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, September 13, 2011 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on September 13, 2011 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:00 PM by Mayor Carl Pickett.

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 City Attorney Randy Gunter.

III. PLEDGE OF ALLEGIANCE

The pledge to the American and Texas flags was led by Library Director Dana Abshier.

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.

City Manager Gary Broz reminded Council of the TML Region XVI Meeting to be held in Port Arthur, on Thursday, October 6th.

Mayor Pickett reminded Council of the special called meeting to be held on Tuesday, September 27th, and asked Fire Chief Collins to report on the recent fundraiser "Hoses for Heroes" which benefits the Liberty Volunteer Fire Department. Chief Collins remarked that he appreciated the community's support and anticipates that approximately $13-14,000 had been raised.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2169)

Boomerang Tube, LLC - Mr. Greg Eisenberg

COMMENTS - Current Meeting:

Mr. Greg Eisenberg, President & CEO of Boomerang Tube, LLC gave a presentation, reviewing and updating the Council on the activities at Boomerang from its inception until the current time. Discussed were the initial commitments and funding, infrastructure investment and improvements, increase in number of employees, labor force, shipping range, and numerous matters related thereto.

Mr. Eisenberg informed the Council that he personally attended this meeting to notify them that an additional investment of $42 million dollars will be taking place between now and August/September 2012. Mr. Eisenberg remarked that Boomerang is putting in additional heat treating lines, hydro testing, straightening and handling equipment, and bringing collapse testing in-house. This investment will also require an additional fifteen (15) employees per shift.

Mr. Eisenberg reported that Boomerang will hold an Open House for employees, vendors, and customers December 1-3, 2011.

B. Information Item (ID # 2170)

Various Project Updates - City Manager Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz updated the Council on various City projects as follows:

1) the TGB on Monta Water Tower is complete and back in service; valve project started, to be completed by mid-October,

2) Wastewater Treatment Plant rehabilitation is complete, facility is up and running,

3) generators at lift stations have been installed, with additional installation at other locations to follow and also working on the SCADA System,

4) the splash pad will close the end of the month,

5) new format for utility "statement billing" will begin the first of the new month,

6) boil water notice put out to the public last week due to old electrical wiring issues causing low water pressure, required water testing was completed, wiring corrected, and boil notice lifted on Friday,

7) several large water line leaks per day still occurring, and

8) credit card receipts have previously been averaging $12,000 per month, but last month, receipts were in the amount of $124,000 ($66,000 - point of sale and $58,000 - online payments).

Mr. Broz asked Finance Director Naomi Herrington to report on sales tax receipts. Ms. Herrington stated that by end of the year sales tax revenues should be approximately 20% above the budgeted amount of $1.7 million, for a total of $2,040,000.

C. Information Item (ID # 2171)

Recycling Report - Councilperson Diane Huddleston

COMMENTS - Current Meeting:

This agenda item was passed on.

D. Information Item (ID # 2172)

Central Appraisal District - Appraisal Review Board

COMMENTS - Current Meeting:

Mr. Broz reported that the Central Appraisal District has requested nominations to the Appraisal Review Board. This item will be considered at the next Council Meeting.

ATTACHMENTS:

- CAD App Rev Brd Info 2011 (PDF)

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

A. Minutes Approval

1. Tuesday, August 09, 2011

2. Tuesday, August 23, 2011

3. Wednesday, August 31, 2011

B. Council Action 2011-95

Consider Extending the Bank Depository Services Contract with Prosperity Bank for One Additional Year.

C. Council Action 2011-96

Consider Adoption of a New City of Liberty Purchasing Policy.

D. Council Action 2011-97

Consider Ratifying the Liberty Community Development Corporation's Action to Expend Funds in the Amount of $15,000 to the Liberty County Rural Rail District #1, for a Preliminary Evaluation of the Proposed Rail Spur Purchase.

ATTACHMENTS:

- Interlocal Agreement Rural Rail Dist. 2011 (PDF)

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2011-94

Consider an Interlocal Agreement with Liberty County Precinct 1 for Maintenance of Streets, Roads, Ditches, and Recreational Areas.

COMMENTS - Current Meeting:

City Attorney Randy Gunter explained that the Interlocal Agreement with Liberty County is a non-binding document. This agreement provides for each entity to assist the other with manpower and/or equipment for the maintenance of streets, roads, ditches and recreational areas.

Motion was made to approve the Interlocal Agreement between the City of Liberty and Liberty County, Precinct 1.

ATTACHMENTS:

- Interlocal Agrement Liberty Co. #1 2011 (PDF)

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

2. Council Action 2011-99

Consider Appointments to the Liberty Municipal Library Board.

COMMENTS - Current Meeting:

Motion was made to re-appoint Paul Henry and Margaret Gardzina to the Liberty Municipal Library Board, along with the new appointments of Tinya Griffin and Jessica Haidusek.

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

3. Resolution 2011-15

Consider a Resolution Appointing a Representative to the Sam Rayburn Municipal Power Agency Board of Directors.

COMMENTS - Current Meeting:

Motion was made to re-appoint Mr. Bruce Halstead to the Sam Rayburn Municipal Power Agency Board of Directors. Mr. Halstead's term will end September, 2013.

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

4. Council Action 2011-98

Consider Appointments to the 2012 Houston-Galveston Area Council General Assembly.

COMMENTS - Current Meeting:

Motion was made to appoint Councilperson McCarty and Councilperson Jordan as the representative and alternate to the 2012 General Assembly.

ATTACHMENTS:

- HGAC Gen Assembly Info 2011 (PDF)

RESULT:	**APPROVED [5 TO 0]**
MOVER:	Libby Simonson, Councilperson
SECONDER:	Diane Huddleston, Councilperson
AYES:	Pickett, Beasley, Huddleston, Potetz, Simonson
ABSTAIN:	Mike McCarty, Frank Jordan

5. Ordinance 2011-7

Consider an Ordinance Adopting the Budget for Fiscal Year 2011-2012.

COMMENTS - Current Meeting:

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

"SETTING AND ESTABLISHING THE 2011/2012 FISCAL YEAR BUDGET".

Motion was made to adopt the ordinance regarding the Fiscal Year 2011-2012 budget, ending September 30, 2012, with the clarification in the heading and third “whereas” in regard to the ending date of the fiscal year.

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

6. Ordinance 2011-8

Consider an Ordinance Adopting the Tax Rate for FY 2011-2012.

COMMENTS - Current Meeting:

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

"TAX RATE ADOPTION".

Motion was made to adopt a tax rate of $.0582. Motion was defeated by a vote of two (2) for and five (5) against.

Mayor Pickett called for any additional motions. Motion was made for the tax rate to remain at the current rate of $0.5900 per $100 valuation. Motion was approved to adopt the tax rate of $0.5900.

RESULT:	**ADOPTED [6 TO 1]**
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Libby Simonson, Councilperson
AYES:	Pickett, McCarty, Beasley, Jordan, Potetz, Simonson
NAYS:	Diane Huddleston

7. Council Action 2011-100

Consider Ratification of the Property Tax Revenue Increase Reflected in the FY 2011-2012 Budget.

COMMENTS - Current Meeting:

With the vote on the tax rate remaining the same at $.5900 per $100 vaulation, Mr. Broz reported that the City would collect approximately $123,500 more in revenue than the previous year, due to the increase in property valuations, along with the addition of new properties.

Motion was made to ratify the property tax revenue increase reflected in the FY 2011-2012 Budget.

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

8. Ordinance 2011-9

Consider an Ordinance Regarding Tax Roll Approval and the Tax Levy.

COMMENTS - Current Meeting:

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

"TAX ROLL APPROVAL AND TAX LEVY."

Motion was made to adopt the Ordinance, as presented, approving the 2011 appraisal roll, with tax amounts, for 2011.

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

9. Resolution 2011-16

Consider a Resolution to Set Hearings Regarding Hazardous/Substandard Building Demolition Liens.

COMMENTS - Current Meeting:

Mr. Broz reported that expenses were incurred for the City's demolition of various properties as follows:

839 Washington Street, Liberty, Texas,

902 Washington Street, Liberty, Texas,

507 Trinity Street, Liberty, Texas, and

3603 Beaumont Road, Liberty, Texas

Motion was made to set the public hearing date of November 8, 2011 to establish lien amounts on the properties located at 839 Washington, 902 Washington, 507 Trinity, and 3603 Beaumont Road.

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

10. Ordinance 2011-10

Consider Adoption of an Ordinance Amending Fees Charged by the City of Liberty for Collection and Disposal of Garbage and Rubbish.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ESTABLISHING RATES OR FEES CHARGED BY THE CITY OF LIBERTY FOR THE COLLECTION AND DISPOSAL OF GARBAGE AND RUBBISH; THAT ALL PRIOR ORDINANCES ESTABLISHING SUCH RATES OR FEES ARE HEREBY REPEALED; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS."

Brief discussion was held regarding the City’s garbage contractor, Waste Management, exercising their right to an increase in garbage collection rates based on the Consumer Price Index (CPI) adjustment of 3.018%. Mr. Broz reported that the City would be passing this cost to the customer. This cost amounts to an increase of .35 cents per residential customer, raising the customer's garbage fee from $15.28 per month to $15.63 per month. A motion was made to adopt the ordinance as presented.

RESULT:	**ADOPTED [6 TO 1]**
MOVER:	Frank Jordan, Councilperson
SECONDER:	Mike McCarty, Mayor Pro-Tem
AYES:	Pickett, McCarty, Beasley, Huddleston, Jordan, Simonson
NAYS:	Louie Potetz

11. Council Action 2011-101

Consider Letting Bids for Water Line Replacement in the Ridgewood, Minglewood, and Layl Subdivisions.

COMMENTS - Current Meeting:

Mr. Broz reported that there are adequate funds remaining from the 2010 Certificates of Obligation to complete water system improvements in the Ridgewood, Minglewood, and Layls Subdivisions, as follows:

1) Ridgewood - $170,000
2) Minglewood - $ 67,000
3) Layls - $ 75,000

Motion was made to authorize the solicitation of bids for water line replacement in the Ridgewood, Minglewood, and Layls Subdivisions.

ATTACHMENTS:

- Water System Imp. 2011 Pg. 1 (PDF)
- Water System Imp. 2011 Pg. 2 (PDF)
- Water System Imp. 2011 Pg. 3 (PDF)

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

12. Council Action 2011-102

Consider Ratifying the Liberty Community Development Corporation's Bid Award for the Fire Department Substation Building.

COMMENTS - Current Meeting:

Mr. Broz presented, to Council, drawings of the proposed Fire Department Substation Building. Mr. Broz stated that the last meeting of the Liberty Community Development Corporation, the Board approved and recommends the base bid (2-bay facility) and Alternate #1 (additional third bay) from Target Construction, Houston, Texas. Base bid amount is $160,000 plus Alternate #1, $48,000, for a total cost of $208,000. Further discussion included stipulations for soil testing, an on-site inspector, and other related matters.

Motion was made to ratify LCDC's recommendation and award the bid, to Target Contracting for the Fire Department Substation Building.

ATTACHMENTS:

- FD Substation Info Sept 2011 (PDF)

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

13. Resolution (ID # 2179)

Consider and Approve a Nomination to the Liberty County Central Appraisal District Board of Directors.

COMMENTS - Current Meeting:

This agenda item will be placed on the September 27, 2011 Council agenda.

ATTACHMENTS:

- CAD Board Info 2011 (PDF)

RESULT:	**NO ACTION TAKEN**

B. Executive Session

Personnel Matters. Gov. Code §551.074
Deliberation Regarding Real Property. Gov. Code §551.072
Consultation With Attorney. Gov. Code §551.071

1. Discussion of the City Manager's annual evaluation.
2. Discussion regarding proposed rail spur purchase.

At 7:21 p.m., Mayor Pickett closed the open meeting and opened the Executive Session, stating that there would be no discussion on the posted item regarding the proposed rail spur purchase.

C. Reconvene into Regular Session

At 7:58 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2011-103

Consider and Take Action, If Any, on the City Manager’s Annual Evaluation.

RESULT:	**NO ACTION TAKEN**

2. Council Action 2011-104

Consider and Take Action, If Any, on the Proposed Rail Spur Purchase.

RESULT:	**NO ACTION TAKEN**

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 7:59 p.m.

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

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary