



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, May 8, 2012

6:00 PM

City Hall - Liberty Center

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 # 2386)

Proclamation - Motorcycle Awareness Month

- Motorcycle Safety Month 2012 (DOC)

B. Information Item (ID # 2387)

Various Project Updates - City Mgr. Gary Broz

C. Information Item (ID # 2388)

Recycling Report - Councilperson Huddleston

D. Information Item (ID # 2389)

Planning and Zoning Commission Appointments

E. Information Item (ID # 2390)

Liberty Community Development Corporation Appointments

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, April 10, 2012
2. Tuesday, April 24, 2012

VII. REGULAR AGENDA**A. Regular Session****1. Public Hearing (ID # 2382)**

Public Hearing on the Condemnation of the Structure Located on Sandune Road, Reece Tract, Lot Tr 21.

- PH Sandune Rd. (PDF)

2. Council Action (ID # 2383)

Consider and Take Action, If Any, on an Order of Abatement for the Structure Located on Sandune Road, Reece Tract, Lot Tr 21.

- Order of Abatement Sandune Rd. (PDF)

3. Public Hearing (ID # 2384)

Public Hearing on the Condemnation of the Structure Located at 845 Sue Street.

- PH 845 Sue Street (PDF)

4. Council Action (ID # 2385)

Consider and Take Action, If Any, on an Order of Abatement for the Structure Located at 845 Sue Street.

- Order of Abatement 845 Sue St. (PDF)

5. Council Action (ID # 2391)

Consider and Take Action, If Any on an Engineering Contract Proposal with Freese & Nichols, Inc. for a Long-Range Water Plan.

- Freese & Nichols Proposal Water Plan (PDF)

6. Council Action (ID # 2392)

Consider and Take Action, If Any, on the Lease of 9 Acres of City of Liberty and Chambers-Liberty Counties Navigation District Property to Boomerang Tube, LLC.

7. Council Action (ID # 2393)

Consider and Take Action, If Any, on Providing Assistance to the Liberty County Project on Aging/Liberty Senior Activity Center.

VIII. 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 4th day of May, 2012 at 3:00 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 _____, 2012.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.A

Meeting: 05/08/12 06:00 PM

Department: Administration
Category: Proclamations

INFORMATION ITEM (ID # 2386)

DOC ID: 2386

P R O C L A M A T I O N

WHEREAS, today's society is finding more citizens involved in motorcycling on the roads of our country; and

WHEREAS, motorcyclists are roughly unprotected and much more likely to be injured or killed in a crash than other vehicle drivers; and

WHEREAS, campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle related risks, injuries, and most of all fatalities, through a comprehensive approach to motorcycle safety; and

WHEREAS, it is the responsibility of all who put themselves behind the wheel to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country; and

WHEREAS, the City of Liberty is urging everyone in our community to become aware of the inherent danger involved in operating a motorcycle and give the operator the respect on the road that they deserve.

NOW, THEREFORE, BE IT KNOWN, that I, Carl Pickett, Mayor of the City of Liberty do hereby proclaim the month of May, 2012 as:

“MOTORCYCLE SAFETY AND AWARENESS MONTH”

in the City of Liberty, encouraging all motor vehicle operators to join in the effort to keep our roadways safe.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Liberty, Texas to be affixed on this 8th day of May, 2012.

Carl Pickett, Mayor
City of Liberty

ATTEST:

Dianne Tidwell, City Secretary
City of Liberty

Attachment: Motorcycle Safety Month 2012 (2386 : Motorcycle Awareness Month)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.B

Meeting: 05/08/12 06:00 PM

Department: Administration
Category: Project Updates

INFORMATION ITEM (ID # 2387)

DOC ID: 2387



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.C

Meeting: 05/08/12 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2388)

DOC ID: 2388

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 05/08/12 06:00 PM

Department: Administration
Category: Board Appointments & Information

INFORMATION ITEM (ID # 2389)

DOC ID: 2389

EXPLANATION:

Appointments to the Planning and Zoning Commission are made on or after May 1st of each year. P&Z is comprised of five members who are qualified voters of the City, and are appointed by City Council to serve three-year terms. Those members whose terms expire are Bill Takach and Kim Anderson.

Other Commission Members are: Shelli Ellerbe, Mark Campbell, and Larry Wagnon. Paul Damek serves as an Alternate Members and there is one alternate position open.

Mr. Takach and Mr. Anderson are both willing to serve again, if re-appointed.

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**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 05/08/12 06:00 PM

Department: Administration
Category: Board Appointments & Information

INFORMATION ITEM (ID # 2390)

DOC ID: 2390

EXPLANATION:

The Liberty Community Development Corporation is managed by a Board of seven members. All members are appointed by the City Council for two-year terms. Four of the seven members shall be persons who are not employees, officers of the City, or members of City Council.

This information provides Council the opportunity to consider individuals to serve on this Board, as the appointments are scheduled to be made at the May Council Meeting. Those members whose terms expire are Dennis Beasley, Louie Potetz, Barbara Norwood, and Billy Page.

Other Board Members are: Leslie Herndon, Mike McCarty, and Robert Ward.

Dennis Beasley, Louie Potetz, and Barbara Norwood are willing to serve again, if reappointed. Mr. Page is unavailable for re-appointment.

.



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, April 10, 2012

6:00 PM

City Council Chambers

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	Absent	
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 City Engineer Tom Warner.

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Public Comment is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda. Please be aware that, under Texas Law, the Council may not deliberate or take any action on non-agenda items. In some situations, City staff may be able to respond to the public comment with a factual statement or clarification. City Council may request that the item be placed on a future agenda at which time the Council may deliberate and/or act.

Mayor Pickett welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council. Mr. Skeet Raggio remarked on the graffiti on the stop signs near his home and stated concerns regarding the condition of the bathroom facilities at the Little League Field.

Mayor Pickett stated that April is Child Abuse Month and the Liberty County District Attorney's Office is holding its annual Candlelight Vigil honoring victims of crime and child abuse this same night. Councilperson Simonson requested that, in the future, that the council meeting and the DA's service be held on separate days, allowing the Council to attend this very important service.

Mayor Pickett further stated the following:

- 1) Thursday, April 12 is the Business Expo sponsored by the Liberty-Dayton Area Chamber of

Minutes Acceptance: Minutes of Apr 10, 2012 6:00 PM (Minutes Approval)

Commerce,

2) Relay For Life will be held on Friday, April 13, and

3) a special called meeting of the City Council will be held on April 24th.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2361)

Various Project Updates - City Mgr. - G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the status of the following projects:

- 1) working to finalize accuracy and quality control of new smart meters,
- 2) ordinance re-codification is complete, effective date is April 15,
- 3) Airport project moving well, manager hired, water line installed, and have proposals for T-hangar construction,
- 4) Splash Pad is scheduled to open April 13th,
- 5) work on Boomerang Substation is ongoing,
- 6) firetruck is out of service and in need of repairs,
- 7) Jubilee was a success, and thanks to all who participated,
- 8) Early Voting begins Monday, April 30th, and
- 9) have closed on sale of City property on FM 1909, known as the old City Landfill, and will close later this week on the sale of City property located on Beaumont Avenue, known as the old Water & Wastewater Department.

Mr. Broz further reported on the Texas Water Development Board project, EMS personnel, sewer line repair on the north side of courthouse, water system upgrades and other related topics.

B. Information Item (ID # 2362)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that a Recycling and Shredding Event will be held on Saturday, April 28th on the west side parking lot of the City Hall. Councilperson Huddleston explained that there will be two commercial trucks present from 9 a.m. until Noon for the secure disposal of sensitive documents. Recyclable items include paper, plastic, and cardboard. This event is open to the public and to businesses.

Councilperson Potetz remarked that a roll-off is located at Potetz Home Center for the disposal of cardboard on the west side of his building. This service is provided at no charge to the public.

C. Information Item (ID # 2363)

Planning & Zoning Commission Appointments

COMMENTS - Current Meeting:

City Manager Gary Broz stated that appointments to the Planning and Zoning Commission will be made at the City Council Meeting in May. Mr. Broz explained that P&Z is a five member board, with two alternates. One alternate position is open is unfilled. Those members whose terms expire are Bill Takach and Kim Anderson. Other Commission members are Shelli Ellerbe, Mark Campbell, and Larry Wagnon.

Both Mr. Takach and Mr. Anderson are willing to serve again, if re-appointed.

D. Information Item (ID # 2364)**Liberty Community Development Corporation Appointments****COMMENTS - Current Meeting:**

Mr. Broz reported that appointments to the Liberty Community Development Corporation will be made in May, prior to the LCDC's Annual Meeting in June. Mr. Broz reported that the Board is comprised of seven members, four of which are not employees, officers of the City, or members of City Council. Those members whose terms expire are Dennis Beasley, Louie Potetz, Barbara Norwood, and Billy Page. Mr. Page is unavailable for reappointment.

Mr. Broz reported that LCDC Member Mike McCarty will no longer be on City Council, as his term ends May, 2012 but would like consideration given to appointing him as a citizen member.

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

A. Minutes Approval

1. Tuesday, March 13, 2012
2. Tuesday, March 27, 2012

VII. REGULAR AGENDA**A. Regular Session****1. Public Hearing (ID # 2365)**

Public Hearing on the Structure Located at 319 Independence Street.

COMMENTS - Current Meeting:

At 6:21 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 319 Independence Street. After review of the Power Point presentation regarding the condition of this structure, City Attorney Randy Gunter directed questions to Code Enforcement Officer Robbie Hood regarding the structure being identified as a hazard/nuisance and in a state of dilapidated/substandard condition. Mr. Hood reviewed the assessed value of the structure, stating that taxes are current. Through further questioning, Mr. Hood confirmed that the structure was a fire hazard, inadequately maintained, is not in compliance with the City's Code, and is a hazard to the health and/or safety of the general public. Mr. Gunter also confirmed with Mr. Hood that the City 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. Hood recommended that the property owner be given 30 days to comply with the order of demolition, and at such time if not completed, that the City move forward with the demolition proceedings. After further discussion of the structure in question, Mayor Pickett closed the Public Hearing at 6:28 p.m.

ATTACHMENTS:

- PH 319 Independence(PDF)

2. Council Action 2012-31

Consider an Order of Abatement for the Structure Located at 319 Independence Street.

COMMENTS - Current Meeting:

Motion was made to approve the Order of Abatement, as recommended, for the structure located at 319 Independence Street, with the Council finding that this structure presents a public nuisance.

ATTACHMENTS:

- Order of Abatement 319 Independence (DOC)

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

3. Public Hearing (ID # 2367)

Public Hearing on the Structure Located at 1007 Lamar Street.

COMMENTS - Current Meeting:

At 6:30 p.m., Mayor Pickett opened the Public Hearing on the condemnation of the structure located at 1007 Lamar Street. After review of the Power Point presentation regarding the condition of this structure, City Attorney Randy Gunter directed questions to Code Enforcement Officer Robbie Hood regarding the structure being identified as a hazard/nuisance and in a state of dilapidated/substandard condition. Through further questioning, Mr. Hood confirmed that the structure, a manufactured home built in 1980, has not had electricity since 2001, was a fire hazard, inadequately maintained, is not in compliance with the City's Code, and is a hazard to the health and/or safety of the general public. Mr. Hood confirmed that this structure has deteriorated due to natural causes and exposure to the elements. Mr. Gunter also confirmed with Mr. Hood that the City 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. Hood recommended that the property owner be given 30 days to comply with the order of demolition, and at such time if not completed, that the City move forward with

demolition proceedings. After further discussion of the structure in question, Mayor Pickett closed the Public Hearing at 6:34 p.m.

ATTACHMENTS:

- PH 1007 Lamar (PDF)

4. Council Action 2012-32

Consider an Order of Abatement for the Structure Located at 1007 Lamar Street.

COMMENTS - Current Meeting:

Motion was made to approve the Order of Abatement, as recommended, for the structure located at 1007 Lamar Street, with the Council finding that this structure presents a public nuisance.

ATTACHMENTS:

- Order of Abatement 1007 Lamar (DOC)

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

5. Council Action 2012-33

Consider Ratifying the Liberty Community Development Corporation's Award of Contract Proposal for T-Hangars at the Liberty Municipal Airport.

COMMENTS - Current Meeting:

Mr. Broz reported that proposals were opened on Friday, March 30th for two 10-unit nested T-Hangars for the Liberty Municipal Airport. Mr. Broz further reported that this design build projects is for the cement slab, the metal structure and electrical wiring, to include bi-fold doors, privacy partitions, and a wind load of 130 mph. After review of these bids by the Liberty Community Development Corporation, management was directed to investigate the cost of increasing the wind load rating of the structures from 130 mph to 150 mph.

Mr. Broz reviewed, with Council, a handout regarding costs from the two lowest proposers, building options, and wind load as follows:

Pelco Construction, Liberty, Texas -

Proposal Amount - No storage walls or insulation - 130 mph	\$555,535.00
Amount - With storage walls and insulation - 130 mph	\$588,815.00
Amount - With storage walls and insulation - 150 mph	\$655,832.00

Bruce's General Const., Beaumont, Texas -

Proposal Amount - No storage walls or insulation - 130 mph	\$554,000.00
Amount - With storage walls and insulation - 130 mph	\$582,000.00
Amount - With storage walls and insulation - 150 mph	\$610,000.00

Lengthy discussion was held regarding the Airport project budget, funding sources, expenditures to date, wind rating, insulation, Airport related businesses, and future construction of additional hangars. The LCDC would be funding only \$233,000.00 of the proposed hangar construction cost. A motion was made to ratify the LCDC's action to approve the proposal and award the contract for hangar construction to Bruce's Construction for \$610,000.00.

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

6. Council Action 2012-34

Consider Ratifying the Liberty Community Development Corporation's Action Regarding Acquisition of Right of Way for Proposed New Street Extension Project.

COMMENTS - Current Meeting:

Mr. Broz reported that Magnolia Place Nursing Home is ready to build a new facility, the hospital is researching options for a new facility, and meetings have been held with representatives from these businesses and various landowners. Mr. Broz reported that the first task to get the street extension project back on track is to investigate the right of way needs and to approach the landowners to see if consideration would be given to each donating 60' of right-a-way. Right of way needs include 120' for street usage, utilities, and drainage. The route for the new road has been redesigned to follow the property lines from the Bypass to Lakeland Drive. Mr. Broz stated that there are 19 parcels of land as a part of this project, and that the project would be completed in two phases;

Phase I - Bypass west towards Lakeland - approximately 2500'

Phase II - then from the termination of the road under Phase I to Jefferson Drive, and then to Main Street

Lengthy discussion was held regarding obtaining commitments from all the landowners prior to beginning Phase I, street extension route, landowner issues, and other related topics.

Councilperson McCarty departed the meeting at 6:50 p.m.

Motion was made to ratify the Liberty Community Development Corporation's action to approve the Professional Services Agreement with CivilCorp, in the amount of \$86,000 for the mapping, surveying, and preliminary engineering of Phase I of the Street Extension Project.

ATTACHMENTS:

- CivilCorp Survey & Mapping Agreement (PDF)

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

VIII. WORK SESSION

A. Work Session (ID # 2371)

Discussion of Goals and Objectives for Fiscal Year 2012-2013.

COMMENTS - Current Meeting:

This agenda item was passed on.

IX. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 7:00 p.m.

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

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Apr 10, 2012 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, April 24, 2012

6:00 PM

City Council Chambers

I. CALL TO ORDER

The Meeting was called to order on April 24, 2012 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 Lt. Chip Fairchild, Liberty Police Department.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Sgt. Jeanne Marie Ewing, Liberty Police Department.

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Public Comment is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda. Please be aware that, under Texas Law, the Council may not deliberate or take any action on non-agenda items. In some situations, City staff may be able to respond to the public comment with a factual statement or clarification. City Council may request that the item be placed on a future agenda at which time the Council may deliberate and/or act.

Mayor Pickett welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council.

City Manager Gary Broz commented on the following items:

- 1) a sample ballot for the May 12th General Election is at the Council Members places for their review,
- 2) an article regarding city official's email accounts is at the Council Members places for their review, and
- 3) management received a letter from KSHN Radio expressing appreciation for assistance from the Parks and Police Departments, with the annual Easter Egg Hunt.

City Attorney Randy Gunter reported that periodically the State's conflict of interest requirements should be reviewed to ensure that various officials file the necessary disclosure forms with the City Secretary. Mr. Gunter reviewed the Conflict of Interest requirements as found under Chapter 176 of the Texas Local Government Code. Mr. Gunter continued by saying that these requirements apply to the Mayor, Council Members, and City Manager. Mr. Gunter explained that this chapter refers to the permanent disclosure of any business relationship with a City vendor, and also applies if the City is considering entering into a contract with a business that the official owns a certain percentage of, creates taxable value for the official, or the official receives a gift of more than \$250.00.

Mr. Gunter went on to further explain Chapter 171 of the Texas Local Government Code, known as the voting affidavit. When a voting item comes before the Council that is going to impact an official in a personal way, a company that the official owns, or a family member, the official must abstain from deliberation and voting on that matter. The official is still permitted to be present at the meeting and may even go into an Executive Session, but must fill out the affidavit prior to the item being addressed. This form reflects the substantial interest the official has as follows:

- 1) ownership of 10% or more of voting stock or shares of a business entity,
- 2) ownership of \$15,000 or more of fair market value of a business entity,
- 3) funds received from the business entity exceed 10% of the official's gross income for the previous year,
- 4) an equitable or legal ownership with fair market value of at least \$2,5000 in real property, and
- 5) person related to the official in the first degree by affinity (marriage) or consanguinity (blood).

Mayor Pickett requested that a list of all City vendors be provided to the Council for their purview.

Councilperson Huddleston reported on the "Shred-It" Event and Recycling Day to be held on Saturday, April 28th, from 9 a.m. until Noon, and that a large crowd is expected. This event will take place on the City Hall parking lot on the west side of the building.

Councilperson Jordan remarked that on the next agenda he would like to see the following items for consideration:

- 1) an increase in the senior homestead exemption from \$10,000 to \$25,000, and
- 2) an increase for the disabled, at any age, from \$0 to \$10,000.

At this time, Mayor Pickett read aloud the letter from KSHN Radio Station owner, Bill Buchanan praising the City's Parks and Police Departments for their assistance with the Annual Easter Egg Hunt.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2372)

Presentation of Best Practices Certification to the Liberty Police Department - Texas Police Chiefs Association

COMMENTS - Current Meeting:

Chief Dave Barber, Texas Police Chief's Association, Best Practices Recognition Committee Chair, addressed the Council explaining the importance of, and hard work associated with becoming a TPCA Best Practices Recognized Police Department. Chief Barber explained that

this is a lengthy process, in which a police agency must prove compliance with 164 Texas Law Enforcement Best Practices. These practices assist agencies in the efficient and effective delivery of service, reduction of risk, and protection of individual's rights. After a thorough review of its policies, procedures, equipment, facilities, and operations by independent assessors, then a team of assessors is sent to further review the department operations and interview Staff. A Final Report is sent to the Best Practices Committee to review all findings and vote whether or not to award the "Recognized" status.

Chief Barber stated that he was proud to present this certification to the Liberty Police Department, and that the Council should be proud as this certification is quite an accomplishment. Chief Billy Tidwell accepted the certification, asked his department to stand, and responded by saying that this was a daunting task that took a year and one-half, was driven by department's Program Manager Frances Wood, and involved participation from each member of the Liberty Police Department. Chief Tidwell stated that there are 1086 police departments in the State of Texas and that the Liberty Police Department is proud to be recognized as the 59th police department to achieve the honor of being recognized as a Best Practices Department.

B. Information Item (ID # 2373)

March Financial Report - Finance Director N. Herrington

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on the City's financials stating that the following are year-to-date figures for the various funds as of March 31, 2012:

General Fund - \$880,000 revenues over expenses

Water Fund - \$40,000 expenses over revenues - due to bond payment of \$550,000

Electric Fund - \$210,000 revenues over expenses - no transfers being made to General Fund

Garbage Fund - \$ 22,000 revenues over expenses - in and out fund, transfers made as necessary.

Discussion of this agenda item included Council's request for a balance sheet showing assets and liabilities of all departments, and other budget related issues.

C. Information Item (ID # 2374)

H-GAC Report - Councilperson Jordan

COMMENTS - Current Meeting:

Councilperson Jordan reported that there will be a Houston-Galveston Area Council Meeting, in the near future in which the City's application for a \$350,000 infrastructure grant is being reviewed. Councilperson Jordan stated that the City is still in consideration for this grant, being in a point tie with other cities, but may be at a disadvantage, as the City received a large grant the previous year.

Minutes Acceptance: Minutes of Apr 24, 2012 6:00 PM (Minutes Approval)

Councilperson Jordan also commented on the HGAC Employment Survey for Liberty County which reflects the unemployment rate has decreased from 10.5 to 8.7, and stated that the City of Liberty has much to do with that positive trend due to Boomerang Tube, LLC.

D. Information Item (ID # 2375)

SRMPA Report - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported that at the most recent meeting of the Sam Rayburn Municipal Power Agency, Mr. Bruce Mintz was appointed as the Executive Director. Mr. Mintz had previously served in an administrative capacity, has been given additional duties and responsibilities, and will be a full-time employee of the Agency.

Mayor Pickett noted that at that same meeting issues discussed included substation maintenance and a report from Entergy representatives regarding significant changes in their operation, and the sale of their transmission facilities to another company.

Mayor Pickett further reported that additional discussion was held regarding the refunding of \$126 million of bonds that will allow the Agency to save approximately \$1.8 million over the next nine years. Some of those funds will come back to the member cities, and possibly result in a savings in lower electric rates. The refinancing will allow for keeping the same maturity date as the bonds that are being replaced, but save funds in terms of a lower interest rate.

The Mayor informed the public that the new Cambridge Project involves the restructuring of energy contracts with SRMPA, and that the overall gross revenues will increase from \$30 million to approximately \$300 million. Projections are that the member cities will accrue some funds from these revenues.

VI. REGULAR AGENDA

A. Regular Session

1. Information Item (ID # 2376)

Mr. Matt Harris to Address Council Regarding Proposal No. 12-005 and Associated Issues, for T-Hangars at the Liberty Municipal Airport.

COMMENTS - Current Meeting:

Mr. Matt Harris, President of Pelco Construction, and associate Michael Ramirez, were present to address Council regarding their concerns with Proposal No. 12-005 for T-Hangars at the Liberty Municipal Airport. Mr. Harris reviewed the timeline and the method in which the numbers were compiled for this proposal. Mr. Harris noted that his proposal was \$26,500 less than the lowest proposer, Bruce's Construction. Mr. Harris stated that additions were requested to the contract, and that Bruce's Constructino was allowed to submit additional documentation that changed their original proposed amount which placed them \$1500 lower than Pelco. Mr. Harris stated that he found the process to be unethical.

At the conclusion of Mr. Harris' presentation, City Manager Gary Broz responded by reporting that this design build project was for the cement slab, the metal structure and electrical wiring, to include bi-fold doors, privacy partitions, and a wind load of 130 mph. The Liberty Community Development Corporation, who will fund a portion of this project, directed management to investigate the cost of increasing the wind load rating of the structures from 130 mph to 150 mph. Mr. Broz stated that after verbal requests for this information from Pelco Construction and Bruce's Construction, and lengthy discussion, at the time, of the wind rating, insulation, storage, Erect-a-Tube, and other related information, the proposal was awarded to Bruce's Construction for \$610,000.

Lengthy discussion was held regarding the proposals, construction materials, wind rating, along with additional hangar related issues.

At 7:19 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as follows:

Consultation with Attorney. Closed Session. Gov. Code §551.071

Discussion of pending or contemplated litigation.

At 7:33 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

ATTACHMENTS:

- Pelco Request to be on Agenda (PDF)

2. Council Action 2012-35

Consider and Take Action, If Any, on Issues Associated with Proposal No. 12-005 for Construction of T-Hangars at the Liberty Municipal Airport.

COMMENTS - Current Meeting:

Motion was made to reject all proposals, to put out new Requests for Proposals for a design build project for T-Hangars, using Erect-a-Tube or a comparable builder, with a full set of stamped plans for a structure with a wind rating of 150 mph.

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

3. Council Action 2012-36

Consider Award of Bid for Group Life Insurance.

COMMENTS - Current Meeting:

Mr. Broz introduced Mr. Paul Rutledge, Account Manager with the Texas Municipal League, who was present to address questions regarding the City's life and health insurance. Mr. Broz stated that this is the third year of the City's contract with TML. Mr. Broz explained that the City furnishes employees with a life insurance policy that is twice their annual salary, and provides dependents with a \$5000 policy.

TML requested quotes, on the City's behalf, for life insurance rates, and that the standard quote from Mutual of Omaha is closest to what the City currently pays. The current life insurance is through Mutual of Omaha.

Motion was made to allow Mutual of Omaha to continue providing life insurance benefits for City employees for another year.

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

4. Council Action 2012-37

Consider Award of Bid for Group Dental and Medical Insurance.

COMMENTS - Current Meeting:

Mr. Broz reported that TML had received ten quotes for the City's dental and medical insurance, with the policy period running from June 1 - May 31. Lengthy discussion was held regarding the Plan Analysis, City's projected costs, current stop loss threshold of \$45,000, prescription costs and generic drugs, amount of claims paid, employee costs, number of dependents, and additional related topics. Mr. Broz proposed a 20% increase to what the employee currently pays for insurance.

Further discussion included possible future raises, the City being self-funded, TML Insurance Pool, no increase in premiums, and other insurance issues.

Motion was made to raise the stop loss amount to \$55,000, leaving benefits as the currently are, and with no increased cost to the employee.

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

5. Council Action 2012-38

Consider the 2012 Consumer Price Index (CPI) Adjustment to Municipal Communications Right-Of-Way Access Line Rates.

COMMENTS - Current Meeting:

Mr. Broz reported that the City's 2011 maximum access line rates for telecommunications have increased by 1.72%, due to inflation. The Public Utility Commission provides municipalities the option of adjusting the rates for inflation, or keeping the rates the same as the previous year. By taking no action on a rate adjustment, the 2012 rates will remain the same as the 2011 rates. Mr. Broz recommended no action.

No action was taken.

ATTACHMENTS:

- Tele ROW Access Line Rates 2012 (PDF)

RESULT: NO ACTION TAKEN

VII. WORK SESSION

1. Work Session (ID # 2381)

Discussion of Goals and Objectives for Fiscal Year 2012-2013.

COMMENTS - Current Meeting:

Mr. Broz reviewed a draft copy of Goals, Objectives and Action Plans for Fiscal Year 2012-2013. Mr. Broz reviewed the various goals and related action plans. Mr. Broz requested Council's ideas and input regarding additions or changes to this document.

Proposed additions discussed included:

- 1) establish partnerships with local colleges, including having a college campus within the City,
- 2) upgrading park facilities, including construction of a swimming pool and/or skatepark,
- 3) develop a comprehensive master plan, and
- 4) investigate future annexation opportunities.

ATTACHMENTS:

- Goal & Objectives 2012-13 (PDF)

VIII. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 8:28 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 Apr 24, 2012 6:00 PM (Minutes Approval)

Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Apr 24, 2012 6:00 PM (Minutes Approval)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.1

Meeting: 05/08/12 06:00 PM

Department: Administration
Category: Condemnations

PUBLIC HEARING (ID # 2382)

DOC ID: 2382

Date: April 09, 2012

TO: Richard L Marshall
4611 Sandune Road
Liberty, Texas 77575

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: Sandune Rd

Legal Description: Reece Tract, Lot Tr 21

Attachment: PH Sandune Rd. (2382 : PH Sandune Road)

713-
249-
0529

City of Liberty, Liberty County, Texas

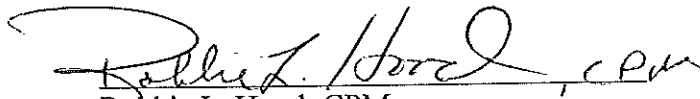
You are hereby given notice that a hearing will be held before the Liberty City Council at 6:00 o'clock p.m. on May 08, 2012, at the Liberty City Hall, 1829 Sam Houston Street, Liberty, Texas 77575 to determine if the building complies with the standards set out in Chapter 6 of the Liberty Code of Ordinances, 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
Neighborhood Services Administrator
City of Liberty

Attachment: PH Sandune Rd. (2382 : PH Sandune Road)

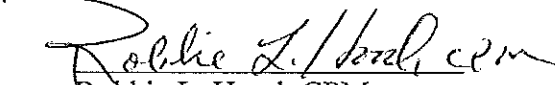
Conditions Rendering Building/Structure Hazardous and/or Dangerous

Owners Name: Richard L Marshall
 Mailing Address: 4611 Sandune Road, Liberty, Texas 77575
 Property Description: Reece Tract, Lot Tr 21
 Street Address: Sandune Road , 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.

20.


 Robbie L. Hood, CPM
 Neighborhood Services Adm.

4-9-12

Date

Attachment: PH Sandune Rd. (2382 : PH Sandune Road)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.2

Meeting: 05/08/12 06:00 PM

Department: Administration
Category: Condemnations

COUNCIL ACTION (ID # 2383)

DOC ID: 2383

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 located at Sandune Road of the Town of Liberty with Liberty County Central Appraisal District Property ID # 65114 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

finds that this property is a public nuisance, and 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 8th day of May, 2012.

By: _____
 Carl Pickett,
 Mayor,
 City of Liberty



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.3

Meeting: 05/08/12 06:00 PM

Department: Administration
Category: Condemnations

PUBLIC HEARING (ID # 2384)

DOC ID: 2384

Date: April 09, 2012

TO: Fernando Contreras
449 Flowers St
Dayton, Texas 77535

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: 845 Sue

Legal Description: Abshier, Lot 54

Attachment: PH 845 Sue Street (2384 : PH 845 Sue Street)

City of Liberty, Liberty County, Texas

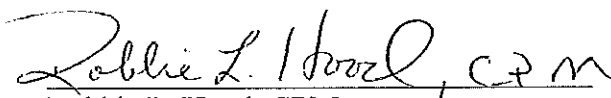
You are hereby given notice that a hearing will be held before the Liberty City Council at 6:00 o'clock p.m. on May 08, 2012, at the Liberty City Hall, 1829 Sam Houston Street, Liberty, Texas 77575 to determine if the building complies with the standards set out in Chapter 6 of the Liberty Code of Ordinances, 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
Neighborhood Services Administrator
City of Liberty

Attachment: PH 845 Sue Street (2384 : PH 845 Sue Street)

Conditions Rendering Building/Structure Hazardous and/or Dangerous

Owners Name: Fernando Contreras
 Mailing Address: 449 Flowers St, Dayton, Texas 77535

Property Description: Abshier, Lot 54
 Street Address: 845 Sue , 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.

20.

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

4-9-12

Date

Attachment: PH 845 Sue Street (2384 : PH 845 Sue Street)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.4

Meeting: 05/08/12 06:00 PM

Department: Administration
Category: Condemnations

COUNCIL ACTION (ID # 2385)

DOC ID: 2385

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 located at 845 Sue of the Town of Liberty with Liberty County Central Appraisal District Property ID #32778 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

finds that this property is a public nuisance, and 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 8th day of May, 2012.

By: _____
 Carl Pickett,
 Mayor,
 City of Liberty



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.5

Meeting: 05/08/12 06:00 PM

Department: Administration
Category: Proposals

COUNCIL ACTION (ID # 2391)

DOC ID: 2391



Innovative approaches
Practical results
Outstanding service

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April 18, 2012

Mr. Tom Warner
City Engineer/Public Works Director
City of Liberty
1100 N. Main
Liberty, Texas 77575

RE: Engineering Services Contract Proposal for Long Range Water Plan

Dear Mr. Warner:

We are pleased to submit to you our contract proposal for the Long Range Water Plan. Based on our meeting with the City on 4/5/12, the scope of work includes the following services:

1. Population and Water Demand Projections
2. Groundwater and Surface Water Supply Assessment
3. Wastewater Reuse Development Feasibility
4. Water Distribution Improvements to Incorporate Long Term Water Supplies
5. Development of a Phased Long Term Capital Improvement Plan

Freese and Nichols proposes to conduct the above described services for a lump sum fee of \$65,000.

We appreciate the opportunity to submit our engineering contract for your review. If additional information or clarification is desired, please do not hesitate to contact us. We look forward to continuing to work with the City of Liberty.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas Haster'.

Thomas Haster, P.E.
Principal
817-735-7238
th@freese.com

cc: Will McDonald, Richard Weatherly, P.E.

Attachment: Freese & Nichols Proposal Water Plan (2391 : Freese & Nichols Water Plan)

AGREEMENT FOR PROFESSIONAL SERVICES

STATE OF TEXAS §
COUNTY OF TARRANT §

This AGREEMENT is entered into by the City of Liberty, Texas, hereinafter called "OWNER" and Freese and Nichols, Inc., hereinafter called "FNI." In consideration of the AGREEMENTS herein, the parties agree as follows:

- I. **EMPLOYMENT OF FNI:** In accordance with the terms of this AGREEMENT: OWNER agrees to employ FNI; FNI agrees to perform professional services in connection with the Project; OWNER agrees to pay to FNI compensation. The Project is described as follows: **Long Range Water Plan**
- II. **SCOPE OF SERVICES:** FNI shall render professional services in connection with Project as set forth in Attachment SC - Scope of Services and Responsibilities of OWNER which is attached to and made a part of this AGREEMENT.
- III. **COMPENSATION:** OWNER agrees to pay FNI for all professional services rendered under this AGREEMENT in accordance with Attachment CO - Compensation which is attached hereto and made a part of this AGREEMENT. FNI shall perform professional services as outlined in the "Scope of Services" for a lump sum fee of \$65,000. Details concerning the fee are included in Attachment CO.

If FNI's services are delayed or suspended by OWNER, or if FNI's services are extended for more than 60 days through no fault of FNI, FNI shall be entitled to equitable adjustment of rates and amounts of compensation to reflect reasonable costs incurred by FNI in connection with such delay or suspension and reactivation and the fact that the time for performance under this AGREEMENT has been revised.
- IV. **TERMS AND CONDITIONS OF AGREEMENT:** The Terms and Conditions of Agreement as set forth as Attachment TC shall govern the relationship between the OWNER and FNI.

Nothing under this AGREEMENT shall be construed to give any rights or benefits in this AGREEMENT to anyone other than OWNER and FNI, and all duties and responsibilities undertaken pursuant to this AGREEMENT will be for the sole and exclusive benefit of OWNER and FNI and not for the benefit of any other party.

This AGREEMENT constitutes the entire AGREEMENT between OWNER and FNI and supersedes all prior written or oral understandings.

This contract is executed in two counterparts.

IN TESTIMONY HEREOF, they have executed this AGREEMENT, the ____ day of _____, 2012.

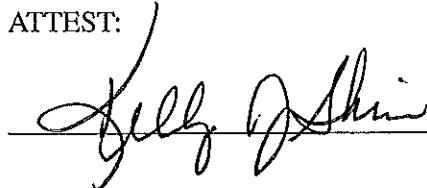
ATTEST:

City of Liberty, Texas
(OWNER)

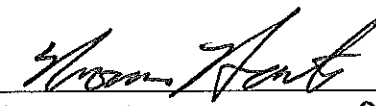
By: _____

Print or Type Name and Title

ATTEST:



Freese and Nichols, Inc.
(FNI)

By: 

Thomas Haster / Vice President

Print or Type Name and Title

SCOPE OF SERVICES

ARTICLE I

Task A: Population and Water Demand Projections

- A1. Project Kick-off Meeting and Data Collection: FNI will conduct an initial meeting with the City to review the proposed scope of services, approach and deliverables of the study. FNI will provide the City with a Data Request Memorandum identifying data needs and work with the City to acquire all data needed for project.
- A2. Population, Water Use and Service Area Review: FNI will meet with City to review historical population, service connections and water usage records for the last 5 years. In addition, Freese and Nichols will review the City's water service area for existing 2012 conditions as well as 2015, 2020 and 2030 future conditions with increased urbanization.
- A3. Future Population and Water Demand Projections for 2015, 2020 and 2030 Planning Periods: FNI will utilize the results of the historical data review, future service areas and data from other sources such as the Region H section of the State Water Plan to develop updated population and water demand projections for the City.

Task B. Ground Water and Surface Water Supply Assessment

- B1. Existing Groundwater Supply Review: FNI will meet with the City to review existing groundwater wells and assess existing limitations related to water production, water quality and system reliability.
- B2. Assess Long Term Availability of Ground Water Supplies: FNI will compile data from the 2012 State Water Plan and estimates from the Modeled Available Groundwater (MAG) for Liberty County and make an assessment of the long term availability and sustainability of the aquifer for meeting the water demand projections shown in Task A3.
- B3. Assess Surface Water Rights Availability and Feasibility for Long Term Water Supply: FNI will review the 2012 State Water Plan and consult with water right holders (Trinity River Authority and the City of Houston) in the Trinity River Lower Basin to determine the potential costs of purchased surface water. FNI will evaluate the feasibility of the development of a surface water supply alternative based on the purchased water costs and capital improvements required to integrate a surface water supply into the City of Liberty Water System.
- B4. Prepare a Summary Memorandum on Ground Water and Surface Water Supply Assessment and Meet with City Staff to review. FNI will summarize the analysis of the existing ground water production and assessment of the groundwater and surface water supply with recommendations into a technical memorandum and meet with the City to review recommendations and costs.

Attachment: Freese & Nichols Proposal Water Plan (2391 : Freese & Nichols Water Plan)

Task C: Wastewater Reuse Development Feasibility and Impacts to City's Water Supply

- C1. Identify Potential Reuse Customers and Water Needs: FNI will review locations and water usage records of major users to identify potential reuse customers. FNI will meet with major industrial and commercial customers to determine potential reuse demands for existing and future and operating requirements.
- C2. Review Wastewater Treatment Effluent Records on Flows and Quality: FNI will review wastewater flows from the wastewater treatment plant to identify reliable supply available for reuse as well as effluent quality potential to meet Type I and Type II reuse quality.
- C3. Conduct Site Visit of Wastewater Treatment Plant and Major Reuse Customers Facility and Identify Improvements for Reuse System Implementation: FNI will conduct a site visit of the wastewater treatment plant and major reuse customer facilities to assessment feasibility of a reuse system development including operational needs and infrastructure improvements.
- C4. Develop Reuse Program Administration Plan based on TCEQ Chapter 210 Reuse Requirements: FNI will develop a reuse program guidelines and administration plan based on TCEQ Chapter 210 Reuse Authorization Requirements including initial reuse permit approval process, system monitoring and sampling needs, TCEQ reporting requirements, new infrastructure design requirements for purple pipe and appurtenances etc.
- C5. Utilize Potential Reuse Demands to Assess Benefits to City's Long Term Water Supply Needs: FNI will utilize the projected average day reuse demands to assess benefits to City's long term water supply needs and utilize results to develop initial conceptual rate for reuse sales.

Task D: Water Distribution Improvements to Incorporate Long Term Water Supplies

- D1. Water Distribution Assessment to Support the Future Water Service Area: FNI will evaluate the water distribution system's ability to serve the future water service area shown in Task A2 and identify system deficiencies and areas needing improvements. FNI will install pressure recorders at key locations during summer peak usage to evaluate water system pressure and the system's ability to be expanded.
- D2. Conduct Hydraulic Evaluation to Assess Alternatives to Expand Water Distribution to Serve the Future Service Areas: FNI will conduct a hydraulic evaluation to expand the water distribution system to serve the future water service area including development of new pressure plane as well as evaluating alternatives to fully utilize future water supplies to meet long term water demand projections and provide the City with an increase level of system redundancy.
- D3. Develop Sizing of Future Water Distribution Improvements for TCEQ Regulatory Approval and Future Growth Requirements: FNI will evaluate the phased hydraulic requirements for regulatory approval and future system growth to size water distribution system improvements including pump station facility capacity needs, ground and elevated storage capacity needs and water transmission and distribution needs and conceptual location to allow the water system to be developed to meeting future planning periods.

Task E: Phased Long Term Capital Improvement Plan for the Water System

- E1. Develop Draft Costs and Project Schedule for Water System Capital Improvement Plan: FNI will review water supply, wastewater reuse and water distribution system recommendations based on each planning period and develop planning level engineering and construction costs and recommended phasing plan to meet projected future water demand projections by planning period.
- E2. Develop Draft Comprehensive Water System CIP Mapping: FNI will develop large scale wall maps on GIS base mapping showing existing water system and proposed projects with costs, project limits and implementation in-service dates of the CIP.
- E3. Prepare Draft Long Range Water Plan Report: FNI will prepare a draft Long Range Water Plan Report summarizing water demand projections, water supply alternative analysis for both ground and surface water and water system improvements to develop a reuse programs and other related water distributions system improvements including project drivers and a phased detailed water system capital improvement plan along with potential financing option for long term water system improvements.
- E4. Meet with City to Review Draft CIP and Long Range Water Plan Report and Address Comments: FNI will meet with City Staff to discuss draft CIP and Long Range Water Plan Report. FNI will address comments and assess improvements modifications identified in City meeting.
- E5. Finalize Long Range Water Plan Report and Conduct Council Presentation: FNI will finalize the Long Range Water Plan report based on City comments and submit 15 copies of the final report to the City. FNI will conduct a Council Presentation of the Projected Water Demands, Water Supply Alternatives Evaluated, Reuse Feasibility and Recommended Comprehensive Capital Improvement Plan and potential financing options.

ARTICLE II

ADDITIONAL SERVICES: Additional Services to be performed by FNI, if authorized by OWNER, which are not included in the above described basic services, are described as follows:

- A. GIS mapping services or assistance with these services.
- B. Providing services to investigate existing conditions or facilities, or to make measured drawings thereof, or to verify the accuracy of drawings or other information furnished by OWNER.
- C. Providing renderings, model, and mock-ups requested by the OWNER.
- D. Preparing applications and supporting documents for government grants, loans, or planning advances and providing data for detailed applications.
- E. Preparing data and reports for assistance to OWNER in preparation for hearings before regulatory agencies, courts, arbitration panels or any mediator, giving testimony, personally or by deposition, and preparations therefore before any regulatory agency, court, arbitration panel or mediator.
- F. Performing investigations, studies and analyses of substitutions of equipment and/or materials or deviations from the drawings and specifications.

- G. Providing environmental support services including the design and implementation of ecological baseline studies, environmental monitoring, impact assessment and analyses, permitting assistance, and other assistance required to address environmental issues.
- H. Performing investigations, studies, and analysis of work proposed by construction contractors to correct defective work.
- I. Provide Geotechnical investigations, studies and reports.

ARTICLE III

TIME OF COMPLETION: FNI is authorized to commence work on the Project upon execution of this AGREEMENT and agrees to complete the services in accordance with the following schedule:

- FNI will deliver Draft Report to City within 180 days
- After receiving comments on the Draft Report from the City, FNI will address comments and deliver Final Report to City within 30 days

If FNI's services are delayed through no fault of FNI, FNI shall be entitled to adjust contract schedule consistent with the number of days of delay. These delays may include but are not limited to delays in OWNER or regulatory reviews, delays on the flow of information to be provided to FNI, governmental approvals, etc. These delays may result in an adjustment to compensation as outlined on the face of this AGREEMENT and in Attachment CO.

ARTICLE IV

RESPONSIBILITIES OF OWNER: OWNER shall perform the following in a timely manner so as not to delay the services of FNI:

- A. Designate in writing a person to act as OWNER's representative with respect to the services to be rendered under this AGREEMENT. Such person shall have contract authority to transmit instructions, receive information, interpret and define OWNER's policies and decisions with respect to FNI's services for the Project.
- B. Provide all criteria and full information as to OWNER's requirements for the Project, including design objectives and constraints, space, capacity and performance requirements, flexibility and expandability, and any budgetary limitations; and furnish copies of all design and construction standards which OWNER will require to be included in the drawings and specifications.
- C. Assist FNI by placing at FNI's disposal all available information pertinent to the Project including previous reports and any other data relative to design or construction of the Project.
- D. Arrange for access to and make all provisions for FNI to enter upon public and private property as required for FNI to perform services under this AGREEMENT.
- E. Bear all costs incident to compliance with the requirements of this Article IV.

ARTICLE V

DESIGNATED REPRESENTATIVES: FNI and OWNER designate the following representatives:

Owner's Designated Representative – Mr. Tom Warner, City Engineer, Public Works Director, 1100 N. Main Street, Liberty, Texas 77575 Phone: 936-336-3684-City Hall, 936-336-9008-Public Works; Fax 936-336-5770; email: twarner@cityofliberty.org

Owner's Accounting Representative –

FNI's Principal in Charge – Thomas Haster, P.E., 4055 International Plaza, Suite 200, Fort Worth, Texas 76109; Phone: 817-735-7238; Fax: 817-735-7492; email: th@freese.com

FNI's Designate Representative – Richard Weatherly, P.E., 11200 Broadway St., Suite 2332, Pearland, Texas 77584; Phone: 713-600-6824; Fax: 832-456-4701; email: raw@freese.com

FNI's Accounting Representative – Jana Collier, 4055 International Plaza, Suite 200, Fort Worth, Texas 76109; Phone: 817-735-7354; Fax: 817-735-7496; email: jvc@freese.com

Attachment: Freese & Nichols Proposal Water Plan (2391 : Freese & Nichols Water Plan)

COMPENSATION
LUMP SUM WITH ADDITIONAL WORK BASED ON COST TIMES MULTIPLIER

- A. **Basic Services:** Compensation to FNI for the Basic Services in Attachment SC shall be the lump sum of Sixty Five Thousand Dollars (\$65,000). If FNI sees the Scope of Services changing so that additional services are needed, including but not limited to those services described as Additional Services in Attachment SC, FNI will notify OWNER for OWNER's approval before proceeding. Additional Services shall be computed based on the Schedule of Charges.
- B. **Schedule of Charges for Additional Work:**

Staff Member

Salary Cost Times Multiplier of 2.083

Resident Representative

Salary Cost Times Multiplier of 2.0

Salary Cost is defined as the cost of payroll of engineers, draftsmen, stenographers, surveyors, clerks, laborers, etc., for the time directly chargeable to the project, plus social security contributions, unemployment compensation insurance, retirement benefits, medical and insurance benefits, longevity payments, sick leave, vacation and holiday pay applicable thereto. (Salary Cost is equal to 1.632 times payroll. This factor is adjusted annually).

Other Direct Expenses

Actual Cost Times Multiplier of 1.15

Other direct expenses shall include outside printing and reproduction expense, communication expense, travel, transportation and subsistence away from the FNI office and other miscellaneous expenses directly related to the work, including costs of laboratory analysis, test, and other work required to be done by independent persons other than staff members. For Resident Representative services performed by non-FNI employees and CAD services performed In-house by non-FNI employees where FNI provides workspace and equipment to perform such services, these services will be billed at cost times a multiplier of 2.0. This markup approximates the cost to FNI if an FNI employee was performing the same or similar services.

Rates for In-house ServicesComputer

\$10.00 per hour

Plotter

Bond	\$ 2.50 per plot
Special	\$ 5.00 per plot
Color	\$ 5.75 per plot

PrintingBlack and White

\$0.10 per copy

Color

\$0.50 per copy

Binding

\$5.75 per book

Testing Apparatus

Density Meter	\$700.00 per month
Gas Detection	\$ 20.00 per test

3-10-0

TERMS AND CONDITIONS OF AGREEMENT

1. **DEFINITIONS:** The term Owner as used herein refers to the City of Liberty, Texas. The term FNI as used herein refers to Freese and Nichols, Inc., its employees and agents; also its subcontractors and their employees and agents. As used herein, Services refers to the professional services performed by Freese and Nichols pursuant to the AGREEMENT.
2. **CHANGES:** Owner, without invalidating the AGREEMENT, may order changes within the general scope of the WORK required by the AGREEMENT by altering, adding to and/or deducting from the WORK to be performed. If any change under this clause causes an increase or decrease in FNI's cost of, or the time required for, the performance of any part of the Services under the AGREEMENT, an equitable adjustment will be made by mutual agreement and the AGREEMENT modified in writing accordingly.
3. **TERMINATION:** The obligation to provide services under this AGREEMENT may be terminated by either party upon ten days' written notice. In the event of termination, FNI will be paid for all services rendered and reimbursable expenses incurred to the date of termination and, in addition, all reimbursable expenses directly attributable to termination.
4. **CONSEQUENTIAL DAMAGES:** In no event shall FNI or its subcontractors be liable in contract, tort, strict liability, warranty, or otherwise for any special, indirect, incidental or consequential damages, such as loss of product, loss of use of the equipment or system, loss of anticipated profits or revenue, non-operation or increased expense of operation or other equipment or systems.
5. **INFORMATION FURNISHED BY OWNER:** Owner will assist FNI by placing at FNI's disposal all available information pertinent to the Project including previous reports and any other data relative to design or construction of the Project. FNI shall have no liability for defects or negligence in the Services attributable to FNI's reliance upon or use of data, design criteria, drawings, specifications or other information furnished by Owner and Owner agrees to indemnify and hold FNI harmless from any and all claims and judgments, and all losses, costs and expenses arising therefrom. FNI shall disclose to Owner, prior to use thereof, defects or omissions in the data, design criteria, drawings, specifications or other information furnished by Owner to FNI that FNI may reasonably discover in its review and inspection thereof.
6. **INSURANCE:** FNI shall provide to Owner certificates of insurance which shall contain the following minimum coverage (All limits in thousands):

Commercial General Liability General Aggregate \$2,000	Workers' Compensation Each Accident \$500
Automobile Liability (Any Auto) CSL \$1,000	Professional Liability \$3,000 Annual Aggregate
7. **SUBCONTRACTS:** If, for any reason, at any time during the progress of providing Services, Owner determines that any subcontractor for FNI is incompetent or undesirable, Owner will notify FNI accordingly and FNI shall take immediate steps for cancellation of such subcontract. Subletting by subcontractors shall be subject to the same regulations. Nothing contained in the AGREEMENT shall create any contractual relation between any subcontractor and Owner.
8. **OWNERSHIP OF DOCUMENTS:** All drawings, reports data and other project information developed in the execution of the Services provided under this AGREEMENT shall be the property of the Owner upon payment of FNI's fees for services. FNI may retain copies for record purposes. Owner agrees such documents are not intended or represented to be suitable for reuse by Owner or others. Any reuse by Owner or by those who obtained said documents from Owner without written verification or adaptation by FNI will be at Owner's sole risk and without liability or legal exposure to FNI, or to FNI's independent associates or consultants, and Owner shall indemnify and hold harmless FNI and FNI's independent associates and consultants from all claims, damages, losses and expenses including attorneys' fees arising out of or resulting therefrom. Any such verification or adaptation will entitle FNI to further reasonable compensation. FNI may reuse all drawings, report data and other project information in the execution of the Services provided under this AGREEMENT in FNI's other activities. Any reuse by FNI will be at FNI's sole risk and without liability or legal exposure to Owner, and FNI shall indemnify and hold harmless Owner from all claims, damages, losses and expenses including attorneys' fees arising out of or resulting therefrom.

9. **POLLUTANTS AND HAZARDOUS WASTES:** It is understood and agreed that FNI has neither created nor contributed to the creation or existence of any hazardous, radioactive, toxic, irritant, pollutant, or otherwise dangerous substance or condition at the site, if any, and its compensation hereunder is in no way commensurate with the potential risk of injury or loss that may be caused by exposures to such substances or conditions. The parties agree that in performing the Services required by this AGREEMENT, FNI does not take possession or control of the subject site, but acts as an invitee in performing the services, and is not therefore responsible for the existence of any pollutant present on or migrating from the site. Further, FNI shall have no responsibility for any pollutant during clean-up, transportation, storage or disposal activities.
10. **OPINION OF PROBABLE COSTS:** FNI will furnish an opinion of probable project development cost based on present day cost, but does not guarantee the accuracy of such estimates. Opinions of probable cost, financial evaluations, feasibility studies, economic analyses of alternate solutions and utilitarian considerations of operations and maintenance costs prepared by FNI hereunder will be made on the basis of FNI's experience and qualifications and represent FNI's judgment as an experienced and qualified design professional. It is recognized, however, that FNI does not have control over the cost of labor, material, equipment or services furnished by others or over market conditions or contractors' methods of determining their prices.
11. **CONSTRUCTION REPRESENTATION:** If required by the AGREEMENT, FNI will furnish Construction Representation according to the defined scope for these services. FNI will observe the progress and the quality of work to determine in general if the work is proceeding in accordance with the Contract Documents. In performing these services, FNI will endeavor to protect Owner against defects and deficiencies in the work of Contractors; FNI will report any observed deficiencies to Owner, however, it is understood that FNI does not guarantee the Contractor's performance, nor is FNI responsible for the supervision of the Contractor's operation and employees. FNI shall not be responsible for the means, methods, techniques, sequences or procedures of construction selected by the Contractor, or the safety precautions and programs incident to the work of the Contractor. FNI shall not be responsible for the acts or omissions of any person (except his own employees or agent) at the Project site or otherwise performing any of the work of the Project. If Owner designates a person to serve in the capacity of Resident Project Representative who is not a FNI's employee or FNI's agent, the duties, responsibilities and limitations of authority of such Resident Project Representative(s) will be set forth in writing and made a part of this AGREEMENT before the Construction Phase of the Project begins.
12. **PAYMENT:** Progress payments may be requested by FNI based on the amount of services completed. Payment for the services of FNI shall be due and payable upon submission of a statement for services to OWNER and in acceptance of the services as satisfactory by the OWNER. Statements for services shall not be submitted more frequently than monthly. Any applicable new taxes imposed upon services, expenses, and charges by any governmental body after the execution of this AGREEMENT will be added to FNI's compensation.
- If OWNER fails to make any payment due FNI for services and expenses within thirty (30) days after receipt of FNI's statement for services therefore, the amounts due FNI will be increased at the rate of one percent (1%) per month from said thirtieth (30th) day, and, in addition, FNI may, after giving seven (7) days' written notice to OWNER, suspend services under this AGREEMENT until FNI has been paid in full, all amounts due for services, expenses and charges.
13. **ARBITRATION:** No arbitration arising out of, or relating to, this AGREEMENT involving one party to this AGREEMENT may include the other party to this AGREEMENT without their approval.
14. **SUCCESSORS AND ASSIGNMENTS:** OWNER and FNI each are hereby bound and the partners, successors, executors, administrators and legal representatives of OWNER and FNI are hereby bound to the other party to this AGREEMENT and to the partners, successors, executors, administrators and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements and obligations of this AGREEMENT.
- Neither OWNER nor FNI shall assign, sublet or transfer any rights under or interest in (including, but without limitation, moneys that may become due or moneys that are due) this AGREEMENT without the written consent of the other, except to the extent that any assignment, subletting or transfer is mandated by law or the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this AGREEMENT. Nothing contained in this paragraph shall prevent FNI from employing such independent associates and consultants as FNI may deem appropriate to assist in the performance of services hereunder.
15. **PURCHASE ORDERS:** If a Purchase Order is used to authorize FNI's Services, only the terms, conditions/instructions typed on the face of the Purchase Order shall apply to this AGREEMENT. Should there be any conflict between the Purchase Order and the terms of this AGREEMENT, then this AGREEMENT shall prevail and shall be determinative of the conflict.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.6

Meeting: 05/08/12 06:00 PM

Department: Administration
Category: Lease of City Property

COUNCIL ACTION (ID # 2392)

DOC ID: 2392



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.7

Meeting: 05/08/12 06:00 PM

Department: Administration
Category: Misc.

COUNCIL ACTION (ID # 2393)

DOC ID: 2393