The City of Liberty
City Council

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

Regular Meeting

~ Minutes ~

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, June 12, 2012 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on June 12, 2012 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:10 PM by Mayor Carl Pickett.

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

II. INVOCATION

The Invocation was given by Pastor Richard Ayers, St. Johns Missionary Baptist Church, Silsbee, Texas.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Fire Chief Fred Collins.

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. The following comments were made:

1) Police Chief Billy Tidwell expressed his appreciation for the support of the Council during the Departments' quest for Texas Police Chief's Association, Best Practices Certification, and gave each Council Member a lapel pin that the officers would be wearing on their uniform,
2) Mr. Brian Buchner, Austin, Texas, addressed Council regarding property he owns that could be used for future development and to the benefit of the City of Liberty,
3) Mayor Pickett reminded everyone of the July 4th Celebration and Fireworks Display to be held on Tuesday, July 3rd at the Liberty Municipal Park, and reported that Conflict of Interest forms were placed at each Council Member place for future use, and
4) City Manager Gary Broz reported on the status of City employee Avon Moore, currently in St. Luke's Hospital.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2409)

Various Project Updates - City Mgr. Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on current City projects including:

1) budget work sessions to be held July 11, 12, and 13,

2) Monta Street well motor replacement complete and back online,

3) June sales tax revenues are in line with budgeted amounts,

4) Meals on Wheels Program progressing well with approximately 104 meals being served in Liberty, Dayton, and Liberty County,

5) 100 AV fuel tank out of service at the Airport for cleaning and upgrades, and

6) various comments regarding several additional City projects.

B. Information Item (ID # 2410)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

This agenda item was passed on, no report was given.

C. Information Item (ID # 2411)

Liberty County Project on Aging Update - City Mgr. Gary Broz

COMMENTS - Current Meeting:

This agenda item was passed on, no report was given.

VI. CONSENT AGENDA

All consent items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, and if such a request is made, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

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

A. Minutes Approval

1. Tuesday, May 08, 2012

2. Wednesday, May 16, 2012

3. Council Action 2012-50

Consider Approval of March 22 and 23 as Dates for the 2013 Liberty Jubilee.

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2012-51

Consider Ratifying the Liberty Community Development Corporation's Award of Contract Proposal for T-Hangars at the Liberty Municipal Airport, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that the Liberty Community Development Corporation, at their Annual Meeting, awarded the proposal for 2 10-Unit Nested T-Hangars for the Liberty Municipal Airport to Arnold Construction, in the amount of $559,873. Mr. Broz explained that previously proposals for the design build of these hangars had been awarded to Pelco Construction, in an amount $4000 higher than the low bidder, giving local preference. After research by the City Attorney, and with $214,576 being in federal funds (FEMA) - no local preference allowed, the project was re-bid to include an evaluation matrix of the proposals received:

Proposer	Proposal Amount	Total Points
Arnold Construction	$559,873	91
Pelco Construction	$563,950	86
Bruce's General Const.	$565,000	90
Wendell Kelley Const.	$595,433	70
Civil Concepts Const.	$697,416	65

Mr. Broz stated that the LCDC's recommendation is to award the proposal to Arnold Construction, with further discussion centering on the matrix and points assigned, the need for a tie-breaker clause in future project specifications, and other related topics. Mr. Broz reported that project funding sources include $214,576 of FEMA funds, $162,000 insurance reimbursement from Hurricane Ike, a TXDOT Grant for dirtwork, leaving approximately $184,00 of LCDC funds to be expended. Motion was made to approve the recommendation made by the Liberty Community Development Corporation that the proposal be awarded to Arnold Construction.

ATTACHMENTS:

- Airport Hangar Matrix June 2012 (PDF)

RESULT:	**APPROVED [5 TO 0]**
MOVER:	Frank Jordan, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Simonson
ABSTAIN:	Louie Potetz, David Arnold

2. Council Action 2012-52

Consider Approval of Liberty County EMS Life Care Membership, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mr. Mike Koen, Executive Director of Liberty County Emergency Medical Services was present to address Council regarding the Liberty Co. EMS Life Care Membership Program. This program involves a membership fee, initial transports with no fee, followed by minimal charges for additional transports. This program will not cover any transports within the City of Liberty or 911 transports going out of town unless requested by the City of Liberty. After lengthy discussion, a motion was made to accept the proposal. The motion was defeated.

The City Manager, Fire Chief, and Mr. Koen will meet later in the week to further discuss and examine this program.

ATTACHMENTS:

- Koen - City Council Request (PDF)

RESULT:	**DEFEATED [2 TO 5]**
MOVER:	Libby Simonson, Councilperson
SECONDER:	Diane Huddleston, Councilperson
AYES:	Diane Huddleston, Libby Simonson
NAYS:	Pickett, Beasley, Jordan, Potetz, Arnold

3. Council Action 2012-53

Consider Approval of a Change Order in the Amount of $1924.62, for Installation of Isolation Switches in Front of Electrical Meters at the Washington and Wallisville Lift Stations, to Comply with City Electrical Department Requirements.

COMMENTS - Current Meeting:

Public Works Director Tom Warner explained, in regard to Disaster Recovery Program Funds for Wastewater Treatment Plant Improvements, that the original plans for the Washington and Wallisville Lift Stations did not include a disconnect between the pole and the meter box. The installation of the isolation switches at the meter provide an alternative for disconnecting the electricity, rather than having to disconnect the high voltage electricity at the transformer. Mr. Warner further stated that these switches are to be installed at the Washington and Wallisville Lift Stations for a total amount of $1924.62, and will comply with the City's requirements for new electric service.

Motion was made to approve the Change Order in the amount of $1924.62.

ATTACHMENTS:

- Change Order W & W June 2012 (PDF)

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

4. Council Action 2012-54

Consider Approval of Intent to Proceed with Phase I of the Street Extension Project, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mr. Broz reported that Adam Ott, Magnolia Manor Health Care Administrator was ready to construct a new 56,000 ft. facility, upon completion of the proposed street extension project, having his finances already in order. Mr. Broz proposed holding a joint meeting of the Liberty Community Development Corporation and the City Council that would include the City's Financial Advisor, engineers, landowners, and business owners. At this time, each of those individuals and entities involved may hear the specifics, discuss the project and the issues at hand.

Further discussion included future growth of the area, the proposed new hospital, commitment from Magnolia Manor of intent to purchase property, acquiring right-of-way acquisition for the entire project before commencing, and other related topics. City Attorney Randy Gunter stated that he foresees Magnolia Manor and the property owner entering into a contract for purchase of the property, conditioned on LCDC and the City moving forward with the street project, to include an escape clause, resulting in an enforceable purchase contract.

The joint meeting will be held on Tuesday, June 26th at 6:00 p.m.

RESULT:	**NO ACTION TAKEN**

5. Council Action 2012-55

Consider Approval of an Interlocal Agreement with Liberty County Hospital District No. 1 for Maintenance of the Parking Lots, and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

This agenda item was passed on.

RESULT:	**NO ACTION TAKEN**

B. Executive Session

Deliberation Regarding Economic Development. Gov. Code §551.087
Consultation with Attorney. Gov. Code §551.071

1. Receive advice from Council's legal counsel regarding status of acquisition of real property as it relates to rail spur acquisition and service.
2. Receive legal advice as to construction bidding issue.

At 7:20 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 7:36 p.m., Mayor Pickett closed the open meeting and reconvened the open meeting.

1. Council Action 2012-56

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

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 7:37 p.m.

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

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary