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, July 10, 2012 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

The Meeting was called to order on July 10, 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	
Diane Huddleston	Councilperson	Present	
Dennis Beasley	Councilperson	Absent	
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 Mr. Kevin Ladd.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Mr. Ed Seymour.

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.

Mayor Pickett remarked on the success of the City's Independence Day Celebration and Fireworks Display held on July 3rd at the Liberty Municipal Park, expressed sympathy on the death of Councilperson Beasley's mother-in-law, and reminded Council Members to turn their microphones on and make use of the Conflict of Interest forms, if necessary.

Councilperson Potetz commended the Park employees for their work and pleasing appearance of the Municipal Park during the recent Liberty Youth Baseball Association Tournament.

City Manager Gary Broz asked everyone to keep Electric Director Randy Wiggins in their prayers as he will be having major surgery the end of the month.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2430)

Various Project Updates - City Mgr. Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the following:

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

2) meals on wheels program moving ahead, served 686 meals last week,

3) 100 AV fuel tank at the Airport is still out of commission, rehab should be complete by the end of the month,

4) local option petition currently circulating requires 695 signatures of registered voters in the City,

5) Greenopolis machine (recycling) is back in order, Waste Management has emptied the containers, and

6) comments regarding various other current projects.

B. Information Item (ID # 2431)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

A recycling report was not given at this meeting.

C. Information Item (ID # 2432)

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

COMMENTS - Current Meeting:

Amy DelToro addressed Council presenting an update on the Liberty County Project on Aging Program, and reported on a handout regarding a breakdown of the meals served in the various service areas. Ms. DelToro stated that the next step in the project was that the Liberty Independent School District would soon begin preparing hot meals, allowing the Program to move away from serving pre-prepared meals. It was further reported that the debts of the Senior Citizens group are being paid with Program reimbursements and donations. Mr. Broz commented that the City had recently received $5000 from Liberty County to assist where necessary, in addition to the County's monthly payment to the program of $833.

Lengthy discussion ensued regarding cost of meals, number of individuals served, transportation issues, operating under Houston-Galveston Area Council guidelines, assisting the Project on Aging Board in getting operations back in order, and additional related topics. Mr. Broz stated that there are no City funds being expended, except those City employees providing administrative assistance, and that the Senior Citizen Center facility is currently for sale.

Mayor Pickett requested that a report be given to Council, in the near future, regarding the Program's finances.

D. Information Item (ID # 2433)

Financial Report - Finance Dir. - Naomi Herrington

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on the financials for the period ending May 31, 2012. Ms. Herrington stated that sales tax revenue is on target with budgeted amounts and property tax revenue is above the budgeted amount due to Boomerang Tube Inventory Tax. Ms. Herrington further reported on the various funds and related revenues and expenditures. The following figures were reported:

Fund	YTD Actual Revenue	YTD Actual Expenditure	Cash in Bank
General	$4,351,561	$5,065,798	$844,592
Water	$1,792,340	$1,685,8?7	$562,555
Electric	$11,026,191	$10,718,223	$617,322
Garbage	$420,000	$387,000	$140,000

E. Information Item (ID # 2434)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett addressed the Council, as one of the City's representatives to the Sam Rayburn Municipal Power Agency Board of Directors. Mayor Pickett restated the action that the Council had taken regarding an item on the June 26 Council agenda relating to City of Liberty exiting the Sam Rayburn Municipal Power Agency. At that meeting, City Council voted 7-0 not to exit the Agency. Mayor Pickett further reported that SRMPA held a meeting on June 29, summarizing several items from that agenda:

1) an update on the upcoming bond refunding of $126 million in outstanding bonds - this favorable action moves forward as planned,

2) item referring to an exit plan for the City of Liberty to leave membership of SRMPA - Mayor Pickett made a presentation to the SRMPA Board relaying Council's previous action to remain a part of the Agency. SRMPA took no action, and

3) item referring to the continued employment of various SRMPA consultants including General Counsel Ralph Gillis. The Board voted unanimously to retain three of the Consultants - Consulting Engineer, Bond Counsel, and Electrical Engineer, and to terminate the services of the General Counsel, Ralph Gillis.

F. Information Item (ID # 2435)

Houston-Galveston Area Council - Councilperson Jordan

COMMENTS - Current Meeting:

Councilperson Jordan reported that confirmation had been received from Public Management, Inc. (Grant writer) that the City would be receiving in late August/early September funding for a $350,000 infrastructure grant from the Houston-Galveston Area Council. This grant will be used to replace sewer lines in the Layl Subdivision area.

VI. CONSENT AGENDA

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

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

A. Minutes Approval

1. Tuesday, June 12, 2012

2. Tuesday, June 26, 2012

3. Council Action 2012-59

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

ATTACHMENTS:

- Agreement - Hosp. Parking Lots (PDF)

VII. REGULAR AGENDA

A. Regular Session

1. Information Item (ID # 2437)

Public Hearing on the 2011 Drinking Water Quality Report. - G. Broz / T. Warner

COMMENTS - Current Meeting:

AT 6:40 p.m., Mayor Pickett opened the Public Hearing on the 2011 Drinking Water Quality Report. City resident Mr. Ed Seymour addressed Council regarding his concerns with stated violations on the report. Following Mr. Seymour's comments, City Manager Gary Broz explained that, at that time, there were employee issues with the sampling process and that the department supervisor is no longer employed with the City. Mr. Broz further stated that each month ten samples are taken, and in January, 2011 the City was notified that some of those samples failed. It was determined that the samples were contaminated during the sampling process, samples were re-taken and submitted to TCEQ. Results returned to the City were that all samples passed.

Mayor Pickett related to Mr. Seymour his appreciation for his diligence and observation of City issues. At 6:51 p.m., Mayor Pickett closed the Public Hearing.

ATTACHMENTS:

- Drinking Water Quality Rpt. 2011 (PDF)

2. Council Action 2012-60

Consider Approval of Change Order No. 5 for the Wastewater Treatment Plant Upgrade Project, TWDB CWSRF No. 72124. - G. Broz / T. Warner

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the close-out of Phase I of the Texas Water Development Board Project, for Wastewater Treatment Plant modifications. Mr. Broz stated that the original contract price was $2,945,800. Four change orders added to the contract price, and this final change order (#5) is a credit in the amount of $6,014.53, bringing the revised total cost of Phase I to $3,039,431.63. Mr. Broz further stated that Phase II of the TWDB Project is near completion, and Phase III has not yet begun.

Motion was made to approve the change order in the positive amount of $6,014.53.

ATTACHMENTS:

- WWTP Upgrade CO #5 (PDF)

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

3. Council Action 2012-61

Consider Final Acceptance of the Wastewater Treatment Plant Project, Phase I, TWDB CWSRF No. 72124 and Approve Release of Retainage. - G. Broz / T. Warner

COMMENTS - Current Meeting:

Tom Warner, City Engineer/Public Works Director explained to Council that this item is a follow-up to Change Order #5 for the Texas Water Development Board Project for Wastewater Treatment Plant modifications. Mr. Warner stated that final acceptance will close out Phase I of this project and release retainage to the contractor in the amount of $158,511.98.

Motion was made to approve final acceptance of Phase I and release the retainage to the contractor.

ATTACHMENTS:

- WWTP Upgrade Acceptance Phase 1 (PDF)

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

4. Council Action 2012-62

Consider Approval of a Lease Agreement Between the City of Liberty and Mr. Leslie Wallace for a Month-To-Month House Lease at the Liberty Municipal Airport, and Take Any Action Deemed Necessary. - G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported that in the process of land exchange at the Airport, the City now owns a home in need of repairs. Mr. Leslie Wallace wishes to lease the house, on a month to month basis, in order to provide repair services and tree/brush clearing from the property. Mr. Broz stated at the conclusion of negotiations for property at the Airport, Mr. Wallace will most likely end up owning the home. Mr. Wallace needs a lease agreement in order to have the utilities turned on by the electric provider, Entergy.

Motion was made to approve the lease of the home to Mr. Leslie Wallace, on a month to month basis.

ATTACHMENTS:

- Lease Agreement - Leslie Wallace (PDF)

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

5. Council Action 2012-63

Consider Approval of a Contract with the Law Firm of McCreary, Veselka, Bragg, and Allen, P.C. for the Collection of Delinquent Municipal Court Fines and Fees. - G. Broz

COMMENTS - Current Meeting:

Mr. Broz reported that he had interviewed two firms regarding the collection of delinquent Municipal Court fines and fees, and recommends the services of McCreary, Veselka, Bragg and Allen P.C. Mr. Randall Rice, MVBA was present to address Council regarding the collection of these delinquent fines and fees. Mr. Rice explained that the firm specializes in delinquent government debt collection and their operating program is compatible with the City's Incode software, whereby file transfers will be made. The process then includes attempting to locate the individual with the warrant and have payments made through MVBA. When payments are made in full, notice will be sent to the Court Clerk to pull the warrant. Twice a month, MVBA will remit a check to the City for those warrants paid in full.

Mr. Rice also stated that Article §103.0031, of the Texas Code of Criminal Procedure, provides for the addition of a 30% delinquency fee to be added to the amount already due the City. The defendant pays the additional amount to be retained by the MVBA for their services. Further discussion included quarterly summary reports of activity to be submitted to the City and remittance of partial payments will be forwarded to the City after twelve months on the books.

Motion was made to approve the Contract with McCreary, Veselka, Bragg and Allen, P.C. for the collection of Delinquent Municipal Court Fines and Fees.

ATTACHMENTS:

- Contract-Collection Mun Court Fines (PDF)

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

6. Resolution 2012-7

Consider Approval of a Resolution to Impose an Additional Fee for Collection Costs for Delinquent Court Fines and Fees Pursuant to Article 103.0031 of the Texas Code of Criminal Procedure. - G. Broz

COMMENTS - Current Meeting:

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

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS TO IMPOSE AN ADDITIONAL FEE FOR COLLECTION COSTS OF MUNICIPAL COURT FINES AND FEES."

This Resolution authorizes imposing the additional collection fee of 30% on each fine and fee that has been referred to an attorney for collection and is more than sixty days past due. This additional fee is authorized through Article §103.0031, of the Texas Code of Criminal Procedure. The defendant also pays this amount which is to be retained by the MVBA for their services.

Motion was made to approve the Resolution.

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

7. Council Action 2012-64

Discussion of 2008-2009 Liberty-Dayton Community Hospital Outstanding Utility Accounts, and Take Any Action Deemed Necessary. - G. Broz

COMMENTS - Current Meeting:

Councilperson Simonson explained that she had requested that this item be placed on the agenda, for an update on the status of the hospital debt owed to the City. Mr. Broz reported that this agenda item relates to the delinquent utility accounts as a result of the 2008/2009 private ownership of Liberty-Dayton Community Hospital. At that time, the independent operator agreed to take responsibility for this debt, in the amount of $111,465.59, which was never paid. Mr. Broz recently spoke with Liberty County Hospital District No. 1 President Bruce Stratton who promised that after paying the hospital's back taxes and funds owed to the Internal Revenue Service, payments will be made to the City to expunge the delinquent amount. Current utility bills are being paid.

No action was taken.

RESULT:	**NO ACTION TAKEN**

8. Council Action 2012-65

Discussion of the Status of the Liberty Community Development Grant to Tower Autoplex and Take Any Action Deemed Necessary.

COMMENTS - Current Meeting:

Mr. Broz explained that this agenda item was to revisit and update the Council on the status of the Tower Autoplex grant awarded by the Liberty Community Development Corporation. City Attorney Randy Gunter reviewed the terms of the agreement that allowed Tower Autoplex up to 6 months to begin demolition, 6 months to complete the demolition, and 1 year to construct a new building. These time frames allow the grantee 2 years for project completion, from the date of the agreement.

The grant amount was $36,000, with project completion time being December 29, 2012. Should the grantee not abide by the terms of the agreement, the total funds plus 10% interest shall be reimbursed to the City.

No action was taken.

RESULT:	**NO ACTION TAKEN**

VIII. ADJOURNMENT

A. Motion To: Adjourn

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

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary