



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, November 12, 2013

6:00 PM

City Council Chambers

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

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrival
Mayor Carl Pickett	☐	☐	☐	
Councilperson Diane Huddleston	☐	☐	☐	
Councilperson Dennis Beasley	☐	☐	☐	
Councilperson Frank Jordan	☐	☐	☐	
Councilperson Louie Potetz	☐	☐	☐	
Councilperson Libby Simonson	☐	☐	☐	
Councilperson David Arnold	☐	☐	☐	

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

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 regarding agenda and non-agenda items. Please be aware that, under Texas Law, the Council may not deliberate or take any action during Citizen's comments for items not on the agenda. In some situations, City Staff may be able to respond to the public comment with a factual statement or clarification. The City Council may have the item placed on a future agenda for action or refer the item to Management and Staff for study or conclusion.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2851)

Project Updates - City Mgr. Gary Broz

B. Information Item (ID # 2852)

Airport Advisory Board

C. Information Item (ID # 2853)

Community Development Advisory Board

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, October 08, 2013

VII. REGULAR AGENDA**A. Regular Session****1. Resolution (ID # 2854)**

Consider a Resolution casting the City's voting entitlement for a position/positions on the Liberty County Central Appraisal District Board of Directors.

- CAD Voting Info Board of Dir 2013 (PDF)

2. Council Action (ID # 2855)

Consider award of bid for two (2) Utility Police Interceptors for the Liberty Police Department.

3. Council Action (ID # 2856)

Consider award of lease for City property located on Hwy. 90, formerly known as Key Energy Services, and take any action deemed necessary.

4. Council Action (ID # 2857)

Consider an Interlocal Agreement with Liberty County Precincts 1 & 2 for the maintenance of streets, roads, ditches and recreational areas, and take any action deemed necessary.

- Interlocal with County Prec 1&2 Nov 2013 (PDF)

5. Council Action (ID # 2858)

Consider E.P. Breaux Change Order No. 4 and No. 5 for additional wire and cable for the Boomerang Substation Project, and take any action deemed necessary.

- Breaux CO Nos. 4 & 5 Info (PDF)
- Boomerang Sub Const Est Nov. 2013 (PDF)

6. Council Action (ID # 2859)

Consider approval of an Interlocal Agreement with the Region VIII Education Service Center regarding participation in "The Interlocal Purchasing System Program" (TIPS/TAPS), and take any action deemed necessary.

- Interlocal with Educ Svs Ctr Nov. 2013 (PDF)

7. Council Action (ID # 2860)

Consider approval of proposed projects to be funded with monies previously distributed to member cities by the Sam Rayburn Municipal Power Agency.

8. Ordinance (ID # 2865)

Consider adoption of an Ordinance amending the Master Fee Schedule to include rental fees for use of the ball fields at the Liberty Municipal Park.

B. Executive Session

Deliberation Regarding Economic Development Negotiation. Gov. Code §551.087
Consultation with Attorney - Closed Session. Gov. Code §551.071

1. Discussion regarding an economic development prospect/negotiations, and/or to deliberate the offer of a financial incentive.

C. Reconvene into Regular Session**1. Council Action (ID # 2861)**

Consider and take action, if any, on the items as discussed in the Executive Session.

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 8th day of November, 2013 at 11:00 a.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 _____, 2013.

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/12/13 06:00 PM

Department: Administration
Category: Board Appointments & Information

INFORMATION ITEM (ID # 2852)

DOC ID: 2852 A

EXPLANATION:

On November 8, 2011, the authority of the Airport Advisory Board was extended for an additional two years, until December 31, 2013. Appointments to this Board were made in December, 2011.

Membership requirements include that:

- 1) the Board will consist of eight (8) members,
- 2) membership may include 2 "non-resident" members, and
- 3) 1 member will be a councilperson or member of management.

The mission of the Airport Advisory Board is to supply technical information, suggestions, and advice concerning the operations, maintenance, and improvement of the Liberty Municipal Airport to the City of Liberty Council and Staff.

Members of this Board:

Dale Clawson
Chet Tims
Bill Sjolander
Mike McCarty

Charlie Grabein
Linda DuBois
Darryl Taylor

One member was unable to be reappointed and the eighth slot was never filled.

The term of the Airport Advisory Board, and appointments to this Board, will be placed on the agenda for the Council Meeting of December 10th.

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/12/13 06:00 PM

Department: Administration
Category: Board Appointments & Information

INFORMATION ITEM (ID # 2853)

DOC ID: 2853 A

EXPLANATION:

In October 2010, Council approved extending the term of the Community Development Advisory Board for three years, until December 31, 2013. Appointments to this Board were made in January, 2011.

Membership requirement for the CDAB are as follows:

- 1) The Board will consist of 7 members,
- 2) All members will be City of Liberty residents,
- 3) 1 member will be a councilperson or member of management
- 4) 1 member will be under the age of 35
- 5) Board members will be reviewed annually.

The mission of the Community Development Advisory Board is to actively promote and provide a plan of action, leadership and involvement in area economic development, tourism, beautification, enhancement and development of the public land within our community. The mission is to further encourage the City and private sector to work together towards this goal; and to offer any recommendations that might improve the quality of life in our City.

Members of this Board:

Frank Jordan - Chairman
Donnie Smith
Beth Takach
Marilyn Darbonne - has moved out of town
Martha Goodwin
Charlotte Goudeau - resigned due to time constraints
Howard Brister

The term of the CDAB, and appointments to this Board, will be placed on the agenda for the Council Meeting of December 10th.



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, October 8, 2013

6:00 PM

City Council Chambers

I. CALL TO ORDER

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 passed on for this meeting.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Liberty High School Seniors Hunter Gilfillian and Stephanie Lopez.

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 regarding agenda and non-agenda items. Please be aware that, under Texas Law, the Council may not deliberate or take any action during Citizen's comments for items not on the agenda. In some situations, City Staff may be able to respond to the public comment with a factual statement or clarification. The City Council may have the item placed on a future agenda for action or refer the item to Management and Staff for study or conclusion.

Mayor Pickett welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council. There were no comments from the audience.

Mayor Pickett reported the following:

- National Night Out held on October 1st at the Liberty Municipal Park was a huge success,
- the Texas Municipal League Annual Conference will be held in Austin, October 8th-11th; several members of Council and Staff will be attending, and
- the Pals of the Pound have been working diligently to promote the adoption of dogs and cats from the Animal Shelter.

Minutes Acceptance: Minutes of Oct 8, 2013 6:00 PM (Minutes Approval)

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2840)

Project Updates - City Mgr. Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the status of various City projects and events as follows:

- 1) The Boomerang Substation Project is moving along well. The switchover will take place in December at which time the City will experience a 4-6 hour late night blackout while this event takes place,
- 2) Groundbreaking for the new Police Station will take place on Monday, October 14th at 10:00 a.m.,
- 3) the Liberty Community Development Corporation received an A Minus Rating from Standard and Poors in regard to the issuance of \$3.9 million in Sales Tax Revenue Bonds to complete the Street Extension Project,
- 4) expressed appreciation to the departments involved in National Night Out, and
- 5) stated he would answer questions regarding any other ongoing projects.

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:	Frank Jordan, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold

A. Minutes Approval

1. Tuesday, September 10, 2013
2. Tuesday, September 24, 2013

VII. REGULAR AGENDA

A. Regular Session

1. Ordinance 2013-14

Consider adoption of an Ordinance authorizing the suspension of the effective date for an additional ninety days beyond the October 30, 2013 effective date, proposed by Entergy Texas, Inc., in connection with Entergy's rate increase filed with the City on September 25, 2013.

COMMENTS - Current Meeting:

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

Minutes Acceptance: Minutes of Oct 8, 2013 6:00 PM (Minutes Approval)

"AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS AUTHORIZING THE SUSPENSION OF THE EFFECTIVE DATE FOR AN ADDITIONAL NINETY (90) DAYS BEYOND THE OCTOBER 30, 2013, EFFECTIVE DATE PROPOSED BY ENTERGY TEXAS, INC., IN CONNECTION WITH ITS RATE INCREASE APPLICATION ENTITLED "APPLICATION OF ENTERGY TEXAS, INC. FOR AUTHORITY TO CHANGE RATES AND TO RECONCILE FUEL COSTS", FILED ON SEPTEMBER 25, 2013; AUTHORIZING THE HIRING OF LAWYERS AND RATE EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS, REQUIRING REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT, DECLARING AN EFFECTIVE DATE, AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

City Manager Gary Broz explained that Entergy Texas has filed a Statement of Intent requesting an annual increase in the base rate to its customers. Entergy has proposed that the base rate increase become effective on October 30, 2013. Lawton Law Firm attorneys for the Steering Committee of Cities, of which the City of Liberty is a part, recommend that the effective date of the rate increase be suspended to permit time to review Entergy's request, negotiate, and make an informed recommendation to the cities. Mr. Broz further explained that the ordinance also authorizes the City to join with the Steering Committee to retain legal counsel and rate consultants to participate in the proceedings before the Public Utility Commission. Mr. Broz reported that cities intervention in previous rate cases have resulted in the final rate increase being only a fraction of that requested by Entergy.

Motion was made to adopt the Ordinance suspending the effective date of the rate increase for an additional ninety (90) days.

ATTACHMENTS:

- Entergy Susp Info Oct 2013 (PDF)

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

2. Public Hearing (ID # 2847)

Public Hearing on an Application for a Drilling Permit from Joy Resources, Inc.

COMMENTS - Current Meeting:

At 6:15 p.m., Mayor Pickett opened the Public Hearing on the application for a drilling permit from Joy Resources, Inc. An application has been submitted for two oil wells to be drilled in the David Minchey Survey A-85 (South Liberty Oilfield). These two wells (Chevron Fee No. 9 and No. 10) will be located on the same site. Lengthy discussion was held regarding the location, signage, noise issues, well depth, clean-up, and numerous related issues. There were no comments from the public.

At 6:23 p.m., Mayor Pickett closed the Public Hearing.

Minutes Acceptance: Minutes of Oct 8, 2013 6:00 PM (Minutes Approval)

ATTACHMENTS:

- Drilling Appl-Joy Resources Sept 2013 (PDF)

3. Council Action 2013-96

Consider issuance of a drilling permit to Joy Resources Inc., for two oil wells to be drilled in the South Liberty Oilfield.

COMMENTS - Current Meeting:

Motion was made to issue a drilling permit to Joy Resources, Inc. For the Chevron Fee No. 9 and No. 10.

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

4. Resolution 2013-14

Consider a Resolution making a nomination/s to the Liberty County Central Appraisal District Board of Directors.

COMMENTS - Current Meeting:

Brief discussion was held regarding the nomination and election process for positions on the Central Appraisal District Board of Directors. Each voting taxing entity may nominate one to five candidates for each of the five positions on the Board. A motion was made to nominate John Hebert, Jr. And Kevin Ladd to this Board.

ATTACHMENTS:

- CAD Nom Info Board of Directors 2013 (PDF)

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

5. Council Action 2013-97

Consider ratifying the Liberty Community Development Corporation's award of proposal for building upgrades to the hangars located on the south end of the runway, at the Liberty Municipal Airport.

COMMENTS - Current Meeting:

Mr. Broz reported that this agenda item is to be passed on, as the LCDC requested additional information regarding this item.

RESULT:	NO ACTION TAKEN
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6. Council Action 2013-98

Consider ratifying the Liberty Community Development Corporation's authorization to proceed with eminent domain on acreage for the Street Extension Project.

COMMENTS - Current Meeting:

City Attorney Randy Gunter reported that the Liberty Community Development Corporation (LCDC), which has eminent domain authority, authorized the Corporation's attorney to move forward with notices in an attempt to acquire a 2.25 acre tract for the Street Extension Project. Mr. Gunter reported that the property is for sale, a second appraisal had been obtained and the owner was sent an offer, but declined. Mr. Gunter then outlined the various steps for the eminent domain process.

Motion was made to ratify the LCDC's action to proceed with eminent domain.

RESULT:	APPROVED [6 TO 1]
MOVER:	Dennis Beasley, Councilperson
SECONDER:	David Arnold, Councilperson
AYES:	Pickett, Huddleston, Beasley, Jordan, Simonson, Arnold
NAYS:	Louie Potetz

7. Council Action 2013-99

Consider award of lease for City property located on Hwy. 90, formerly know as Key Energy Service.

COMMENTS - Current Meeting:

Mr. Broz reported that the City advertised for the lease of the City's property on Hwy. 90, formerly known as the location of Key Energy Services. Lease proposals were to be opened on October 3, 2013 however, there were no responses to the advertisement. Discussion was held regarding the facilities and their operational status, re-advertising for lease, placing signage on the property notifying the public of the lease, and other related issues.

Council directed management to place signage on the property and use any other means that may successfully market the property.

RESULT:	NO ACTION TAKEN
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8. Council Action 2013-100

Consider award of bid for sale of real property located on Trinity Street, known as the Trinity Street Complex.

COMMENTS - Current Meeting:

Mr. Broz reported that only one bid was received for the sale of the City's property, known as the Trinity Street Complex. The bid for this 2.85 acres was submitted by Mr. David Leonard in the amount of \$41,225.00. Mr. Broz stated that Mr. Leonard is assuming the property for sale, as is, however, the City is retaining the west side of the property as it is a water well location.

Motion was made to award the bid and sale of the property to Mr. David Leonard for \$41,225.00.

ATTACHMENTS:

- Trinity St Complex Oct 2013 (PDF)

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

9. Council Action 2013-101

Consider a vehicle lease for the City Manager, and take any action deemed necessary.

COMMENTS - Current Meeting:

Mr. Broz reported that the four-year lease on his City vehicle expires on October 23, 2013. Mr. Broz received quotes from various other vendors for leasing a new vehicle, however the monthly lease amounts was over budgeted amounts. Mr. Broz stated that the current vendor for his vehicle would lower the monthly lease amount from \$568 to \$400, if he would like to extend the current lease for an additional year.

Motion was made to extend the current lease for an additional year, at a monthly cost of \$400.

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

10. Ordinance 2013-15

Consider and act on an Ordinance regarding placement of a lien on real property for failure to pay utilities.

COMMENTS - Current Meeting:

Mr. Broz reported that the proposed lien is to be placed on the property located at 2400 N. Main Street, known as the Mas Amigos Restaurant. This property is described as approximately 2.067 acres in Tract 246 of the George Orr Survey, Abstract 91. The proposed lien is being placed due to the utility account being in arrears and attempted to be paid with a check that was later dishonored, in the amount of \$17,620.00.

After brief discussion, a motion was made to approve placement of a lien on the above described property.

This agenda item was approved by Council as an action item, there is no Ordinance document.

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

VIII. ADJOURNMENT

A. Motion To: Adjourn

Minutes Acceptance: Minutes of Oct 8, 2013 6:00 PM (Minutes Approval)

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 6:58 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Oct 8, 2013 6:00 PM (Minutes Approval)

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/12/13 06:00 PM

Department: Administration
Category: CAD Voting Entitlement

RESOLUTION (ID # 2854)

DOC ID: 2854

EXPLANATION:

Please see the attached information and the Resolution regarding the casting of the City's voting entitlement for the CAD Board of Directors Election. The City has 177 votes, which may be cast all for one candidate or dispersed among various candidates. A candidate must receive 834 votes out of 5000, to guarantee election. Term of office is January 1, 2014 - December 31, 2015.

At the Council Meeting of September 24, 2013, the Council voted to nominate Mr. John Hebert, Jr. and Mr. Kevin Ladd to this Board.

**A RESOLUTION OF THE CITY OF LIBERTY, TEXAS CASTING ITS
VOTING ENTITLEMENT FOR THE POSITION OF DIRECTOR ON THE
LIBERTY COUNTY CENTRAL APPRAISAL DISTRICT BOARD OF
DIRECTORS.**

Whereas, the City of Liberty is a voting taxing unit in the Liberty County Central Appraisal District; and

Whereas, it is the intent of this voting Taxing Unit to cast its votes for the position of Director of the Liberty County Central Appraisal District Board.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Liberty casts its votes as follows:

Ronnie Danner	_____
Robert S. (Bob) Edwards	_____
John Hebert, Jr.	_____
Kevin Ladd	_____
Burl Thomas	_____
Larry Wadzeck	_____
Anna Lou Warren	_____

PASSED AND APPROVED this the 12th day of November, 2013.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

**LIBERTY COUNTY CENTRAL APPRAISAL DISTRICT
P.O. BOX 10016/2030 SAM HOUSTON, LIBERTY, TEXAS 77575
(936) 336-5722 FAX (936) 336-8390**

DATE: October 16, 2013
TO: City of Liberty
FROM: Liberty County Central Appraisal District
RE: Board of Directors Election- Term 2014-2015

VOTING ENTITLEMENT 177

Attached please find a copy of the official ballot in resolution form with nominees listed in alphabetical order.

You must cast your votes for one candidate or distribute the votes among any number of candidates, but you must cast your votes for persons nominated on the ballot. There is no provision for write-in votes.

Please return your ballot and resolution by the statutory deadline of December 15, 2013, to:

**Liberty County Central Appraisal District
Attn: Alan D. Conner, Chief Administrator
P.O. Box 10016
Liberty, Texas 77575**

Votes received after the statutory deadline will not be counted.

Should you have any questions concerning this election, please feel free to contact me.

Sincerely,


Alan D. Conner
Chief Administrator

Attachment: CAD Voting Info Board of Dir 2013 (2854 : CAD Voting Entitlement)

LIBERTY COUNTY CENTRAL APPRAISAL DISTRICT 2013 VOTE CALCULATION CAD DIRECTORS

VOTING TAXING UNITS	2012 TAX LEVY	%	# OF VOTES
LIBERTY COUNTY	\$ 24,839,055	0.2874	1,436
CLEVELAND ISD	\$ 8,077,984	0.0935	467
DAYTON ISD	\$ 17,680,767	0.2046	1,023
DEVERS ISD	\$ 3,797,397	0.0439	220
HARDIN ISD	\$ 3,460,939	0.0400	200
HULL DAISSETTA ISD	\$ 3,229,198	0.0374	187
LIBERTY ISD	\$ 10,061,869	0.1164	582
TARKINGTON ISD	\$ 4,686,622	0.0542	271
CITY OF AMES	\$ 169,806	0.0020	10
CITY OF CLEVELAND	\$ 2,615,765	0.0291	146
CITY OF DAISSETTA	\$ 120,249	0.0014	7
CITY OF DAYTON	\$ 4,628,182	0.0536	268
CITY OF DAYTON LAKES	\$ 15,623	0.0002	1
CITY OF DEVERS	\$ 27,340	0.0003	2
CITY OF HARDIN	\$ 58,450	0.0007	3
CITY OF LIBERTY	\$ 3,052,723	0.0353	177
CITY OF MONT BELVIEU	\$ 3,236	0.0000	-
TOTAL	\$ 86,424,205		5,000

Attachment: CAD Voting Info Board of Dir 2013 (2854 : CAD Voting Entitlement)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.3

Meeting: 11/12/13 06:00 PM

Department: Administration
Category: Lease of City Property

COUNCIL ACTION (ID # 2856)

DOC ID: 2856

EXPLANATION:

The City previously advertised for the lease of the City's property on Hwy. 90, formerly known as the location of Key Energy Services. Proposals were to be opened on October 3, 2013 but there was no response to the advertisement. However, the City Manager is currently in negotiations for a prospective lease of the property. At Tuesday night's meeting, a proposed lease should be ready for presentation to Council.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.4

Meeting: 11/12/13 06:00 PM

Department: Administration
Category: Agreements

COUNCIL ACTION (ID # 2857)

DOC ID: 2857

EXPLANATION:

In October, 2011, City Manager Gary Broz worked with Liberty County to have the annual Interlocal Agreement between the City and County to include not only County Precinct #1, but also Precinct #2. This Interlocal Agreement promotes working in partnership for the completion of projects, by sharing/exchanging resources.

**INTER-LOCAL AGREEMENT
COUNTY OF LIBERTY and CITY OF LIBERTY**

THE STATE OF TEXAS §

COUNTY OF LIBERTY §

This agreement is between Liberty County, Precinct 1 and Precinct 2, hereinafter called "County," and the City of Liberty, hereinafter called "City."

WITNESSETH

WHEREAS, the legislative purpose and intent of the Interlocal Cooperation Act, Section 791.001, Texas Government Code, is to improve the efficiency and effectiveness of local government by authorizing the fullest possible range of inter-governmental contracting authority at the local level, including contracts between counties and other political subdivisions and agencies of the state; and

WHEREAS, the County and City are authorized to enter into contracts and agreements for the performance of governmental functions; and

WHEREAS, the City has streets, roads, ditches and recreational areas which require maintenance which at times exceed temporarily the ability of the City to promptly supply; and

WHEREAS, the County has streets, roads, ditches and recreational areas which require maintenance which at times exceed temporarily the ability of the County to promptly supply; and

WHEREAS, the County has manpower, equipment and other resources to maintain streets, roads, ditches and recreational areas; and

WHEREAS, the City has manpower, equipment and other resources to maintain streets, roads, ditches and recreational areas; and

WHEREAS, the parties recognize that cooperation between the governmental agencies will provide better service to the public at reduced expense by avoiding costly duplication of manpower, equipment and other resources;

NOW THEREFORE, the County and City in consideration of the mutual covenants and conditions contained herein and in recognition of the benefits to be gained by citizens of the County and City, promise and agree as follows if their work schedules permit:

1. The County agrees to provide manpower, equipment and other resources to the City for the maintenance of streets, roads, ditches and recreational areas.
2. The City agrees to provide manpower, equipment and other resources to the County for the maintenance of streets, roads, ditches and recreational areas, as well as other governmental functions.

3. The City agrees to fairly compensate the County, either by comparable time, manpower, equipment and other resources or by monetary or other consideration of equal value from the city's current revenue.
4. The County agrees to fairly compensate the City, either by comparable time, manpower, equipment and other resources or by monetary or other consideration of equal value from the county's current revenue.
5. The Commissioner of Precinct 1 and the Liberty City Manager shall plan, schedule and agree in advance as to the equal value consideration to be provided for all mutual sharing projects before any such projects commence.
6. The Commissioner of Precinct 2 and the Liberty City Manager shall plan, schedule and agree in advance as to the equal value consideration to be provided for all mutual sharing projects before any such projects commence.
7. The County and City understand that agreements for mutual sharing may be limited by budgetary restrictions or the authority provided by their respective governing bodies. Notwithstanding any provisions herein, the inter-local agreement is expressly contingent upon the availability of funding for each item and obligation contained herein for the term of the government and any extension thereto. In the event that no funds, or insufficient funds, are appropriated for the payment due under this contract for the period covered by such budget or appropriation, the contract shall terminate without penalty to County or City.
8. To the fullest extent permissible under Texas law, City of Liberty shall indemnify, defend, and hold harmless Liberty County, their officers, agents, and employees with respect to any claims or demands, actions, damages, costs and other expenses including attorney's fees, court costs or mediation expenses resulting from any errors, omissions, torts or other negligent acts or omissions of City of Liberty, its agents, servants, employees, associates, affiliates or subcontractors. Notwithstanding anything contained in this paragraph or this contract to the contrary, nothing in this contract shall be interpreted or construed as a waiver, relinquishment or abandonment of sovereign immunity granted or available to either or both parties to this contract. Accordingly, this indemnity provision shall apply, but not in such a way as to bypass, override or supercede any sovereign immunity claim by either party to this contract. Furthermore, nothing in this contract shall be deemed as waiver or relinquishment of any Texas constitutional claim pertaining to the application of any indemnity claim under this contract.
9. To the fullest extent permissible under Texas law, Liberty County shall indemnify, defend, and hold harmless the City of Liberty, their officers, agents, and employees with respect to any claims or demands, actions, damages, costs and other expenses including attorney's fees, court costs or mediation expenses resulting from any errors, omissions, torts or other negligent acts or omissions of Liberty County, its agents, servants, employees, associates, affiliates or subcontractors. Notwithstanding anything contained in this paragraph or this contract to the contrary, nothing in this contract shall be interpreted or construed as a waiver, relinquishment or abandonment of sovereign immunity granted or available to either or both parties to this contract. Accordingly, this indemnity provision shall apply, but not in such a way as to bypass, override or supercede any sovereign immunity claim by either party to this contract. Furthermore,

nothing in this contract shall be deemed as waiver or relinquishment of any Texas constitutional claim pertaining to the application of any indemnity claim under this contract.

10. Neither party shall be deemed an employee or agent of the other party. This interlocal agreement does not constitute a joint venture, either expressed or implied. The City will maintain sole discretion and control over the operations for construction and maintenance of the City's streets, roads, ditches and recreational areas. The County will maintain sole discretion and control over the operations for construction and maintenance of the County's streets, roads, ditches and recreational areas.
11. The City agrees to exercise due diligence in the routine maintenance of County equipment under its control and shall accept responsibility for a maximum of \$100.00 in expenses per use for minor repairs that may be necessary as a result of the City's use of County equipment.
12. The County agrees to exercise due diligence in the routine maintenance of City equipment under its control and shall accept responsibility for a maximum of \$100.00 in expenses per use for minor repairs that may be necessary as a result of the County's use of City equipment.
13. **The City understands that before beginning a project under an interlocal contract, the Commissioner Court of Liberty County must give specific written approval for the project as required by Tex. Gov. Code §791.014 which provides:**

791.014 APPROVAL REQUIREMENT FOR COUNTIES.

1. **Before beginning a project to construct, improve, or repair a building, road, or other facility under an interlocal contract, the Commissioners Court of a county must give specific written approval for the project.**

(b) The approval must:

- (1) be given in a document other than the interlocal contract;**
- (2) describe the type of project to be undertaken; and**
- (3) identify the project's location.**

see Tex. Gov. Code, §791.014, et. seq.

This agreement shall commence on the 1st day of October, 2013 and ends on the 30th day of September, 2014. Either the County or the City may cancel this agreement at any time.

Executed on this the _____ day of _____, 2013, by Craig McNair, County Judge, on behalf of Liberty County, Texas, after approval by Commissioners Court.

Executed on this the _____ day of _____, 2013, by Mike McCarty, Commissioner Precinct 1, on behalf of Liberty County, Texas, after approval by Commissioners Court.

Executed on this the _____ day of _____, 2013 by Charlotte Warner, Commissioner Precinct 2, on behalf of Liberty County, Texas, after approval by Commissioners Court.

Executed on this the _____ day of _____, 2013, by the City Manager,
on behalf of the City of Liberty, Texas, after approval by City Council.

COUNTY OF LIBERTY

CITY OF LIBERTY

Craig McNair, Liberty County Judge

Gary Broz, Liberty City Manager

Mike McCarty, Comm. Precinct 1

Charlotte Warner, Comm. Precinct 2

ATTEST:

Paulette Williams, Liberty Co. Clerk

Dianne Tidwell, City Secretary

Attachment: Interlocal with County Prec 1&2 Nov 2013 (2857 : Interlocal with County Prec. 1&2)



Contractors

Engineers

PROJECT: Liberty-Boomerang Substation**JOB NUMBER:** 2012-1204**CHANGE ORDER – EPB121204-004****DATE:** 10-25-2013**DESCRIPTION:** Change Order Request #004– Install additional underground 4/0 CU grounding

Attn: Mr. Jarod Taylor,

Detailed description of the out of scope work:

1. Unit costs per your itemized spread sheet- Item # B-05- 1850 lf. Actual installed footage required was 3,015 lf. Unit rate was \$11/ lf x 1,165 additional installed footage.

Requested Change Order Amount: **\$ 12,815.00****REQUESTED BY:** Ernest P. Breaux Electrical, Inc.**Edward S. Bienvenu**, Project Manager**DATE:** 10-25-2013

Original Contract Sum.....	\$ 693,728.00
Net Change from Previously Authorized Change Orders.....	\$ 821,506.45
The contract Sum Prior to this Change Order was.....	\$ 821,506.45
The Contract Sum Will be Increased	\$ 12,815.00
The New Contract Sum Including This Change Order.....	\$ 834,321.45
The Contract Time Change Will be.....	14 Days

Authorization is required before we can proceed. Your prompt attention is appreciated.

The above change is approved:

By: _____ Date: _____



Contractors

Engineers

PROJECT: Liberty-Boomerang Substation**JOB NUMBER:** 2012-1204**CHANGE ORDER – EPB121204-005****DATE:** 10-25-2013**DESCRIPTION:** Change Order Request #005– Install additional Control Cable

Attn: Mr. Jarod Taylor,

Detailed description of the out of scope work:

1. Unit costs per your itemized spread sheet- Item # M-4- 1900 lf at \$5.00/ lf and M-6- 800 lf at \$3.50/ lf Actual installed footage required was Item # M-4- 2550 lf and M-6- 1150 lf. . Unit

Requested Change Order Amount: **\$ 4,475.00****REQUESTED BY:** Ernest P. Breaux Electrical, Inc.**Edward S. Bienvenu**, Project Manager**DATE:** 10-25-2013

Original Contract Sum.....	\$	693,728.00
Net Change from Previously Authorized Change Orders.....	\$	834,321.45
The contract Sum Prior to this Change Order was.....	\$	834,321.45
The Contract Sum Will be Increased	\$	4,475.00
The New Contract Sum Including This Change Order.....	\$	838,796.45
The Contract Time Change Will be.....		4 Days

Authorization is required before we can proceed. Your prompt attention is appreciated.

The above change is approved:

By: _____ Date: _____

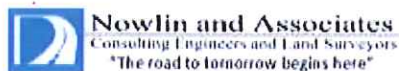
Gary Broz

From: Jarod Taylor <jtaylor@nowlin-associates.com>
Sent: Tuesday, October 29, 2013 9:28 AM
To: 'Gary Broz'
Subject: RE: 2012-1204-Liberty-Boomerang- PDF change order documents

Change Order #4 is in connection with the ground wire that was short because the existing grid was not in the areas expected to cover attachments to the steel and fence. We were not sure what was underground and could not verify the lengths until the contractor began digging.

Change Order #5 is in connection with the conduit and control wire that we reduced for the award of the project. The Contractor was unable to route the conduit and wires in the exact route we had shown. They had to avoid a couple of underground concrete barriers and the length was more for each cable. A difference of 50' over 7 conduits gave the conduits an additional 350' more and 50' more of 13 control cables was 650' more for wire.

If there are any questions, please reply.



Jarod Taylor, Engineering
740 Front St.
Natchitoches, LA 71457
318-352-3665 Office
318-352-8022 Fax
318-471-2829 Cell

From: Gary Broz [<mailto:gbroz@cityofliberty.org>]
Sent: Monday, October 28, 2013 4:28 PM
To: 'Jarod Taylor'
Subject: RE: 2012-1204-Liberty-Boomerang- PDF change order documents

Hello Jared, could I get some details on these change orders?

Gary Broz, City Manager
City of Liberty
1829 Sam Houston
Liberty, TX 77575
936-336-3684
936-334-4681 cell
gbroz@cityofliberty.org

This e-mail is the property of the City of Liberty and/or its relevant affiliates and may contain restricted and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient (or authorized to receive for the recipient), please contact the sender and delete all copies of the message. Thank you.

From: Jarod Taylor [<mailto:jtaylor@nowlin-associates.com>]
Sent: Monday, October 28, 2013 4:20 PM
To: 'Gary Broz'
Cc: 'Tom Warner'
Subject: FW: 2012-1204-Liberty-Boomerang- PDF change order documents

CITY OF LIBERTY, TEXAS

ACTIVITY	CONSTRUCTION COST ESTIMATE	CONSTRUCTION COST ACTUALS AS OF 11/01/2013
CONSTRUCTION SERVICES		
OVERHEAD LINE MODIFICATIONS	\$80,000.00	
SUSSTATION MODIFICATIONS	\$50,000.00	
UNDERGROUND FEEDERS (QTY = 5)	\$1,000,000.00	\$790,907.00
MATERIALS CONTRACT		\$430,958.00
TRANSFORMER	\$600,000.00	\$589,234.00
CONTROLS AND SWITCHGEAR	\$600,000.00	\$425,569.00
CONSTRUCTION CONTRACT AND EQUIPMENT	\$900,000.00	\$981,985.00
TOTAL ESTIMATED CONSTRUCTION	\$3,230,000.00	\$3,218,653.00
ENGINEERING SERVICES		
DESIGN	\$80,000.00	
CONSTRUCTION ADMIN.	\$80,000.00	
INSPECTION	\$110,000.00	\$225,266.00
TOTAL - ENGINEERING SERVICES	\$270,000.00	\$225,266.00
TOTAL - CONSTRUCTION & ENGINEERING SERVICES	\$3,500,000.00	\$3,443,919.00
Cash in Bank		\$311,560.00
Owe Nowlin		-\$44,734.00
Owe Breaux		-\$249,571.00
Cash in Bank		\$17,255.00
CO #4		-\$12,815.00
CO #5		-\$4,475.00
Total		-\$35.00



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.6

Meeting: 11/12/13 06:00 PM

Department: Administration
Category: Agreements

COUNCIL ACTION (ID # 2859)

DOC ID: 2859

EXPLANATION:

The Interlocal Purchasing System Program is a purchasing cooperative serving public and private school districts, colleges, universities, federal, state, county and city municipalities. Their purpose is to provide substantial savings and best value for participating members through cooperative purchasing practices.

Texas Authority

Texas Education Code §8.002 permits regional education service centers, at the direction of the Commissioner of Education, to provide services to assist school districts, colleges and universities in improving student performance and increasing the efficiency and effectiveness of school, college and university operations. Authority for such services is granted under Texas Government Code §§ 791.001 *et seq* as amended. Cooperative Purchasing Services are extended to all Texas State, City and County Government Agencies.

INTERLOCAL AGREEMENT
Region VIII Education Service Center
TEXAS PUBLIC ENTITY OR LOCAL GOVERNMENT
(School, College, University, State, City, County, or Other Political Subdivision)

 TEXAS PUBLIC ENTITY

 Control Number (TIPS will Assign)
 Schools enter County-District Number

Region VIII Education Service Center
 Pittsburg, Texas

225 - 950
 County-District Number

Texas Education Code §8.002 permits regional education service centers, at the direction of the Commissioner of Education, to provide services to assist school districts, colleges and universities in improving student performance and increasing the efficiency and effectiveness of school, college and university operations. Authority for such services is granted under Texas Government Code §§ 791.001 *et seq* as amended. Cooperative Purchasing Services under this agreement are extended to all Texas State, City or County Government Agencies, or any other Local Government Entity as defined in the Texas Government Code § 791.003.

This Interlocal Agreement (hereinafter the "Agreement") is effective _____ and shall be automatically renewed unless either party gives sixty (60) days prior written notice of non-renewal. This Agreement may be terminated without cause by either party upon (60) days prior written notice, or may also be determined for cause at anytime upon written notice stating the reason for and effective date of such terminations and after giving the affected party a thirty (30) day period to cure any breach.

Statement of Services to be Performed:

Region VIII Education Service Center, by this Agreement, agrees to provide cooperative purchasing services to the above-named public entity through a Program known as the The Interlocal Purchasing System (TIPS/TAPS) Program.

The purpose of the TIPS/TAPS Program shall be to obtain substantial savings for participating school entities or public agencies through cooperative purchasing.

Role of the TIPS/TAPS Purchasing Cooperative:

1. Provide for the organizational and administrative structure of the program.
2. Provide staff necessary for efficient operation of the program.
3. Provide marketing of the program to expand membership, number of vendor awarded contracts and commodity categories.
4. Initiate and implement activities required for competitive bidding and vendor award process including posting, advertising, collecting proposals, scoring proposals, and award of contracts.
5. Provide members with procedures for ordering, delivery, and billing.
6. Maintain filing system for all bidding procedure requirements.

Attachment: Interlocal with Educ Svs Ctr Nov. 2013 (2859 : Interlocal with Educ Svs Ctr.)

INTERLOCAL AGREEMENT, continued

Role of the Public Entity:

1. Commitment to participate in the program by an authorized signature on membership forms.
2. Designation of Primary Contact and Technology Contact for entity.
3. Commitment to purchase products and services from TIPS/TAPS Vendors when in the best interest of the entity.
4. Prepare purchase orders issued to TIPS/TAPS Awarded Vendor and FAX to TIPS/TAPS.
5. Accept shipments of products ordered from Awarded Vendors in accordance with standard purchasing procedures.
6. Pay Awarded Vendors in a timely manner for all goods and services received.

General Provisions:

The Parties agree to comply fully with all applicable federal, state, and local statutes, ordinances, rules, and regulations in connection with the programs contemplated under this Agreement. This Agreement is subject to all applicable present and future valid laws governing such programs.

This Agreement shall be governed by the law of the State of Texas and venue shall be in the county in which the administrative offices of RESC VIII are located which is Camp County, Texas.

This Agreement contains the entire agreement of the Parties hereto with respect to the matters covered by its terms, and it may not be modified in any manner without the express written consent of the Parties.

If any term(s) or provision(s) of this Agreement are held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions of this Agreement shall remain in full force and effect.

The Parties to this Agreement expressly acknowledge and agree that all monies paid pursuant to this Agreement shall be paid from budgeted available funds for the current fiscal year of each such entity.

Before any party may resort to litigation, any claims, disputes or other matters in question between the Parties to this Agreement shall be submitted to nonbinding mediation.

No Party to this Agreement waives or relinquishes any immunity or defense on behalf of themselves, their directors, officers, employees, and agents as a result of its execution of this Agreement and performance of the functions and obligations described herein.

This Agreement may be negotiated and transmitted between the Parties by means of a facsimile machine and the terms and conditions agreed to are binding upon the Parties.

Authorization:

Region VIII Education Service Center and The Interlocal Purchasing System (TIPS/TAPS) Program have entered into an Agreement to provide cooperative purchasing opportunities to public agencies.

INTERLOCAL AGREEMENT, continued

This Agreement was approved by the governing boards of the respective parties at meetings that were posted and held in accordance with the Texas Open Meetings Act, Texas Government Code ch. 551.

The individuals signing below are authorized to do so by the respective parties to this Agreement.

Public Entity**Region VIII Education Service Center**

By: _____
Authorized Signature

By: _____
Authorized Signature

Title: _____

Title: Executive Director Region VIII ESC

Date

Date

Public Entity Contact Information

Primary Purchasing Person Name

Street Address

City, State Zip

Telephone Number

Fax Number

Primary Person Email Address

Secondary Person Name

Secondary Person Email Address

Please send two signed original Interlocal Agreements and one copy of Board Resolution (if required) to TIPS/TAPS, Attn: Kim Thompson, C/O Region VIII Education Service Center, 4845 US Highway 271 North, Pittsburg, Texas 75686. Upon execution, a signed original will be returned to the Purchasing Contact listed above.

Attachment: Interlocal with Educ Svs Ctr Nov. 2013 (2859 : Interlocal with Educ Svs Ctr.)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.8

Meeting: 11/12/13 06:00 PM

Department: Administration
Category: City Fees

ORDINANCE (ID # 2865)

DOC ID: 2865

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS PROVIDING FOR THE AMENDMENT OF ORDINANCE 2013-13, AMENDING THE MASTER FEE SCHEDULE FOR ALL RATES AND FEES CHARGED BY THE CITY OF LIBERTY; PROVIDING THAT ALL RATES OR SCHEDULES OF RATES CONFLICTING HEREWITH ARE AMENDED; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS.

WHEREAS, the City previously adopted a Master Fee Schedule which sets forth all rates and fees charged by the City of Liberty; and

WHEREAS, the City Council finds it more efficient to have the City's fees set in one Ordinance, which can be amended as necessary by Ordinance; and

WHEREAS, the attached "Exhibit A" represents a compilation of the rates and fees charged by the City for various licenses, permits, and services.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

Section 1.

That all rates or schedules of rates which are in conflict herewith are to the extent of such conflict only, expressly amended, changed and repealed.

Section 2.

That the fee schedule attached hereto as "Exhibit A" amends the previous Master Fee Schedule to include rental fees for use of the balls fields at the Liberty Municipal Park, and is hereby adopted as fully set forth herein.

Section 3.

That the Ordinance containing all current rates and fees charged by the City of Liberty shall take effect immediately from and after its passage as indicated below.

Section 4.

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two separate days is hereby dispensed with.

PASSED AND ADOPTED this the 12th day of November, 2013.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary