2011-60

Consider an Order of Abatement for the Structure Located at 618 Confederate Street.

COMMENTS - Current Meeting:

Motion was made to authorize condemnation, by issuance of the Order of Abatement, for 618 Confederate Street.

Minutes Acceptance: Minutes of Jun 14, 2011 6:00 PM (Minutes Approval)

ATTACHMENTS:

- Order of Abatement 618 Confederate (DOC)

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

9. Public Hearing (ID # 2059)

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

COMMENTS - Current Meeting:

At 6:43 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 2722 Cornell Street. City Attorney Randy Gunter explained that the city's current ordinance regarding demolitions is a two-step process. Once the abatement is ordered, the property is brought back to Council for a second public hearing. Prior to this meeting the property owners are re-noticed, and the code enforcement official will present the costs of demolition giving Council the opportunity to approve the costs, before being the lien is filed at the Courthouse.

Mr. Gunter further explained that management will be recommending the elimination of the second step, through the code revision process that is currently taking place.

Mr. Gunter directed questions to Code Enforcement Officer Robbie Hood regarding the notification of property owners, and the true, accurate and reasonable costs of the actual demolition. An opportunity was provided to anyone that wished to contest these costs of $2,721.83. No one offered any comments disputing these costs.

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

ATTACHMENTS:

- PH 2722 Cornell #2 (DOC)

10. Resolution 2011-10

Consider a Resolution to Affirm the Cost of Demolition and Assess Lien on Property Located at 2722 Cornell Street.

COMMENTS - Current Meeting:

Motion was made to approve the Resolution affirming the costs of demolition and assessing a lien for the property located at 2722 Cornell Street.

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

11. Public Hearing (ID # 2061)

Minutes Acceptance: Minutes of Jun 14, 2011 6:00 PM (Minutes Approval)

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

COMMENTS - Current Meeting:

At 6:46 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 517 Bowie Street. City Attorney Randy Gunter directed questions to Code Enforcement Officer Robbie Hood regarding the notification of property owners, and knowledge of the true and accurate costs of the actual demolition. An opportunity was provided to anyone that wished to contest those costs of $4,108.86. No one offered any comments disputing these costs.

Mayor Pickett closed the Public Hearing at 6:48 p.m.

ATTACHMENTS:

- PH 517 Bowie #2 (DOC)

12. Resolution 2011-11

Consider a Resolution to Affirm the Cost of Demoltion and Assess Lien on Property Located at 517 Bowie Street.

COMMENTS - Current Meeting:

Motion was made to approve the Resolution affirming the costs of demolition and assessing a lien for the property located at 517 Bowie Street.

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

13. Public Hearing (ID # 2063)

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

COMMENTS - Current Meeting:

At 6:49 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 205 Avenue E. City Attorney Randy Gunter directed questions to Code Enforcement Officer Robbie Hood regarding the notification of property owners, and knowledge of the true and accurate costs of the actual demolition. An opportunity was provided to anyone that wished to contest those costs of $2,695.93. No one offered any comments disputing these costs.

Mayor Pickett closed the Public Hearing at 6:50 p.m.

ATTACHMENTS:

- PH 205 Avenue E #2 (DOC)

14. Resolution 2011-12

Consider a Resolution to Affirm the Cost of Demolition and Assess Lien on Property Located at 205 Avenue E.

Minutes Acceptance: Minutes of Jun 14, 2011 6:00 PM (Minutes Approval)

COMMENTS - Current Meeting:

Motion was made to approve the Resolution affirming the costs of demolition and assessing a lien for the property located at 205 Avenue E.

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

15. Public Hearing (ID # 2065)

Public Hearing on the Condemnation of the Structure Located at 901 MLK.

COMMENTS - Current Meeting:

At 6:50 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 901 MLK. City Attorney Randy Gunter directed questions to Code Enforcement Officer Robbie Hood regarding notification to the property owners of the second public hearing, and Mr. Hood's acknowledgement of the true and accurate costs of the actual demolition. An opportunity was provided to anyone that wished to contest these costs of $1509.00. No one offered any comments disputing these costs.

Mayor Pickett closed the Public Hearing at 6:55 p.m.

ATTACHMENTS:

- PH 901 MLK #2 (DOC)

16. Resolution 2011-13

Consider a Resolution to Affirm the Cost of Demolition and Assess Lien on Property Located at 901 Mlk.

COMMENTS - Current Meeting:

Motion was made to approve the Resolution affirming the costs of demolition and assessing a lien for the property located at 901 MLK.

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

17. Council Action 2011-61

Consider Ratifying the Liberty Community Development Corporation's Action to Amend Its Bylaws Regarding Director Requirements.

COMMENTS - Current Meeting:

Mr. Broz explained the LCDC Bylaws currently allow four members of City Council to be members of the LCDC Board. As the Council approves actions taken by the LCDC, there are

Minutes Acceptance: Minutes of Jun 14, 2011 6:00 PM (Minutes Approval)

no checks and balances. This amendment, providing for only three members of Council on the LCDC Board, will prevent any conflict or misuse of the process.

Motion was made to ratify the Liberty Community Development Corporation's action to amend its bylaws, to state that only three members of City Council may be members of the LCDC Board of Directors.

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

18. Council Action 2011-62

Consider and Take Action, If Any, on Amending the Liberty Community Development Corporation Bylaws to Include Ways in Which the Board Members Are Elected.

COMMENTS - Current Meeting:

This agenda item will be brought before Council, at a later date.

RESULT:	**NO ACTION TAKEN**

19. Council Action 2011-63

Consider a Release for Stale Mowing Liens.

COMMENTS - Current Meeting:

Mr. Gunter explained that the property of discussion was sold at a tax auction, and not enough funds were recovered to pay the taxes. Therefore, the taxes owed are split pro rata, which extinguished the mowing lien of $470.00. The purchaser of the property would like to build a structure on the property, but cannot with the current liens on file. The purchaser's attorney has requested that the City release the liens.

Motion was made to release the liens on the property located in the Fisher Subdivision Block 2 Lots 1, 2, 11, and 12.

ATTACHMENTS:

- Release of Mowing Liens 2011 (DOC)

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

20. Council Action 2011-64

Consider Award of Bid for the Texas Water Development Board Phase II Wastewater Project.

Minutes Acceptance: Minutes of Jun 14, 2011 6:00 PM (Minutes Approval)

COMMENTS - Current Meeting:

City Manager Gary Broz reported to Council that this was the second portion of the $8.1 million loan from the Texas Water Development Board. Rick Bourque, Schaumburg & Polk, addressed Council stating that this project is for the rehabilitation of the Washington Street and Wallisville Road lift stations, and associated force mains. This project also includes the sewer line along Hwy. 146, and the placement of line from the Wallisville lift station to Avenue G.

Mr. Bourque recommended acceptance of the low bidder, Williamson Construction, Lumberton, Texas, in the amount of $2,317,685. Mr. Bourque stated that contractor qualifications had been checked and upon Council's award, this information will be given to the Texas Water Development Board for confirmation and approval. Mr. Bourque finished by stating that he was still waiting on environmental clearance, at which time the project will begin. Mr. Broz interjected that $3.6 million had been budgeted for this project, with the low bid being well under that amount.

Motion was made to make a tentative award for the project, CWSRF No. 72124, to Williamson Construction & Equipment, Inc.

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

21. Council Action 2011-65

Consider Award of Bid for Air Conditioning Repairs at the Public Works Service Center.

COMMENTS - Current Meeting:

Mr. Broz reported that the City had received, from FEMA, a total of $277,754.49 for improvements to the Public Works Service Center. These funds paid for the total rehabilitation performed by Pelco Construction, asbestos removal, fencing, architect fees, and various other items. The main air conditioning unit has now burned up and is no longer in service. Mr. Broz presented to Council the low quote, from Pelco Construction, for repair or replacement of this unit. Mr. Broz stated that $4030.00 will repair the large unit, however, it will continue to be a maintenance issue. Mr. Broz recommended replacement of the unit at a cost of $22,070.00. In addition, the rear AC unit is old and also in need of replacement; a quote received for replacement being $910.00.

After lengthy discussion of related issues, Mr. Broz suggested that replacement of the rear unit be put on hold, for further discussion. Motion was made to approve the replacement of the 15-ton unit at a cost of $22,070.00.

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

22. Council Action 2011-66

Minutes Acceptance: Minutes of Jun 14, 2011 6:00 PM (Minutes Approval)

Consider Award of Bid for Boomerang Tube Substation Controls.

COMMENTS - Current Meeting:

Mr. Broz reported that the City had received four bids for the controls and switchgear for the Boomerang Substation. $600,000 had been budgeted for this equipment, with the low bid being $424,891.00, from Powell Electric, Baton Rouge, Louisiana.

After brief discussion of the controls, building construction time, and related issues, a motion was made to award the bid to Powell Electric.

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

23. Council Action 2011-67

Consider Cancelling the AIR BP Aviation Service Contract, for Aviation Fuel at the Liberty Municipal Airport.

COMMENTS - Current Meeting:

Mr. Broz led a discussion regarding the 100 LL fuel service at the Liberty Municipal Airport. Mr. Broz requested the cancellation of the contract with AIR BP Aviation Service, as he would like the fuel at the airport be non-branded. Non-branding provides the opportunity to research the best prices, ultimately becoming competitive with other airport facilities. Mr. Broz stated being non-branded would allow examination of associated fuel costs such as freight, taxes, rack price, etc.

Motion was made to authorize cancellation of the contract with AIR BP, to include a no penalty clause.

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

24. Council Action 2011-68

Consider a Change Order for the Round 1 Disaster Funds Generator Contracts.

COMMENTS - Current Meeting:

Mr. Broz reported that this change order relates to the Ike Disaster Funds received in the amount of $1,099,763.00. These funds provide for seven generators for lift stations, electric poles, and SCADA System; a 100% grant, no match. Rick Bourque, Schaumburg & Polk reported that this project relates to the Wallisville and Washington Streets lift stations, and the change order allows the contractor to stay on schedule, which must be complete by October 28.

Minutes Acceptance: Minutes of Jun 14, 2011 6:00 PM (Minutes Approval)

Mr. Bourque explained this change order takes funds from the Texas Water Development Board loan and places them in the grant funds. This main electric feed equipment is being put in the grant money, to assure the generators are operating before the lift stations go online.

Change order amount is $53,023.93, for a total contract price of $1,152,786.93. Motion was made to approve the change order.

ATTACHMENTS:

- Change Order Round 1 Generators (PDF)

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

25. Council Action 2011-69

Consider a Change Order for Additional Grit Removal at the Wastewater Treatment Plant.

COMMENTS - Current Meeting:

Mr. Rick Bourque, Schaumburg & Polk, reported that the proposed change order includes grit removal from the digester, modifications to the clarifier mechanism, allowances for groundwater control, and various miscellaneous items. Change order amount is $50,838.49, bringing the total revised contract amount to $3,035,446.16.

Motion was made to approve the change order.

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

26. Council Action 2011-70

Consider a Lease Agreement for a Backhoe, for the Water Department.

COMMENTS - Current Meeting:

Mr. Broz reported that the Water Department has two pieces of equipment for repairing lines; one currently in the shop, and the other with estimated repairs of $10,000.00. This department is in need of additional equipment to keep them functioning. Mr. Broz proposed a twelve-month lease for a backhoe with United Rental, at a cost of $1212.00 per month, or total cost of $14,544.00.

Motion was made to approve the full maintenance lease with United Rental, contingent upon staying within the budgeted amount and not exceeding forty hours usage per week.

Minutes Acceptance: Minutes of Jun 14, 2011 6:00 PM (Minutes Approval)

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

27. Council Action 2011-71

Consider Granting a Right-Of-Way to Boomerang Tube, LLC.

COMMENTS - Current Meeting:

City Attorney Randy Gunter explained that this easement is located at Navigation and FM 3361, on the west corner of Richocet Pipe. Mr. Gunter further reported that this is a non-exclusive easement, will return to the City which retains all rights of ingress and egress, consistent with the interest given to Ricochet to operate. Richocet was also given permission to construct a road, at which time they vacate, belongs to the City.

Motion was made to approve authorization of the easement to Boomerang Tube, LLC, on the west end of the property, to include identifying FM 3361 in the recital of the granting language.

ATTACHMENTS:

- Boomerang ROW West Side (PDF)

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

VIII. COUNCIL MEAL

IX. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 8:21 p.m.

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

.

Carl Pickett, Mayor

ATTEST:

Minutes Acceptance: Minutes of Jun 14, 2011 6:00 PM (Minutes Approval)

_____

Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Jun 14, 2011 6:00 PM (Minutes Approval)

The City of Liberty
City Council
Special Called Meeting
~ Minutes ~

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

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, June 28, 2011 **6:00 PM** **City Council Chambers**

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Mike McCarty	Mayor Pro-Tem	Present	
Dennis Beasley	Councilperson	Present	
Diane Huddleston	Councilperson	Present	
Frank Jordan	Councilperson	Present	
Louie Potetz	Councilperson	Present	
Libby Simonson	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Brandon Davis	Counsel	Present	

II. 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. There were no comments from the audience.

Mayor Pickett reported the Independence Day Celebration and Fireworks Display would take place on Sunday, July 3rd at the Liberty Municipal Park. Mayor Pickett also reminded the Council that the Texas Municipal League Region XVI Meeting, sponsored by the City of Liberty, will be held on Thursday, July 28th.

City Manager Gary Broz asked Council to mark their calendars, as budget work sessions will be held the week of July 11-15.

III. PRESENTATIONS / REPORTS

A. Information Item (ID # 2084)

Financial Report - May, 2011

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on the financial report for May, 2011. Ms. Herrington stated that revenues were up for each of the funds, with expenditures being under the budgeted amounts. However, the electric fund is only at 43% of the budgeted amount, and

Minutes Acceptance: Minutes of Jun 28, 2011 6:00 PM (Minutes Approval)

there are no transfers being made from this fund to General Fund, in an effort to increase the fund balance. Only transfers from the Water Fund are being made to the General Fund. Ms. Herrington further stated that sales tax revenues are at 81% of the budgeted amount, and property tax collections are at 98.5%

B. Information Item (ID # 2085)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that the next "Shred-It" Event will be held on Saturday, July 30, from 9 a.m. until Noon. Councilperson Huddleston urged citizens to bring their sensitive documents for easy and safe destruction.

C. Information Item (ID # 2086)

Various Project Updates - City Manager Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz and Finance Director Naomi Herrington reported on the new electric and water meter project, with the Billing Department computer having the capabilities to generate reports that give very detailed data on electric and water usage. Upon completion of the presentation and related issues, a discussion was held regarding the status of numerous other city projects.

Mr. Broz also discussed projects funded from the 2010 Certificates of Obligation. Mr. Broz reviewed the meter replacement, water storage and distribution project, park maintenance shed, fleet purchases, and miscellaneous capital purchases. Mr. Broz further reviewed the budgeted amounts, expenditures, and remaining fund balances of these projects.

IV. REGULAR AGENDA

A. Regular Session

City Manager Gary Broz made a Power Point presentation to Council regarding the water and electric meters and their operation.

1. Council Action 2011-72

Consider Award of Bid for Repair of Small Air Conditioning Unit at the Public Works Service Center.

COMMENTS - Current Meeting:

Discussion was held regarding the small air conditioning unit for the rear portion of the Public Works Service Center. City Manager Gary Broz reported that he received a quote from Pelco Construction for the replacement of this unit. Mr. Broz reported that the AC unit could be repaired at a cost of $916.00, but that the unit was old and in need of replacement to prevent costlier repairs at a later date. The quote for replacement of the 7.5 ton unit is $13,080.00.

Minutes Acceptance: Minutes of Jun 28, 2011 6:00 PM (Minutes Approval)

After further discussion of energy efficient units, brand names, installation, and other AC related issues, it was decided this item would be brought back to Council at a later date. No action was taken.

ATTACHMENTS:

- PELCO AC Quote (PDF)

RESULT:	**NO ACTION TAKEN**

2. Resolution 2011-9

Consider a Resolution to Establish a Procedure to Nominate Liberty Community Development Corporation Board Members.

COMMENTS - Current Meeting:

Motion was made to approve the Resolution establishing procedures for the appointment of Liberty Community Development Corporation Board Members, by majority vote.

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

V. WORK SESSION

1. Work Session (ID # 2088)

Presentation from Combs Consulting on the Technology Study.

COMMENTS - Current Meeting:

Mr. Ron Stark, Combs Consulting Group, addressed the Council regarding an assessment of the current state of the City's technology infrastructure. Mr. Stark stated that the objective of the assessment is to document existing technology infrastructures and systems, evaluate their condition and relevance, and make recommendations for improvements.

Mr. Stark reported that the assessment and recommendations for improvements are prioritized and have been combined to establish a comprehensive long-term technology master plan. This plan may be used to budget and implement future IT plans.

Discussion was held regarding the City's technology currently in use, the need for inter-connection between facilities, cabling systems, voice systems, wireless networking, server and data storage, technology support, and other related topics.

Mr. Stark recommended model #3 as presented in his handout, which prioritized needs and provided a 5-year plan for implementation as follows:

Year 1	$479,000
Years 2 - 4	$398,000

Minutes Acceptance: Minutes of Jun 28, 2011 6:00 PM (Minutes Approval)

Years 4 & 5 $116,350

This item will be brought before Council for further discussion, at a later date.

2. Work Session (ID # 2089)

Distribution of Draft Copies of the Updated Code of Ordinances, and Set Date and Time for Council Review.

COMMENTS - Current Meeting:

Mr. Broz distributed to Council draft copies of the City's Code of Ordinances, with proposed changes, for Council's review. Mr. Broz reported that staff had met numerous times to examine this document and recommend the changes that will be presented at a work session, to be held on Wednesday, July 6 at 6:00 p.m.

3. Work Session (ID # 2090)

Discuss Upcoming Audit and Audit Services.

COMMENTS - Current Meeting:

Mr. Broz reported that he had no issues with the City's current auditor or auditing services, other than a problem with meeting deadlines. Mr. Broz requested authorization to require that the audit be presented to the City no later than the last Council meeting of January, to include a penalty clause for being delinquent in meeting the deadline.

After brief discussion, it was determined that Mr. Broz will compose a contract document to include the penalty clause, and return to Council for formal action.

4. Work Session (ID # 2091)

Discuss Drilling Company Ingress and Egress, to Drilling Location, by Access through the Liberty Municipal Park.

COMMENTS - Current Meeting:

Mr. Broz reported that he had met with representatives of Choice Exploration regarding various routes to reach a proposed drilling location, in which the drilling company has requested access through the Liberty Municipal Park.

Discussed were the various options of ingress and egress to the drilling location. Mr. Broz recommended the longest route, also favored by Parks & Wildlife. The proposed route enters through the City park on the east side, heading south to north, and then once leaving the Park heading east to west to the drilling site on the northeast corner of Travis Street and WCID #5 "Main A" drainage ditch, located on Daniel property. Mr. Broz stated that to replace the four acres of park property used by the drilling company for a road, representatives of the drilling company have offered to replace those four acres of park space, in another location of the City's choice.

Minutes Acceptance: Minutes of Jun 28, 2011 6:00 PM (Minutes Approval)

After further discussion, Council favored the long route, entering through the east side of the park, as recommended.

5. Work Session (ID # 2092)

Discuss Status of the Air Conditioning Units at the Humphreys Cultural Center and Theater.

COMMENTS - Current Meeting:

Mr. Broz led a discussion regarding proposed replacement of air conditioning units to the foyer, theater, and old portion of the Library. Mr. Broz stated that there have been costly maintenance issues with this equipment, and it would take approximately $185,000 for six units to be replaced, which include the old boiler. Mr. Broz further stated that he would prefer to hire a mechanical engineer draw up specifications, in order to assure that future bids are received for comparable equipment. This equipment needs replacement with up-to-date energy efficient units.

Lengthy discussion was held regarding Library expenditures, completing AC replacement in stages, cost estimates, Valley Players, theater rental and utilities, and additional related topics.

Management will write a letter to the Humphreys Foundation requesting funding assistance for the theater, and compose a new contract with the Valley Players for theater usage and requirements.

VI. COUNCIL MEAL

Council shared an evening meal.

VII. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 8:11 p.m.

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

.

Carl Pickett, Mayor

ATTEST:

Minutes Acceptance: Minutes of Jun 28, 2011 6:00 PM (Minutes Approval)

Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Jun 28, 2011 6:00 PM (Minutes Approval)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 07/12/11 06:00 PM

Department: Administration
Category: Public Hearing

PUBLIC HEARING (ID # 2108)

DOC ID: 2108

.

Date: June 10, 2011

TO: E & TA Love Laviene
C/O Effray Lee Laviene Jr
5221 Maywood Dr
Houston, Texas 77053-3204

RE: Public Nuisance-Proposed Order to Demolish

Dear Sir and/or Madam:

As the City of Neighborhood Services Administrator, it has come to my attention and I do hereby find the building or structure situated on the below described location is:

- ✓ unsafe,
- ✓ substandard,
- ✓ dangerous,
- ✓ a hazard,
- ✓ a public nuisance.

I have attached hereto a detailed list setting out the conditions which I find render the building or structure, or portion thereof, a nuisance. The subject building or structure and its location are described as follows:

Building/Structure: **Dilapidated Structure**

Street Address: **903 Lamar**
Legal Description: **Liberty Outer Blocks, Block 0-30, Lot Pt 1 Tr 3**

Attachment: Condemnation-903 Lamar (2108 : PH- 903 Lamar Street)

City of Liberty, Liberty County, Texas

You are hereby given notice that a hearing will be held before the Liberty City Council at **6:00 o'clock p.m. on July 12, 2011, at the Liberty City Hall, 1829 Sam Houston Street, Liberty, Texas 77575** to determine if the building complies with the standards set out in Chapter 6 of the Liberty Code of Ordinances, or if the structure should be ordered repaired, vacated and repaired, or demolished.

All interested persons who desire to be heard or who oppose the proposed order to repair, vacate and repair, or demolish the above described structure, shall appear at the above mentioned City Council hearing and show cause, if any, why the building or structure, or any portion thereof, involved in these proceedings should not be ORDERED repaired, vacated and repaired, or demolished. Your failure to appear shall constitute a waiver of your right to oppose any ORDER of the City Council.

Proof and scope of work will be required to be presented at hearing if work cannot be completed within 30 days. Furthermore, IF an extension is granted by City Council, specific time schedules for the commencement and performance of the work shall be required.

Furthermore, the amount of cost of abating such nuisance or demolishing said building or structure, and all incidental expenses associated therewith, if undertaken by the City of Liberty, shall constitute special assessments against the property on which the structure is located and as such, shall constitute a lien on said property.

Sincerely,

Robbie L. Hood, CPM

Robbie L. Hood
Neighborhood Services Administrator
City of Liberty

Attachment: Condemnation-903 Lamar (2108 : PH- 903 Lamar Street)

Conditions Rendering Building/Structure Hazardous and/or Dangerous

Owners Name: **E & TA Love Laviene**
C/O Effray Lee Laviene Jr
Mailing Address: **5221 Maywood Dr Houston, Texas 77053-3204**

Property Description: **Liberty Outer Blocks, Block 0-30, Lot Pt 1 Tr 3**
Street Address: **903 Lamar , Liberty,Texas 77575**

UNSAFE BUILDINGS: All buildings or structures which are unsafe, unsanitary, or do not provide adequate egress, or which constitutes a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitutes a hazard to safety or health, are considered unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of Chapter 6 of the Liberty Code of Ordinances.

1. Lack of hot and cold water running to plumbing fixtures in bathroom and kitchen.
2. Improper sewage disposal system in bathroom and kitchen.
3. Lack of adequate heating facilities.
4. Lack of required ventilating equipment.
5. Lack of required electrical lighting.
6. Dampness of habitable rooms.
7. Infestation of insects, vermin and rodents.
8. General dilapidation and improper maintenance of all heating and plumbing facilities.
9. Lack of adequate garbage and rubbish storage and removal facilities.
10. Deteriorated and inadequate foundations.
11. Defective and deteriorated flooring and floor supports.
12. Members of walls, partitions and other vertical supports have split, lead, list and/or buckled due to defect and deterioration.
13. Members of ceilings, roofs, ceiling and roof supports and other horizontal members have sagged, split and/or buckled due to defect and deterioration.
14. Hazardous wiring which is not connected and can not be connected due to defective maintenance and deterioration.
15. Hazardous plumbing which is not connected and can not be connected due to defective maintenance and deterioration.
16. Faulty weather protection.
17. Serious fire hazard.
18. Hazardous and unsanitary premises with an accumulation of junk, debris and garbage which constitutes a fire, health and safety hazard.
19. The building structure or portion thereof as a result of decay, deterioration or dilapidation's has or is likely to fully or partially collapse.
20. The building structure or portion thereof is in such a condition that it constitutes a public nuisance.

Robbie L Hood, CPM
Robbie L. Hood
Neighborhood Services Adm.

6-10-11
Date

Attachment: Condemnation-903 Lamar (2108 : PH- 903 Lamar Street)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 07/12/11 06:00 PM

Department: Administration
Category: Demolitions

COUNCIL ACTION (ID # 2113)

DOC ID: 2113

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City of Liberty

Order of Abatement

The City Council of the City of Liberty ("Council"), at a duly noticed public hearing, does hereby adopt the following Order of Abatement:

WHEREAS, it has come to the attention of Council that a building or structure at 903 Lamar of the Town of Liberty with Liberty County Central Appraisal District Property ID # 56927, Liberty Outer Blocks, Block 0-30, Lot Pt 1 Tr 3 in the City of Liberty is reported to be or believed to be substandard under the terms of Chapter 6 of the Liberty Code of Ordinances; and

WHEREAS, Council has at a public hearing received and/or heard evidence that the structure(s) on the property described above have/has

a. become substantially deteriorated through natural causes and/or from exposure to the elements (wind, hail, rain and storms), or
b. become so structurally deteriorated and/or damaged that it/they are in danger of collapse, or
c. become a fire hazard due to the substantial deterioration of the building or structure; or
d. failed to be constructed in conformity with the City Building Code; or
e. become a hazard to the health and/or safety of the general public, including all conditions conducive to the harboring of rats, mice, and other disease carrying animals and/or insects, including such conditions that may be hazardous to safety, such as inadequate bracing or the use of deteriorated materials.

WHEREAS, Council has received and/or heard evidence that the City has made a diligent effort to determine the identity and address of any owner, lienholder, or mortgagee by searching the following records:

a. county real property records of Liberty County;
b. appraisal district records of Liberty County;
c. records of the secretary of state;
d. assumed name records of Liberty County;
e. tax records of the City of Liberty; and
f. utility records of the City of Liberty.

and has given notice of the public hearing held on this day regarding the substandard structure.

WHEREAS, the Council, having the authority to order abatement of substandard structures pursuant to Chapter 6 of the Liberty Code of Ordinances and Chapter 214 of the Local Government Code.

NOW, THEREFORE, BE IT RESOLVED, THAT the City Council of the City of Liberty hereby

Attachment: Order of Abatement 903 Lamar (2113 : Order of Abatement - 903 Lamar St.)

ORDERS the abatement of the condition of the identified property by removal of the structure(s) thereon, within 30 days of this ORDER. The City Council further authorizes the City Manager or other City officials to secure the demolition of the structure(s) on the identified property if the structures have not been removed within 30 days of this ORDER, and place a lien on the land for costs associated with such demolition and removal according to law ; and

Part 1: That the notice of this public hearing was made or attempted with the efforts outlined in Chapter 214 of the Local Government Code.

Part 2: That it is hereby determined that the identified structure is in fact a structure that is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare.

Part 3: That public necessity requires the demolition and removal of the identified structure.

Part 4: That this resolution shall take effect immediately from and after its passage.

I certify that the foregoing is a true and correct copy of the resolution/order duly adopted by the City Council of the City of Liberty. This Order of Abatement shall be maintained with the official minutes of the City Council of the City of Liberty

In witness whereof, I have hereunto set my hand on this the 12th day of July, 2011.

By:_____

Carl Pickett,
Mayor,
City of Liberty

Attachment: Order of Abatement 903 Lamar (2113 : Order of Abatement - 903 Lamar St.)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 07/12/11 06:00 PM

Department: Administration
Category: Condemnations

PUBLIC HEARING (ID # 2114)

DOC ID: 2114

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Date: June 10, 2011

TO: Percy Chavis Jr & Belinda A. Chavis
PO Box 160
Diboll, Texas 75941-0160

RE: Public Nuisance-Proposed Order to Demolish

Dear Sir and/or Madam:

As the City of Neighborhood Services Administrator, it has come to my attention and I do hereby find the building or structure situated on the below described location is:

- ✓ unsafe,
- ✓ substandard,
- ✓ dangerous,
- ✓ a hazard,
- ✓ a public nuisance.

I have attached hereto a detailed list setting out the conditions which I find render the building or structure, or portion thereof, a nuisance. The subject building or structure and its location are described as follows:

Building/Structure: **Dilapidated Structure**

Street Address: **3019 Grand**
Legal Description: **Liberty Outer Blocks, Block 0-18, Lot Pt 5 Tr 12**

Attachment: Condemnation-3019 Grand (2114 : PH 3019 Grand Street)

City of Liberty, Liberty County, Texas

You are hereby given notice that a hearing will be held before the Liberty City Council at **6:00 o'clock p.m. on July 12, 2011, at the Liberty City Hall, 1829 Sam Houston Street, Liberty, Texas 77575** to determine if the building complies with the standards set out in Chapter 6 of the Liberty Code of Ordinances, or if the structure should be ordered repaired, vacated and repaired, or demolished.

All interested persons who desire to be heard or who oppose the proposed order to repair, vacate and repair, or demolish the above described structure, shall appear at the above mentioned City Council hearing and show cause, if any, why the building or structure, or any portion thereof, involved in these proceedings should not be ORDERED repaired, vacated and repaired, or demolished. Your failure to appear shall constitute a waiver of your right to oppose any ORDER of the City Council.

Proof and scope of work will be required to be presented at hearing if work cannot be completed within 30 days. Furthermore, IF an extension is granted by City Council, specific time schedules for the commencement and performance of the work shall be required.

Furthermore, the amount of cost of abating such nuisance or demolishing said building or structure, and all incidental expenses associated therewith, if undertaken by the City of Liberty, shall constitute special assessments against the property on which the structure is located and as such, shall constitute a lien on said property.

Sincerely,

Robbie L. Hood, CBM

Robbie L. Hood
Neighborhood Services Administrator
City of Liberty

Attachment: Condemnation-3019 Grand (2114 : PH 3019 Grand Street)

Conditions Rendering Building/Structure Hazardous and/or Dangerous

Owners Name: **Percy Chavis Jr & Belinda A. Chavis**
Mailing Address: **PO Box 160, Diboll, Texas 75941-0160**

Property Description: **Liberty Outer Blocks, Block 0-18, Lot Pt 5 Tr 12**
Street Address: **3019 Grand , Liberty,Texas 77575**

UNSAFE BUILDINGS: All buildings or structures which are unsafe, unsanitary, or do not provide adequate egress, or which constitutes a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitutes a hazard to safety or health, are considered unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of Chapter 6 of the Liberty Code of Ordinances.

1. Lack of hot and cold water running to plumbing fixtures in bathroom and kitchen.
2. Improper sewage disposal system in bathroom and kitchen.
3. Lack of adequate heating facilities.
4. Lack of required ventilating equipment.
5. Lack of required electrical lighting.
6. Dampness of habitable rooms.
7. Infestation of insects, vermin and rodents.
8. General dilapidation and improper maintenance of all heating and plumbing facilities.
9. Lack of adequate garbage and rubbish storage and removal facilities.
10. Deteriorated and inadequate foundations.
11. Defective and deteriorated flooring and floor supports.
12. Members of walls, partitions and other vertical supports have split, lead, list and/or buckled due to defect and deterioration.
13. Members of ceilings, roofs, ceiling and roof supports and other horizontal members have sagged, split and/or buckled due to defect and deterioration.
14. Hazardous wiring which is not connected and can not be connected due to defective maintenance and deterioration.
15. Hazardous plumbing which is not connected and can not be connected due to defective maintenance and deterioration.
16. Faulty weather protection.
17. Serious fire hazard.
18. Hazardous and unsanitary premises with an accumulation of junk, debris and garbage which constitutes a fire, health and safety hazard.
19. The building structure or portion thereof as a result of decay, deterioration or dilapidation's has or is likely to fully or partially collapse.
20. The building structure or portion thereof is in such a condition that it constitutes a public nuisance.

Robbie L. Hood, CPM
Robbie L. Hood
Neighborhood Services Adm.

6-10-11
Date

Attachment: Condemnation-3019 Grand (2114 : PH 3019 Grand Street)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 07/12/11 06:00 PM

Department: Administration
Category: Demolitions

COUNCIL ACTION (ID # 2115)

DOC ID: 2115

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City of Liberty

Order of Abatement

The City Council of the City of Liberty ("Council"), at a duly noticed public hearing, does hereby adopt the following Order of Abatement:

WHEREAS, it has come to the attention of Council that a building or structure at 3019 Grand of the Town of Liberty with Liberty County Central Appraisal District Property ID # 56796, Liberty Outer Blocks, Block 0-18, Lot Pt 5 Tr 12 in the City of Liberty is reported to be or believed to be substandard under the terms of Chapter 6 of the Liberty Code of Ordinances; and

WHEREAS, Council has at a public hearing received and/or heard evidence that the structure(s) on the property described above have/has

a. become substantially deteriorated through natural causes and/or from exposure to the elements (wind, hail, rain and storms), or
b. become so structurally deteriorated and/or damaged that it/they are in danger of collapse, or
c. become a fire hazard due to the substantial deterioration of the building or structure; or
d. failed to be constructed in conformity with the City Building Code; or
e. become a hazard to the health and/or safety of the general public, including all conditions conducive to the harboring of rats, mice, and other disease carrying animals and/or insects, including such conditions that may be hazardous to safety, such as inadequate bracing or the use of deteriorated materials.

WHEREAS, Council has received and/or heard evidence that the City has made a diligent effort to determine the identity and address of any owner, lienholder, or mortgagee by searching the following records:

a. county real property records of Liberty County;
b. appraisal district records of Liberty County;
c. records of the secretary of state;
d. assumed name records of Liberty County;
e. tax records of the City of Liberty; and
f. utility records of the City of Liberty.

and has given notice of the public hearing held on this day regarding the substandard structure.

WHEREAS, the Council, having the authority to order abatement of substandard structures pursuant to Chapter 6 of the Liberty Code of Ordinances and Chapter 214 of the Local Government Code.

NOW, THEREFORE, BE IT RESOLVED, THAT the City Council of the City of Liberty hereby

Attachment: Order of Abatement 3019 Grand (2115 : Order of Abatement-3019 Grand Street)

ORDERS the abatement of the condition of the identified property by removal of the structure(s) thereon, within 30 days of this ORDER. The City Council further authorizes the City Manager or other City officials to secure the demolition of the structure(s) on the identified property if the structures have not been removed within 30 days of this ORDER, and place a lien on the land for costs associated with such demolition and removal according to law ; and

Part 1: That the notice of this public hearing was made or attempted with the efforts outlined in Chapter 214 of the Local Government Code.

Part 2: That it is hereby determined that the identified structure is in fact a structure that is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare.

Part 3: That public necessity requires the demolition and removal of the identified structure.

Part 4: That this resolution shall take effect immediately from and after its passage.

I certify that the foregoing is a true and correct copy of the resolution/order duly adopted by the City Council of the City of Liberty. This Order of Abatement shall be maintained with the official minutes of the City Council of the City of Liberty

In witness whereof, I have hereunto set my hand on this the 12th day of July, 2011.

By:_____

Carl Pickett,
Mayor,
City of Liberty

Attachment: Order of Abatement 3019 Grand (2115 : Order of Abatement-3019 Grand Street)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 07/12/11 06:00 PM

Department: Administration
Category: Bids

COUNCIL ACTION (ID # 2109)

DOC ID: 2109

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BID TABULATION
CITY OF LIBERTY
LIBERTY COUNTY, TEXAS
MONTA ELEVATED WATER TANK VALVE REPLACEMENT

BID OPENING DATE: THURSDAY, JUNE 30, 2011

Item	Qty	Unit	Description	Panorama 822 Durham, Suite 100 Houston, Texas 77007 713.277.4286 p 713.583.9260 f		Placo, Ltd. Post Office Box 8120 Lumberton, Texas 77657 409.755.3878 p 409.755.3667 f		Alico Post Office Box 3684 Beaumont, Texas 77704		R&B Group 3213 N. Durham Drive Houston, Texas 77008 713.862.5800 p	
				Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total
BASE BID ITEMS											
1.	1	LS	Mobilization cost, including payment bond, performance bond, insurance, and moving equipment to project, NOT TO EXCEED 3% OF TOTAL PROJECT BIDS, all in strict accordance with Contract Documents for,	$3,590.00	$3,590.00	$3,638.07	$3,638.07	$3,500.00	$3,500.00	$3,000.00	$3,000.00
2.	1	LS	Furnish all labor, materials, and equipment to demolish and dispose of the existing concrete vaults and remove and dispose of all existing 6" dia. and 10" dia. piping, valves and fittings all in strict accordance with the plans and specifications for,	$11,546.00	$11,546.00	$8,949.94	$8,949.94	$11,191.00	$11,191.00	$15,000.00	$15,000.00
3.	1	LS	Furnish all labor, materials, and equipment to construct a new concrete vault including excavation, backfill, aluminum hatches all in strict accordance with the plans and specifications for,	$18,780.00	$18,780.00	$19,986.91	$19,986.91	$25,138.00	$25,138.00	$50,000.00	$50,000.00
4.	1	LS	Furnish all labor, materials, and equipment to install the new 10" diameter DI inlet/outlet valve arrangement including piping, valves, fitting, excavation and backfill, connection to existing water lines, testing and disinfection all in strict accordance with plans and specifications for,	$20,635.00	$20,635.00	$20,329.72	$20,329.72	$22,237.00	$22,237.00	$20,000.00	$20,000.00
5.	1	LS	Furnish all labor, materials, and equipment to remove and replace the existing 6" tank drain line including piping, fittings, valve, excation and backfill all in strict accordance with the plans and specifications for,	$6,870.00	$6,870.00	$6,686.29	$6,686.29	$5,644.00	$5,644.00	$4,000.00	$4,000.00
6.	1	LS	Furnish all labor, materials, and equipment to remove and replace the existing tank drain structure and construct a new concrete drain structure including excavation and backfill, new fiberglass grating all in strict accordance with the plans and specifications for,	$3,750.00	$3,750.00	$5,081.71	$5,081.71	$8,260.00	$8,260.00	$7,500.00	$7,500.00
7.	1	LS	Furnish all labor, materials, and equipment to paint all exposed new piping and valves including surface prepration all in strict accordance with the plans and specifications for,	$8,760.00	$8,760.00	$3,374.72	$3,374.72	$1,970.00	$1,970.00	$7,500.00	$7,500.00
8.	1	EA	Furnish all labor, materials, and equipment to install new 10" gate valve under service conditions including excavation and backfill all in strict accordance with the plans and specifications for,	$9,620.00	$9,620.00	$10,252.27	$10,252.27	$11,830.00	$11,830.00	$3,500.00	$3,500.00
9.	1	EA	Furnish all labor, materials, and equipment to install new 14" gate valve under service conditions including excavation and backfill all in strict accordance with the plans and specifications for,	$20,370.00	$20,370.00	$27,171.35	$27,171.35	$25,064.00	$25,064.00	$7,500.00	$7,500.00

Attachment: Bid Tab- Monta Valve Replacement (2109 : Bid - Monta Valve Replacement Project)

BID TABULATION
CITY OF LIBERTY
LIBERTY COUNTY, TEXAS
MONTA ELEVATED WATER TANK VALVE REPLACEMENT

BID OPENING DATE: THURSDAY, JUNE 30, 2011

Item	Qty	Unit	Description	Panorama 822 Durham, Suite 100 Houston, Texas 77007 713.277.4286 p 713.583.9260 f		Placo, Ltd. Post Office Box 8120 Lumberton, Texas 77657 409.755.3878 p 409.755.3667 f		Alico Post Office Box 3684 Beaumont, Texas 77704		R&B Group 1213 N. Durham Drive Houston, Texas 77008 713.862.5800 p	
				Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total
10.	1	LS	Furnish all labor, materials, and equipment to install new 14" DI piping including fittings, testing and disinfection, excavation and backfill all in strict accordance with the plans and specifications for,	$3,345.00	$3,345.00	$5,297.97	$5,297.97	$4,531.00	$4,531.00	$3,500.00	$3,500.00
11.	1	ALLOW	Allowance for furnishing all labor, materials and equipment for unforseen work that might arrise during the normal course of the work as approved by the Owner.	$10,000.00	$10,000.00	$10,000.00	$10,000.00	$10,000.00	$10,000.00	$10,000.00	$10,000.00
12.	1	LS	Construct and maintain a Trench Safety System for all trench excavation in accordance with Technical Specifications for item 2010 for,	$2,375.00	$2,375.00	$500.00	$500.00	$450.00	$450.00	$300.00	$300.00
			TOTAL BID		**$119,641.00**		**$121,268.95**		**$129,815.00**		**$131,800.00**
			Bonding Company Information	YES		YES		YES		YES	
			Bid Bond	YES		YES		YES		YES	
			Bid Schedule	YES		YES		YES		YES	
			Non-Collusion Affidavit of Prime Contractor	YES		YES		YES		YES	
			Acknowledge Addendum 1	YES		YES		YES		YES	
			Vendor Compliance Statement	YES		YES		YES		YES	
			Qualification Statement/Financial Statement	YES		YES		YES		YES	

The Bid Proposals submitted have been reviewed, and to the best of my knowledge this is an accurate tabulation of the Bids received.

Signature

STATE OF TEXAS
RICKY I. SUDUKE
83231
REGISTERED
PROFESSIONAL ENGINEER

7-6-11
Date

Attachment: Bid Tab- Monta Valve Replacement (2109 : Bid - Monta Valve Replacement Project)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 07/12/11 06:00 PM

Department: Administration
Category: Change Orders

COUNCIL ACTION (ID # 2110)

DOC ID: 2110

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CHANGE ORDER No.: Four (4)
DATE: July 6, 2011

PROJECT: City of Liberty, Liberty County, Texas
Wastewater Treatment Plant
TWDB CWSRF # 72124

OWNER: City of Liberty
1829 Sam Houston Street
Liberty, Texas 77575

CONTRACTOR: Allco
P.O. Box 3684
Beaumont, TX 77704

TO THE OWNER: Approval of the following contract change is requested.

REASON FOR CHANGE: Modifications to autodialer system and digester decant system as reqeuested by Owner's operator.

CONTRACT PRICE

ORIGINAL CONTRACT AMOUNT:		$2,945,800.00
PREVIOUS CHANGE ORDERS:	No. One	$7,914.50
	No. - Two	$30,893.17
	No. - Three	$50,838.49

THIS CHANGE ORDER:

Item	Description	
5	Allowance for Grit Removal from existing units	$10,000.00

AMOUNT OF THIS CHANGE ORDER:	$10,000.00
TOTAL REVISED CONTRACT AMOUNT INCLUDING CHANGE ORDER NO. Four (4)	**$3,045,446.16**

CONTRACT TIME

Description: Contract Time is being adjusted to provide for modification of the digester decant.

ORIGINAL CONTRACT TIME - Substantial Completion	330 Consecutive Calendar Days
Previous Change Orders-	140 Consecutive Calendar Days
THIS CHANGE ORDER:	Calendar Days
TOTAL REVISED CONTRACT TIME INCLUDING CHANGE ORDER NO. One (1)	**470 Consecutive Calendar Days**

CONDITION OF CHANGE:

Contractor acknowledges and agrees that the adjustments in contract price and contract time stipulated in this Change Order represents full compensation for all increases and decreases in the cost of, and the time required to perform the entire work under the Contract arising directly or indirectly from this Change Order and all previous Change Orders. Acceptance of this waiver constitutes an agreement between Owner and Contractor that the Change Order represents an all inclusive, mutually agreed upon adjustment to the Contract, and that Contractor will waive all rights to file a claim on this Change Order after it is properly executed.

SUBMITTED BY	REVIEWED BY	APPROVED BY
Allco	Schaumburg & Polk, Inc.	City of Libery
Contractor	Engineer	Owner
Date:	Date: 7-6-11	Date:

Attachment: Change Order No. 4 WWTP (2110 : Change Order No. 4 - WWTP)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 07/12/11 06:00 PM

Department: Administration
Category: Contracts

COUNCIL ACTION (ID # 2111)

DOC ID: 2111

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MANAGEMENT SERVICES CONTRACT

STATE OF TEXAS S
S KNOW ALL MEN BY THESE PRESENTS
COUNTY OF LIBERTY S

This agreement made and entered _____ by and between PUBLIC MANAGEMENT, INC. of Cleveland, Liberty County, Texas (herein called Consultant) and the CITY OF LIBERTY, Texas (herein called City) for the purpose of retaining Consultant to render services to implement the City's 2009 Hazard Mitigation Grant Program (HMGP), which is administered by the Governor's Office Division of Emergency Management (DEM).

I.

Consultant agrees to provide City with services as follows:

a) Provide administrative assistance including but not limited to budget revisions, time schedules, record maintenance, and amendments requiring prior DEM approval.

b) Prepare and maintain a written Environmental Review Record.

c) Implement and document real property acquisition and relocation assistance activities.

d) Implement and document labor standards and contract compliance regulations in Program projects/activities.

e) Assist in the maintenance of a financial accounting system incidental to the various Program projects/activities.

f) Assist in procurement of goods and services in compliance with state law and federal regulations.

g) Advise the City concerning all Program requirements and regulations.

h) Act as the City's liaison with DEM on all communications.

i) Prepare necessary reports about the Program, including the performance report for DEM, the Mayor, City Council and citizens' groups

j) Assist in other measures and matters incidental to and necessary in carrying out the City's Program.

Attachment: Public Mgmt Contract 2009 Haz Mitigation (2111 : Public Mgmt Contract-2009 Hazard Mitigation)

It is specifically agreed and understood that the Consultant will not provide either personally or by contract any professional or technical services requiring a license by the State of Texas in any phase or aspect of the foregoing rather, Consultant will advise City of the need of such services in furtherance of the planned objectives of the City's Program.

II.

Consultant hereby agrees that in the implementation of this agreement, he will comply with the provisions of Attachment 1--Terms and Conditions, which document is attached hereto and incorporated herein for all purposes, as if set out herein verbatim.

III.

The City is awarding this contract in accordance with the State of Texas Government Code 2254, Professional and Consulting Services.

IV.

It is agreed by the parties hereto that Consultant will, in the discharge of services herein, be considered as an Independent Contractor as that term is used and understood under the laws of the State of Texas and further for the purposes of governing Consultant's fees under the Procurement Standards of Attachment O of OMB Circular No. A-102 and Title 24 CFR Part 570.200 (g) Consultant Activities.

Attachment: Public Mgmt Contract 2009 Haz Mitigation (2111 : Public Mgmt Contract-2009 Hazard Mitigation)

V.

For and in consideration of the foregoing, City agrees to pay Consultant a fee not to exceed THREE THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS ($3,750.00) payable upon receipt of invoice from Consultant in accordance with the following schedule:

Fee Schedule

Set Up Record Keeping System.....	$200.00
Environmental Review.....	200.00
Procurement of Goods and Services	1,200.00
Financial Management/Drawdowns.....	750.00
DEM Liaison.....	500.00
Reporting and Correspondence.....	500.00
Closeout Documents.....	400.00

It is also agreed that payments to such Consultant shall be subject to adjustment where monitoring reviews or audits by DEM indicate that personal services were compensated at greater than reasonable rate.

VI.

The Mayor or his/her designated representative will act as the Consultant's primary contact regarding all matters in connection with the Program.

VII.

This agreement shall extend and be in full force until the City's 2009 HMGP program has been fully closed out by DEM.

Attachment: Public Mgmt Contract 2009 Haz Mitigation (2111 : Public Mgmt Contract-2009 Hazard Mitigation)

VIII.

If either party shall fail to keep any of the agreements herein by him to be kept, or to make any payments by him to be made, the other party may, by giving the party in default written notice, cancel and terminate this agreement as and from the expiration of five (5) days of receipt of said notice. In the event of termination, City agrees to pay Consultant for all services actually performed and expenses incurred as of the date of termination in accordance with the schedule set forth in Paragraph V hereof. It is specifically agreed and understood by the parties hereto that, in the event of breach by Consultant, City reserves and preserves unto itself any and all remedies, administrative, legal, or equitable as may accrue to it either under the terms of this agreement or the laws of the State of Texas or of the United States.

IX.

City, DEM, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Consultant which are directly pertinent to this contract, for the purpose of making audit, examination, excerpts, and transcriptions. Consultant agrees hereby to maintain all records made in connection with this agreement for a period of three (3) years after City makes final payment and all other pending matters are closed.

X.

If, by reason of force majeure, either party hereto shall be rendered unable, wholly or in part, to carry out its obligations under this agreement, then if such party shall give notice and full particulars of such force majeure in writing to the other party within a reasonable time after the occurrence of the event or cause relied on, the obligation of the party giving such notice, so far as it is affected by such force majeure, shall be suspended during the continuance of the inability then claimed, but for no longer period, and such party shall endeavor to remove or overcome such inability with all reasonable dispatch.

The term "force majeure" as employed herein shall mean acts of God, acts of public enemy, orders of any of the Government of the United States or of the State of Texas, or any civil or military authority, and any other cause not reasonably within the control of the party claiming such inability.

XI.

This document embodies the entire agreement of the parties hereto and no amendment, addition, or deletion will be valid except same be in writing and executed by the parties.

Attachment: Public Mgmt Contract 2009 Haz Mitigation (2111 : Public Mgmt Contract-2009 Hazard Mitigation)

XII.

If a portion of this contract is or be declared illegal, the validity of the remainder and balance of the contract shall not be affected thereby.

PUBLIC MANAGEMENT, INC.
P. O. Box 1827
Cleveland, Texas 77328
281 592-0439

_____
J. ANDREW RICE
President

CITY OF LIBERTY

_____
CARL PICKETT
Mayor

ATTEST:

_____
DIANNE TIDWELL
City Secretary

Attachment: Public Mgmt Contract 2009 Haz Mitigation (2111 : Public Mgmt Contract-2009 Hazard Mitigation)

ATTACHMENT 1

TERMS AND CONDITIONS

I.

Equal Employment Opportunity

During the performance of this Contract, the Consultant agrees as follows:

a) The Consultant will not discriminate against any employee or applicant for employment because of race, creed sex, color or national origin. The Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, sex color or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the County setting forth provisions of this non-discrimination clause.

b) The Consultant will, in all solicitation or advertisements for employees placed by or on behalf of the Consultant, state that qualified applicants will receive consideration for employment without regard to race, creed, color, sex, or national origin.

c) The Consultant will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Contract so that such provisions will be binding upon each subcontractor, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.

d) The Consultant will include the provisions a. through c. in every subcontract or purchase order unless exempted.

II.

Civil Rights Act of 1964

Under Title VI of the Civil Rights Act of 1964, no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Attachment: Public Mgmt Contract 2009 Haz Mitigation (2111 : Public Mgmt Contract-2009 Hazard Mitigation)

III.

Section 109 of the Housing and Community Development of 1974

No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

IV.

"Section 3" Compliance in the Provision of Training, Employment and Business Opportunities

a) The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.

b) The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 C.F.R. 235, and all applicable rules and orders of the Department issued thereunder prior to the execution of this Contract. The parties to this Contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

c) The Consultant will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

d) The Consultant will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 C.F.R. Part 135. The Consultant will not subcontract with any subcontractor where he has notice or knowledge that the latter has been found in violation of regulations under 24 C.F.R. Part 135 and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

Attachment: Public Mgmt Contract 2009 Haz Mitigation (2111 : Public Mgmt Contract-2009 Hazard Mitigation)

e) Compliance with the provisions of Section 3, the regulations set forth in 24 C.F.R. Part 135, and all applicable rules and orders of the Department issued herunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, his contractors and subcontractors, his successors and assigns to those sanctions specified by the grant or loan agreement or contract through which federl assistance is provided, and to such sanctions as are specified by 24 C.F.R. Part 135.

V.

Section 503 Handicapped Affirmative Action for Handicapped Workers

a) The Consultant will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The Consultant agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap inall employment practices such as the following: Employment, upgrading, demotion or transfer, recruitment, advertising layoff or termination rates of pay or other forms of compensation, and selection for training, including apprenticeship.

b) The Consultant agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

c) In the event of the Consultant's non-compliance with requirements of this clause, actions for non-compliance may be taken in accordance with rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

d) The Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, provided by or through the contracting officer. Such notices shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.

e) The Consultant will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of Section 503 of Rehabilitation Act of 1973, and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.

Attachment: Public Mgmt Contract 2009 Haz Mitigation (2111 : Public Mgmt Contract-2009 Hazard Mitigation)

f) The Consultant will include the provisions of this clause in every subcontract or purchase order of $2,500 or more unless exempted by rules, regulations, or orders of the Secretary issued pursuant to Section 503 of the Act, so that such provisions will be binding upon each subcontractor with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for non-compliance.

VI.

Interest of Members of City

No member of the governing body of the City and no other officer, employee, or agent of the City who exercises any functions or responsibilities in connection with the planning and carrying out of program, shall have any personal financial interest, direct or indirect, in this Contract and the Consultant shall take appropriate steps to assure compliance.

VII.

Interest of Other Local Public Officials

No member of the governing body of the locality and no other public official of such locality, who exercises any functions or responsibilities in connections with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this Contract; and the Consultant shall take appropriate steps to assure compliance.

VIII.

Interest of Consultant and Employees

The Consultant covenants that he presently has no interest and shall not acquire interest, direct or indirect, in the study area or any parcels therein or any other interest which would conflict in any manner or degree with the performance of his services hereunder. The Consultant further covenants that in the performance of this contract, no person having any such interest shall be employed.

Attachment: Public Mgmt Contract 2009 Haz Mitigation (2111 : Public Mgmt Contract-2009 Hazard Mitigation)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 07/12/11 06:00 PM

Department: Administration
Category: Misc.

COUNCIL ACTION (ID # 2112)

DOC ID: 2112

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7/6/11

Please place on next regular meeting agenda item to consider elimination of "City Council Meal".

Thank you
Mihal City Council

Attachment: Agenda Item-Meal (2112 : Council Meal)

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 07/12/11 06:00 PM

Department: Administration
Category: Executive Session Items

COUNCIL ACTION (ID # 2116)

DOC ID: 2116

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