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, March 11, 2014 | 6:00 PM | City Council Chambers

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Diane Huddleston	Mayor Pro Tem	Absent	
Dennis Beasley	Councilperson	Present	
Frank Jordan	Councilperson	Present	
Louie Potetz	Councilperson	Absent	
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Brandon Davis	Legal Counsel	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 Senior Kelsey Newman.

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.

Mayor Pickett made the following comments:
1) A Council Member sign-up sheet is available for working the Information Booth at the Liberty Jubilee on March 28 & 29,
2) the Liberty County Central Appraisal District received a perfect score from the State Comptroller of Public Accounts through the Methods and Assistance Program,
3) Information regarding the Texas Municipal League Institute is available, whereby elected officials can commit to continuing education,
4) A meeting of the Sam Rayburn Municipal Power Agency will be held on Thursday, March 27th in Livingston, and
5) thanked those involved for painting the curbs downtown and helping to groom the City for the

upcoming Liberty Jubilee.

V. PRESENTATIONS / REPORTS

1. Information Item (ID # 2954)

Project Updates - City Mgr. G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on a handout of the current City projects and their status as follows:

1) Police Station construction is going well,

2) Restrooms at the Park moving ahead, bids to be let by the first of April,

3) Street Extension Project coming together, bids will be discussed later in this meeting,

4) Bids received for the Ridgewood Water Replacement Project, to also be discussed later in this meeting,

5) a Council and Staff workshop to discuss future goals will be held on April 22nd,

6) the Municipal Court Judge and the Police Department are working on creation of a Teen Court, and

7) recently participated in a rerate call with Standard and Poor's, with the City's rating increasing from an A to AA-.

Mr. Broz concluded by stating that a "Shred-It" event will be held on Saturday, May 3rd, in the City Hall Parking Lot.

2. Information Item (ID # 2955)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

This item was covered by City Manager Broz during the Project Updates.

VI. CONSENT AGENDA

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

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

A. Minutes Approval

1. Tuesday, February 11, 2014

2. Tuesday, February 25, 2014

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2014-11

Consider ratifying the Liberty Community Development Corporation's award of bid for the Lakeland to Bypass Street Connector Project, and take any action deemed necessary.

COMMENTS - Current Meeting:

Mr. Broz reported that six bids were received for the street connector project on March 4th, ranging from $5.1 to $6.2 million dollars. The number of calendar days for construction ranged from 240 days to 450 days.

Mr. Tommy Kuykendall, CivilCorp Engineers, reviewed the project budget and costs, on behalf of the City. Mr. Kuykendall reported that the low bid of $5,107,816.29 exceeded the anticipated construction cost of $4,785,392.26 by $322,424.03. Mr. Kuykendall reported as a result of this difference, several alternatives were developed to reduce the project bid cost below the original estimated cost. A summary of those alternatives are as follows:

1) Eliminate upsizing of storm sewer trunkline for long range needs. Additional trunkline may be put in place if Phase II is developed - Cost Savings - $174,000.

2) Reduction of the center turn lane from 14' to 12' for Phase I. When Phase II is developed, adequate width can be placed to provide an ultimate 14' turn lane when traffic warrants - Cost Savings - $79,000.

3) Reduce conduit placement for electrical distribution lines and provide for placement from the Bypass east 1,600'. Coverage will include the future nursing home site and potential hospital site. Additional electrical infrastructure can be constructed to the west as development occurs - Cost Savings - $182,000.

Mr. Kuykendall stated that the total estimated project savings is $435,000, for a beginning project cost of $4,672,816.29. Discussion was held regarding the second lowest bidder, R Construction, however, no similar projects had been completed under this company name even though they had personnel who had performed similar services. Further discussion included solicited references, the proposed alternatives, generator, project funding, approximately 60 days mobilization for project commencement, and related issues. Management and CivilCorp recommend the project award to Doughtie Construction for $5,107,816.29, with 330 calendar days for completion, to include Change Order #1, the alternatives described.

A motion was made to award the bid to the low bidder, Doughtie Construction, in the amount of $5,107,816.29, to include Change Order #1.

ATTACHMENTS:

- Bid Tab Street Project (PDF)

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

2. Ordinance 2014-2

Consider an Ordinance adopting a Franchise Agreement between the City of Liberty and Entergy Texas, Inc. (2nd Reading)

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the ordinance for the franchise agreement with Entergy Texas as follows:

"**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, GRANTING TO ENTERGY TEXAS, INC., ITS SUCCESSORS AND ASSIGNS, THE NON-EXCLUSIVE RIGHT TO USE AND OCCUPY RIGHTS-OF-WAY WITHIN THE CITY OF LIBERTY FOR THE CONSTRUCTION AND OPERATION OF AN ELECTRICAL LIGHTING AND POWER SYSTEM; PRESCRIBING CONDITIONS GOVERNING THE USE OF THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR COMPENSATION TO THE CITY OF LIBERTY FOR ENTERGY TEXAS, INC.'S USE OF THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE; PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE; PROVIDING FOR CITY USE OF COMPANY FACILITIES; PROVIDING A RIGHT OF CITY TO AUDIT COMPANY BOOKS AND RECORDS; PROVIDING FOR AMENDMENT TO AND ASSIGNMENT OF THIS FRANCHISE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC; PROVIDING FOR SEVERABILITY; PROVIDING SAVING IF ANY PROVISIONS BECOME INVALID; AND REPEALING ALL PRIOR FRANCHISES BETWEEN THE CITY OF LIBERTY AND ENTERGY TEXAS, INC.** "

City Manager Gary Broz explained that this is the second reading of this ordinance, as required by City Charter, and provides revenue in the amount of approximately $14,000 annually to the City. Upon adoption, Entergy will be required to publish this document in the newspaper, also required by Charter. This franchise agreement is for twenty-five years.

A motion was made to adopt the Franchise Agreement between the City of Liberty and Entergy Texas, upon the second reading.

ATTACHMENTS:

- Entergy Apprving Franchise (DOC)

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

3. Council Action 2014-12

Consider award of bid for the Ridgewood Subdivision Waterline Improvements, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Engineer/Public Works Director Tom Warner explained that seven bids had been received for the Ridgewood Subdivision Waterline Improvement Project, ranging from $151,000 to $284,000. Mr. Warner further explained that the low bid of $151,000 is substantially less than the projected estimate of $190,000. Discussion was held regarding the low bidder's quote of $15 per foot for materials and installation of the 6" water line, as compared to other bidder's quotes of $26-$45 per foot, 9 fire hydrants, and project funding.

A motion was made to award the bid to the low bidder, Eastex Utility Construction, in the amount of $151,700.00.

ATTACHMENTS:

- Bid Tab Ridgewood Waterline 2014 (PDF)

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

4. Council Action 2014-13

Consider acceptance of the City Secretary's Certification of Unopposed Candidates. Considerar La Aprobación De Certificación De La Secretaria De La Ciudad De Los Candidatos Sin Oposición.

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported that the four candidates that have filed for a place on the ballot in the City's General Election for officers, are unopposed. This certification is the first step in cancelling the election due to lack of opposition. Those candidates that did file are:

Mayor	Carl Pickett
Council Member	Frank Jordan
	Louie Potetz
	David Arnold

A motion was made to accept the City Secretary's Certification of Unopposed Candidates.

ATTACHMENTS:

- CERT of Unopposed Cand (PDF)

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

5. Ordinance 2014-6

Consider Adoption of an Ordinance Cancelling the May 10, 2014 General Election and Declaring Unopposed Candidates Elected to Office. Considerar La Adopción De Una Ordenanza Cancelando Las Elecciones Generals Del 10 De Mayo Del 2014 Y Declarando Los Candidatos Sin Oposición a Las Elecciones.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, CANCELLING AN ELECTION PREVIOUSLY ORDERED TO BE HELD ON MAY 10, 2014; FOR THE ELECTION OF THE MAYOR AND THREE COUNCILPERSONS; DECLARING UNOPPOSED CANDIDATES IN SAID ELECTION ELECTED TO OFFICE; RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

This ordinance cancels the election and declares the unopposed candidates elected. A motion was made to adopt the Ordinance cancelling the City's May 10, 2014 General Election.

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

6. Council Action 2014-14

Consider declaring various City vehicles and equipment as surplus property, and take any action deemed necessary.

COMMENTS - Current Meeting:

Mr. Broz reviewed a handout of miscellaneous items and equipment, requesting these items be declared surplus property, which will allow them to be sold in an online auction.

A motion was made to declare the proposed items and equipment as surplus property.

ATTACHMENTS:

- Auction List 2014 (PDF)

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

VIII. ADJOURNMENT

1. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 6:55 p.m.

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary