



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, April 8, 2014

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	☐	☐	☐	
Mayor Pro Tem 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 # 2965)

Project Updates - City Mgr. Gary Broz

B. Information Item (ID # 2966)

Recycling Report - Councilperson Huddleston

C. Information Item (ID # 2967)

Liberty Jubilee Report - City Mgr. Gary Broz

D. Information Item (ID # 2968)

Sam Rayburn Municipal Power Agency & Buydown Info - Mayor Pickett

E. Information Item (ID # 2969)

Houston-Galveston Area Council Report - Councilperson Jordan

F. Information Item (ID # 2970)

Planning & Zoning Appointments - City Secretary-D. Tidwell

G. Information Item (ID # 2971)

Liberty Community Development Corporation Appointments - City Secretary D. Tidwell

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, March 11, 2014

VII. REGULAR AGENDA

A. Regular Session

1. Ordinance (ID # 2972)

Consider adoption of an amendment to the Amusement Machine Ordinance restricting membership to game rooms.

2. Council Action (ID # 2973)

Consider approval of JTR Constructors, Inc. Change Order No. 1 regarding fencing for the Wastewater Treatment Plant Improvements, Texas Water Development Board Project CWSRF #72124, Phase 3.

- WWTP Fencing Agenda Form (DOCX)
- TWDB Project CO #1 Info (PDF)
- TWDB Project CO #1 Drawing (PDF)

3. Council Action (ID # 2974)

Consider approval of N&T Construction Change Order No. 3 regarding a concreted slab for the generator and AC units at the new Police Department facility.

- PD Change Order Agenda Form (DOCX)
- PD Change Order Info (PDF)

4. Council Action (ID # 2975)

Consider the Consumer Price Index Adjustment to Municipal Telecommunications Right-of-Way Access Line Rates, and take any action deemed necessary.

- PUC 2014 Consumer Price Index (PDF)

5. Ordinance (ID # 2976)

Consider adoption of an Ordinance authorizing a partnership with other Entergy service area cities in matters concerning Entergy Texas, Inc. At The Public Utility Commission of Texas and the Federal Energy Regulatory Commission in 2014.

6. Resolution (ID # 2977)

Consider a Resolution requesting that Congress not remove exemptions from tax-exempt bonds.

7. Council Action (ID # 2978)

Discussion of a city-wide wireless network and telephone system linking all City facilities together, and take any action deemed necessary.

8. Council Action (ID # 2979)

Consider ratifying the Liberty Community Development Corporation's action regarding a loan from the Gulf Coast Economic Development District for a Fire Department tanker truck.

9. Council Action (ID # 2980)

Consider approval of an administrative services contract for Texas Water Development Board loan programs.

- TWDB Programs-Rice 2014 (PDF)

10. Public Hearing (ID # 2981)

Public Hearing regarding the adoption of an Ordinance creating a Reinvestment Zone/Tax Abatement Zone at the Liberty Municipal Airport.

11. Ordinance (ID # 2982)

Consider adoption of an Ordinance creating a Reinvestment Zone/Tax Abatement Zone at the Liberty Municipal Airport.

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 1st day of April, 2014 at 4:30 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 _____, 2014.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.A

Meeting: 04/08/14 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2965)

DOC ID: 2965



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.B

Meeting: 04/08/14 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2966)

DOC ID: 2966



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.C

Meeting: 04/08/14 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2967)

DOC ID: 2967



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.D

Meeting: 04/08/14 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2968)

DOC ID: 2968



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.E

Meeting: 04/08/14 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2969)

DOC ID: 2969



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.F

Meeting: 04/08/14 06:00 PM

Department: Administration
Category: Board Appointments & Information

INFORMATION ITEM (ID # 2970)

DOC ID: 2970

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 Shelli Ellerbe and Mark Campbell

Other Commission Members are: Bill Takach, and Kim Anderson, and Larry Wagnon. Alternate Member is Mike Page.

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 04/08/14 06:00 PM

Department: Administration
Category: Board Appointments & Information

INFORMATION ITEM (ID # 2971)

DOC ID: 2971

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, Mike McCarty, Louie Potetz, and Barbara Norwood.

Other Board Members are: David Arnold, Leslie Herndon, and Mark Campbell.

Dennis Beasley, Louie Potetz, Barbara Norwood and Mike McCarty are willing to serve again, if reappointed.

.



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

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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

Minutes Acceptance: Minutes of Mar 11, 2014 6:00 PM (Minutes Approval)

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

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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 Generales 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:

Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Mar 11, 2014 6:00 PM (Minutes Approval)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.1

Meeting: 04/08/14 06:00 PM

Department: Administration
Category: Miscellaneous Issues

ORDINANCE (ID # 2972)

DOC ID: 2972 A

AN ORDINANCE AMENDING ARTICLE 4.11 OF THE CODE OF ORDINANCES, CREATING ARTICLE 4.11.015, FOUND IN CHAPTER 4, REGARDING AMUSEMENT MACHINES; PROHIBITING GAME ROOM MEMBERSHIPS; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

WHEREAS, The City Council of the City of Liberty, Texas finds the need to better regulate the use of Amusement Machines; and

WHEREAS, the City Council of the City of Liberty, Texas finds that such Amusement Machines invite crime and other injurious behavior.

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

Section 1: Section 4.11.015 of the Code of Ordinances of the City of Liberty is created to read as follows:

Sec. 4.11.015. Memberships.

A game room owner or operator shall not restrict entry to a game room or prohibit the use of an amusement redemption machine by a patron through the requirement of a game room membership.

Section 2: 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 days is hereby dispensed with.

Section 3: This Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of
Liberty, this _____ day of _____, 2014.

Attest:

Carl Pickett, Mayor

City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.2

Meeting: 04/08/14 06:00 PM

Department: Administration
Category: Sewer System Issues

COUNCIL ACTION (ID # 2973)

DOC ID: 2973

CITY OF LIBERTY

City Council Agenda Item Form

Agenda Item No. VII.A.2
Agenda Wording: Consider approval of JTR Constructors, Inc. Change Order No. 1, regarding fencing for the Wastewater Treatment Plant Improvements, Texas Water Development Board CWSRF #72124, Phase 3.
Department: Public Works – Water/Wastewater
Subject: Sewer Treatment Plant Fence Contact III
Background: The original plans consisted of limited fence repair to replace bent posts and fabric in poor condition. During the construction process it was noted that after the limited repairs there would still be areas where the fence may not conform to the 6 foot TCEQ requirement due to build-up of soil (6 - 8 inches) along much of the north and east fence. Re-grading would be difficult and the full replacement of the fence under this change order alleviates the need for re-grading and is not a significant difference in cost for the benefits gained. The cost of the original amount for repairs in the contract and the change order cost was reviewed by the engineer and he concurs that cost increase is reasonable. It should be noted the contractor requested a total of 28 day time extension associated with this work. The change order does not include additional time as the fence construction is not on the critical path for completion time. The time request is acknowledged in the event unforeseen circumstances would occur wherein the fence activity is delayed until the end of the project. It should also be noted that the fence has been the subject of past TCEQ inspection notices.
Fiscal Impact: The cost to replace the fence around the Sewer Treatment Plant is \$39,982.00. Funds are available in the grant to pay for this additional expense.

Attachment: WWTP Fencing Agenda Form (2973 : WWTP Improvements-Fencing)

Staff Recommendation: Staff recommends approval of Change Order 1 for the Wastewater Treatment Plant Improvements, Contract 3.

Purpose: Improve security at the Wastewater Treatment Plant and meet TCEQ Requirements.

CHANGE ORDER No.: One (1)

DATE: March 25, 2014

PROJECT: City of Liberty, Liberty County, Texas
Wastewater Treatment Plant Improvements
TWDB CWSRF # 72124, Contract No. 3

OWNER: City of Liberty
1829 Sam Houston Street
Liberty, Texas 77575

CONTRACTOR: JTR Constructors, Inc.
18484 Clay Road
Houston, TX 77084

TO THE OWNER: Approval of the following contract change is requested.

REASON FOR CHANGE: Increase scope of fence replacement from rehabilitation of limited portions to replacement of all fence fabric, fence post, top security wire, including 20 foot motor operated gate and 20 foot x 20 foot concrete slab for installation of sensors.

CONTRACT PRICE

ORIGINAL CONTRACT AMOUNT: \$990,900.00

THIS CHANGE ORDER:

<u>Item</u>	<u>Description</u>	
1	Revise scope of fence work per revised plan sheet 11 to include replacement of all fence, disposal of existing fence, removal of trees required for installation of fence and installation of 20 foot x 20 foot concrete pad at motorized gate for installation of sensor devices.	\$39,982.00

AMOUNT OF THIS CHANGE ORDER: \$39,982.00

TOTAL REVISED CONTRACT AMOUNT INCLUDING
CHANGE ORDER NO. One (1) \$1,030,882.00

CONTRACT TIME

ORIGINAL CONTRACT TIME - Substantial Completion	300 Consecutive Calendar Days
Previous Change Orders-	0 Consecutive Calendar Days
THIS CHANGE ORDER:	0 Calendar Days
TOTAL REVISED CONTRACT TIME INCLUDING CHANGE ORDER NO. One (1)	300 Consecutive Calendar Days

CONDITION OF CHANGE:

Contractor acknowledges and agrees that the adjustments in contract price and contract time stipulated in this Change Order represents full compensation for all increases and decreases in the cost of, and the time required to perform the entire work under the Contract arising directly or indirectly from this Change Order and all previous Change Orders. Acceptance of this waiver constitutes an agreement between Owner and Contractor that the Change Order represents an all inclusive, mutually agreed upon adjustment to the Contract, and that Contractor will waive all rights to file a claim on this Change Order after it is properly executed.

SUBMITTED BY

REVIEWED BY

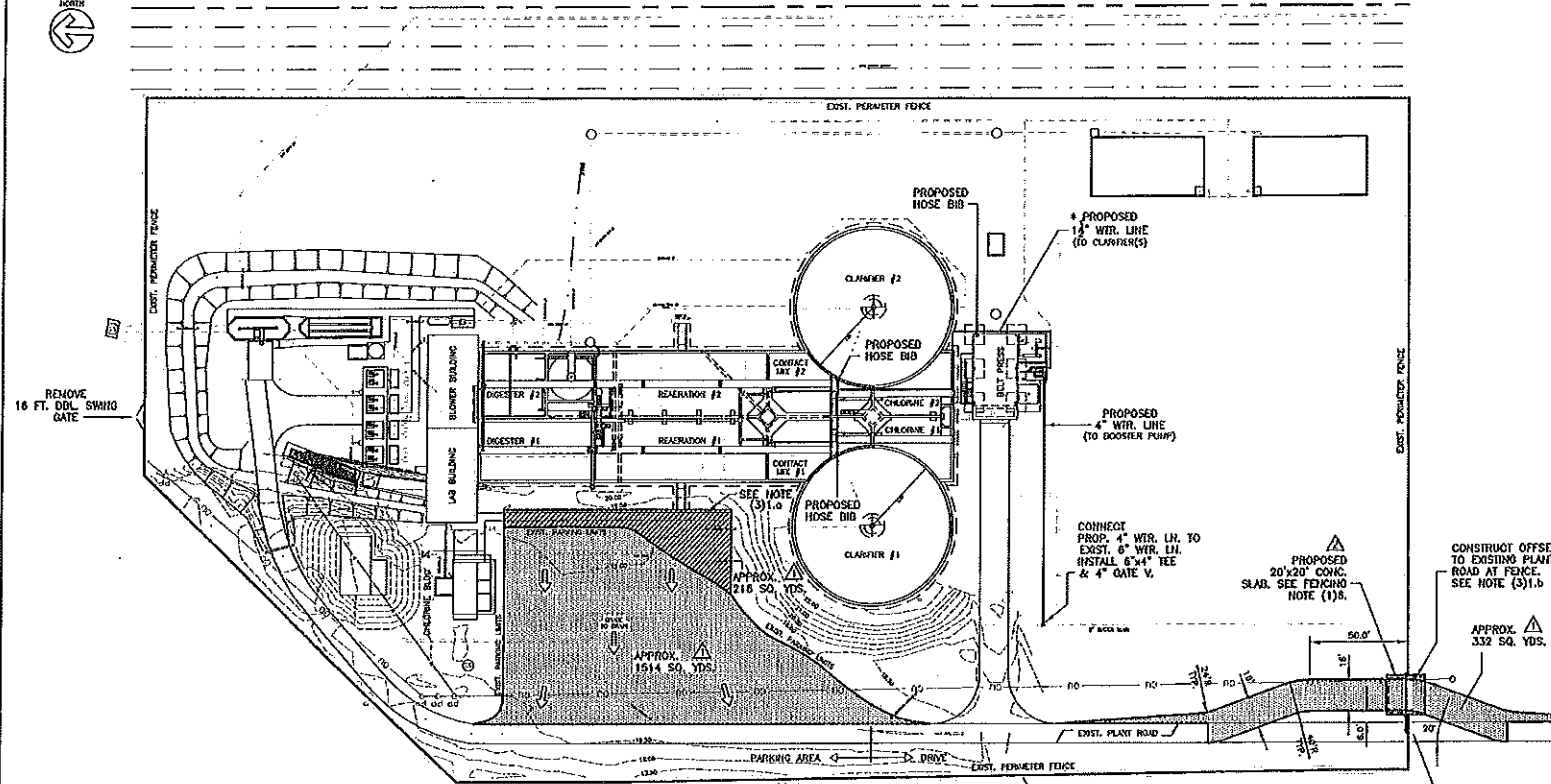
APPROVED BY

JTR Constructors, Inc.
Contractor
Date:

Rick J. Boy
Schaumburg & Polk, Inc.
Engineer
Date: 3.25.14

City of Liberty
Owner
Date:

Attachment: TWDB Project CO #1 Info (2973 : WWTP Improvements-Fencing)

**SITE WORK
PLAN** SCALE: 1" = 30.0'

(1) FENCING NOTES:

1. Baseline show approximate location and length of rehabilitation to be performed. Rehabilitation to include removal of existing fence and replacement with new fence including wire fabric, fence post (in-line and corner), top rail, 3 strand barbed wire (including wire supports) per Item 302. Install new fence inside existing fence 6 inches to 12 inches, to maintain security, unless otherwise noted on plans. Remove and replace wire fabric after fence posts have been allowed to set and remove only that amount that can be removed and replaced in one day's time.
2. Provide new bottom tension wire around entire length, approximately 1880 lined feet.
3. Provide new 20 foot, electrically operated gate at front drive.
4. Remove and dispose of all existing fence and trees located in northwest corner that conflict with installation of fence.
5. Follow contour of existing ground holding fence at horizontal level for as long a run as possible.
6. Construct a 20 foot x 20 foot section of concrete pavement at electrically operated gate. Pavement to include excavation to proposed asphalt pavement, 6-inches of cement stabilized crushed stone base per Item 107 and 10-inches of concrete pavement (28-day compressive strength of 4,100 psi) per Item 200.

*** (2) 1 1/2" WASHWATER NOTES:**

Route 1-1/2" washwater from control valve at booster pump to three 1" hose bibbs (HB) as shown. Routing of waterline to be as general.

- Underground from booster pump to southeast corner of chlorine basin #2.
- Mount with Unistrut brackets and clamps vertically and horizontally on outer wall to steel walkway over chlorine basin #2.
- Place 1-1/2" waterline on existing supports extending on east side from steel walkway over chlorine basin #2. Provide two additional brackets as existing on south end.
- Extend line from clarifier #2 to clarifier #1 along concrete walk support using Unistrut brackets and clamps.
- Discharge to Outfall Box to be mounted 30" above the top of concrete.

At hose bibb locations reduce from 1-1/2" to 1" pipe and provide 1" bibb at end. Mount bibb to existing hand rail. Insulate all exposed piping. Provide two 50 foot sections of one 1" diameter commercial grade water hose. Provide one brass hose nozzle, 1 NPSIL rated for 100 psi, rated at flow rate of 38 gpm and one brass hose nozzle, 1" Thread Type NPSH, 100 PSI, Plain Finish. Use Unistrut brackets and pipe clamps to mount to vertical and horizontal sections of concrete. Brackets and clamps to be at no less than 6 feet on center.

- REHABILITATE (1000' L.F. OF 6 FT. C/L FENCE)
- (A) CHAIN LINK FENCING
- (B) TOP RAILING
- (C) NEW 2" IRON POST, APPROX. 180 EA.

(3) PAVING NOTES:

1. Provide excavation and base material as noted below:
 - a. Remove existing sidewalk under proposed asphalt pavement. Excavate area under sidewalk and outside existing pavement to provide 6 inches of limestone base. Spread excavated soil from excavation of dirt between aeration basin and new pavement to provide drainage.
 - b. Excavate area for offset of existing road to provide 10 inches of base material and 2" of asphalt to match existing grade.
2. Drive to be swept clean from County Road 3361 to Parking Lot. Provide level up and 2" of Type D Asphalt surface. Drive is approximately 900 feet long x 15 feet wide.
3. Provide leveling of parking area with Type D hot mix asphalt to eliminate ponding areas. Provide 2-inches Type D hot mix asphalt pavement surface. Provide tack coat between surface and base.
4. Approximate areas for Parking and Drive are 2,400 square yards and 1500 square yards, respectively.

CONNECT PROP. 4" WTR. LH. TO EXIST. 6" WTR. LH. INSTALL 6"x4" TEE & 4" GATE V.

PROPOSED 20'x20' CONC. SLAB. SEE FENCING NOTE (1)B.

CONSTRUCT OFFSET TO EXISTING PLANT ROAD AT FENCE. SEE NOTE (3)1.b

APPROX. 332 SQ. YDS.

REMOVE EXISTING GATE & INSTALL 20 FT. SLURRY GATE (ELEC.) & 4 FT. SWING GATE

3/13/14	TAW	CHANGE ORDER No. 1
7/01/13	TAW	ADDENDUM No. 2
REV	BY	DATE
CONSTRUCTION PLANS		
TOW		
CITY OF LIBERTY, TEXAS		
WASTEWATER TREATMENT PLANT IMPROVEMENTS		
SCHAUMBURG & POLK		
DESIGNER • HOUSTON • TEXAS		
Form Registration No. F0000580		
HUBS 60-type Block, Beaumont, Texas 77707		
409.050.0341 P. 409.050.0337 F		
© Copyright 2013		
SITE WORK		
DATE	MARCH 2013	
SCALE	AS SHOWN	
DESIGNED BY	TAW	
CHECKED BY	LORNE WARD	
APPROVED BY	BOB BOHRKE	
SHEET	11 OF 14	
DWG. TITLE	WWTP IMPROVEMENTS	
DATE	MARCH 2013	



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.3

Meeting: 04/08/14 06:00 PM

Department: Administration
Category: Change Orders

COUNCIL ACTION (ID # 2974)

DOC ID: 2974

CITY OF LIBERTY

City Council Agenda Item Form

Agenda Item No. VII.A.3
Agenda Wording: Consider approval of N&T Construction Change Order No. 3 for a concrete slab for the generator and AC units at the new Police Department facility.

Department: Public Works
Subject: Police Department Building Mechanical Yard
Background: The plans for the mechanical yard at the new Police Station specified housekeeping pads under the eight air conditioning units and the generator. Change Order No. 3 would provide for a concrete slab in the mechanical yard instead of housekeeping pads.
Fiscal Impact: The cost for the concrete slab in the mechanical yard is \$4,020.00.
Staff Recommendation: Approval of Change Order No. 3 is recommended by Staff.
Purpose: The slab in the mechanical yard will allow servicing of the various units on a hard surface rather than in the grass, dirt or mud.

Attachment: PD Change Order Agenda Form (2974 : PD Facility - Change Order No. 3)

AIA® Document G701™ – 2001
Change Order

PROJECT (Name and address): City of Liberty-Liberty Police Station 1906 Lakeland Drive, Liberty Tx, 77575	CHANGE ORDER NUMBER: 003 DATE: March 31, 2014	OWNER: ☐ ARCHITECT: ☐
TO CONTRACTOR (Name and address): N&T Construction Co., Inc 1376 Laurel Ave., Beaumont, Tx, 77701	ARCHITECT'S PROJECT NUMBER: R1000686.00 CONTRACT DATE: October 14, 2013 CONTRACT FOR: General Construction	CONTRACTOR: ☐ FIELD: ☐ OTHER: ☐

THE CONTRACT IS CHANGED AS FOLLOWS:*(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)*a. Expanding Mechanical Yard \$ 4,020.00

The original Contract Sum was	\$ 2411000
The net change by previously authorized Change Orders	\$ -169537.34
The Contract Sum prior to this Change Order was	\$ 2,241,462.66
The Contract Sum will be increased by this Change Order in the amount of	\$ 4020
The new Contract Sum including this Change Order will be	\$ 2,245,482.66

The Contract Time will be unchanged by Zero (0) days.

The date of Substantial Completion as of the date of this Change Order therefore is October 14, 2014

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive..

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

PGAL	N&T Construction Co., Inc	City of Liberty
ARCHITECT (Firm name)	CONTRACTOR (Firm name)	OWNER (Firm name)
3131 Briarpark, Houston, Tx	1376 Laurel Ave., Beaumont, Tx	1829 Sam Houston, Liberty, Tx
ADDRESS	ADDRESS	ADDRESS
BY (Signature)	BY (Signature)	BY (Signature)
Jeff Gerber	Charlie Jabbia	Gary Broz
<i>(Typed name)</i>	<i>(Typed name)</i>	<i>(Typed name)</i>
03.31.14		
DATE	DATE	DATE

POLICE STATION BUDGET

April 1, 2014

<u>Item</u>	<u>Budget</u>	<u>Actual/ Contractural</u>	
Base Bid	\$2,556,371.83	\$2,400,000.00	
Addendum 1.3		\$30,000.00	
Addendum 1.4		\$4,000.00	
Addendum 1.5		-\$21,000.00	
Addendum 1.6		\$2,000.00	
Addendum 1.7		-\$4,000.00	
			<u>\$2,411,000.00</u>
Change Order No. 1			
Detention Pond		-\$30,200.00	
Water Line		-\$2,324.00	
Sewer Line		-\$4,082.00	
Fire Line		-\$12,949.00	
Key Pad		-\$4,200.00	
Generator		-\$117,000.00	
			<u>(170,755.00)</u>
Bid Award			<u>\$2,240,245.00</u>
Other Expenses			
Furniture	\$59,000.00	\$53,500.00	
IT Wiring	\$100,000.00	\$0.00	
Appliances	\$8,000.00	\$6,600.00	
Lockers	\$10,000.00	-\$10,700.00	
Police Lab Equip.	\$20,000.00	\$20,100.00	
Lab Testing	\$6,000.00	\$17,587.00	
Relocate Dispatch	\$25,000.00	\$25,000.00	
Architect	\$200,000.00	\$200,000.00	
Generator	\$77,650.00	\$78,500.00	
	<u>\$505,650.00</u>		<u>\$411,987.00</u>
Total Project Cost	\$3,062,021.83		<u>\$2,652,232.00</u>
Funding			
City	\$1,500,000.00		
Federal	\$1,166,900.00		
SRMPA	\$80,000.00		
	<u>\$2,746,900.00</u>		<u>\$2,746,900.00</u>
Remaining Funds			<u><u>\$94,668.00</u></u>

Attachment: PD Change Order Info (2974 : PD Facility - Change Order No. 3)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.4

Meeting: 04/08/14 06:00 PM

Department: Administration
Category: Telecommunications R-O-W Line Rates

COUNCIL ACTION (ID # 2975)

DOC ID: 2975



Public Utility Commission of Texas

1701 N. Congress Ave., PO Box 13326, Austin, TX 78711-3326

2014 CONSUMER PRICE INDEX (CPI) ADJUSTMENT TO MUNICIPAL TELECOMMUNICATIONS RIGHT-OF-WAY ACCESS LINE RATES

March 12, 2014

PURPOSE

This letter is to notify you that your city's 2014 maximum access line rates have increased by 0.78% due to inflation, as measured by the CPI. This adjustment has been made pursuant to Chapter 283 of the Local Government Code (House Bill 1777).

DEFAULT RATES FOR 2014: NO CHANGE

Based on the choice made by your city in April 2013, your city's 2014 rate will either be adjusted for inflation, or will remain the same as your 2013 rate. According to our records, when similar CPI adjustments were made in April 2013, you opted not to adjust your rates for inflation, i.e. you chose LESS than the maximum allowable CPI-adjusted rates. Therefore, your 2014 rates will REMAIN at your 2013 level and your rates will NOT increase. You have the option to refuse this default rate and request an increase in rate by taking the action explained below.

ACTION BY CITY: TO REQUEST AN INCREASE

(1) You do not have to respond if you desire to keep your 2014 rates at the 2013 levels. (2) Respond ONLY if you want an INCREASE from the 2013 rates. (3) To request an increase, notify the PUC using page 2 of this letter no later than April 30, 2014. (4) The PUC does not require City council authorization; however, if your city charter requires it, please do so immediately. (5) Verify your contact information and highlight any changes. (6) Make a copy of this document.

WHAT HAPPENS IF A CITY DOES NOT RESPOND BY APRIL 30, 2014?

If a city does not respond by April 30, 2014, the rates for your city will remain at the 2013 levels. The next opportunity to adjust your rates will be September 1, 2014.

WHAT HAPPENS NEXT?

The PUC will notify telephone companies of your desired rates and you will be compensated accordingly no later than July 1, 2014.

FUTURE REVISIONS TO CPI

The access line rates will be revised annually in March depending on whether the CPI changes for the previous year. If the CPI changes for the year 2014, you will receive a similar letter in March 2015.

See over...

Attachment: PUC 2014 Consumer Price Index (2975 : Telecommunications ROW Access Line Rates)

City of Liberty

SECTION 1: Your new 2014 CPI adjusted maximum rates are as follows:

Residential: \$0.83 Non-Residential: \$1.83 Point-to-Point: \$2.78

SECTION 2: Your default rates for 2014 are as follows and are the same as your 2013 rates.

Note: This is lower because you have chosen to do so previously.

Residential: \$0.75 Non-Residential: \$1.67 Point-to-Point: \$2.55

To increase your default rates up to your 2014 maximum rates, notify the PUC by completing the section below. You can mail or fax this page to the PUC. To accept rates in Section 2, no action is required.

I _____, Title _____, am an authorized representative for the City/Town/Village of _____. The City declines to accept the default rates indicated in Section 2 above. Instead, we choose the following rates:
Residential _____; Non-Residential _____; Point-to-Point _____.

Date: _____

Signature: _____

Other Comments:

HOW TO RESPOND

Mail: Stephen Mendoza
Public Utility Commission
P.O. Box 13326
Austin, TX 78711-3326

INQUIRIES

Inquiries only. NOT for sending your response.
HB1777@puc.texas.gov
Phone No: 512-936-7394

OR FAX TO Stephen Mendoza at: 512-936-7428

CITY CONTACT INFORMATION

Please notify us if the contact information we have on file for your city has changed. Thank you.

Phone No. 1 (936) 336-3684

Phone No. 2 (936) 336-7361

Fax No: (936) 336-9846

Email: rwood@cityofliberty.org

ADDRESS

RONALD R WOOD CITY MANAGER
or current city official responsible for right-of-way issues
CITY OF LIBERTY
1829 SAM HOUSTON
LIBERTY TX 77575



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.5

Meeting: 04/08/14 06:00 PM

Department: Administration
Category: Utilities

ORDINANCE (ID # 2976)

DOC ID: 2976 A

A ORDINANCE OF THE CITY COUNCIL OF _____, TEXAS, AUTHORIZING PARTICIPATION WITH OTHER ENTERGY SERVICE AREA CITIES IN MATTERS CONCERNING ENTERGY TEXAS, INC. AT THE PUBLIC UTILITY COMMISSION OF TEXAS AND THE FEDERAL ENERGY REGULATORY COMMISSION IN 2014; 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.

WHEREAS, Entergy Texas, Inc.'s ("ETI") implementation of customer choice has ceased due to Senate Bill 1492 and ETI will continue to be regulated;

WHEREAS, changes to the Public Utility Regulatory Act addressing rates and rate proceedings will have a direct impact on ETI and customer bills during the year and into the future;

WHEREAS, ETI is scheduled to litigate requests in various proceedings before the Public Utility Commission, before municipalities, or before the Federal Energy Regulatory Commission in 2013 related to ETI's proposal to integrate with the Midwest Independent System Operator ("MISO"), ETI's commitment to exit the Entergy System Agreement on an expedited basis, various fuel cost refunds or surcharges and reconciliations, capacity cost surcharges and reconciliations; and for any type of incremental base rate adjustment proceedings (such as a transmission cost recovery rider, a distribution cost recovery rider, energy efficiency cost recovery factor, hurricane restoration cost or offset true-ups, or a purchased power capacity cost recover rider) or cost allocation adjustments;

WHEREAS, ETI is scheduled to file fuel factor proceedings at the Public Utility Commission in February and August 2014, and file other fuel proceedings during 2014 to reconcile fuel, to refund or surcharge fuel charges, and to change the fuel mechanism, along with various surcharge requests impacting rates;

WHEREAS, ETI is scheduled to file a proceeding to recover costs incurred in association with its Energy Efficiency Plan as well as reconcile past costs;

WHEREAS, Cities have the statutory right to set fair and reasonable rates for both the Company and customers within Cities;

WHEREAS, Cities have original jurisdiction over rates, operations, and services of an electric utility in areas in the municipality pursuant to *Tex. Util. Code* § 33.001;

WHEREAS, Cities have standing in each case before the Public Utility Commission of Texas that relates to an electric utility providing service in the municipality pursuant to *TEX.*

UTIL. Code § 33.025, and standing before each Federal Energy Regulatory Commission case in which the City may be affected pursuant to *18 C.F.R. § 385.214*;

WHEREAS, Cities are entitled to reimbursement by the utility of their reasonable rate case expenses to participate in cases that are deemed rate proceedings pursuant to *Tex. Util. Code* § 33.023.

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

SECTION 1. The City of _____ shall participate with other Cities to intervene in ETI's various rate filings related to the various fuel cost surcharges and reconciliations, capacity cost surcharges and reconciliations, the allocation and refund of rough production cost equalization payments, any interim or incremental surcharge proceedings or surcharge adjustments, and for any base rate adjustment proceedings or cost of service adjustments on file with the Public Utility Commission or with municipalities in 2014 and seek appropriate regulatory scrutiny in any case on file at the Federal Energy Regulatory Commission affecting the City and its residents.

The City of _____ shall participate with other Cities to intervene in fuel or fuel related proceedings at the Public Utility Commission and the Federal Energy Regulatory Commission on file in 2014 concerning ETI's rates charged to Texas customers.

All such actions shall be taken pursuant to the direction of the Cities' Steering Committee. Cities' Steering Committee shall have authority to retain rate consultants and lawyers. Cities' Steering Committee shall direct the actions of Cities' representatives in the above proceedings. The Steering Committee is directed to obtain reimbursement from ETI of all reasonable expenses associated with participation in said proceedings.

SECTION 2. This Ordinance shall be effective from and after the date of its passage.

SECTION 3. That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty that all ordinances be read on two separate days is hereby dispensed with.

PASSED by _____ vote of the City Council of the City of _____, Texas, this ____ day of _____ 2014.

THE CITY OF _____, TEXAS

By: _____

ATTEST:

City Secretary

Ordinance (ID # 2976)
Page 3
APPROVED AS TO FORM:

City Council Meeting

April 8, 2014

City Attorney



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.6

Meeting: 04/08/14 06:00 PM

Department: Administration
Category: Bonds

RESOLUTION (ID # 2977)

DOC ID: 2977 A

**A RESOLUTION OPPOSING A
REDUCTION OR ELIMINATION OF THE
TAX EXEMPTION ON MUNICIPAL BOND INTEREST**

WHEREAS, Congress is considering many options available to reduce the federal deficit;
and

WHEREAS, one option Congress is evaluating would reduce or eliminate the exemption on
municipal bond interest; and

WHEREAS, the federal tax exemption on municipal bond interest has been in place since
the first federal income tax was enacted in 1913, and as a result, state and local governments save,
on average, two percentage points on their borrowing to finance investment in public infrastructure;
and

WHEREAS, this exemption has generated trillions of dollars of investment in public
infrastructure and has saved taxpayers hundreds of billions in interest costs; and

WHEREAS, investors in municipal bonds are generally exempt from paying federal income
tax on the bond interest payments so even a partial income tax on otherwise tax-exempt interest
would cause investors to demand higher returns on their municipal bond investments to make up for
the tax they would have to pay; and

WHEREAS, one proposal being discussed would apply to interest on bonds already issued
by governments and purchased by investors; and

WHEREAS, this would represent a violation of the basic assumption of investors that Congress will not change the terms governing the taxability of interest for bonds already outstanding; and

WHEREAS, the outcome of reducing or eliminating the tax exemption on municipal bond interest would be higher borrowing costs for state and local governments, less investment in infrastructure and fewer jobs; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Liberty on this 8th day of April, 2014, adopts this Resolution strongly opposing any efforts by Congress or the Administration to reduce or eliminate the tax exemption on municipal bond interest.

PASSED AND APPROVED this 8th day of April, 2014.

CITY OF LIBERTY, TEXAS

Carl Pickett
Mayor

ATTEST:

Dianne Tidwell
City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.7

Meeting: 04/08/14 06:00 PM

Department: Administration
Category: Misc.

COUNCIL ACTION (ID # 2978)

DOC ID: 2978



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.8

Meeting: 04/08/14 06:00 PM

Department: Administration
Category: Financial Issues

COUNCIL ACTION (ID # 2979)

DOC ID: 2979



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.9

Meeting: 04/08/14 06:00 PM

Department: Administration
Category: Contracts

COUNCIL ACTION (ID # 2980)

DOC ID: 2980

- i) Advise the City concerning Program requirements and regulations.
- j) Assist in other measures and matters incidental to and necessary in carrying out the City's Program.

It is specifically agreed and understood that the Manager will not provide either personally or by contract any professional or technical services requiring a license by the State of Texas in any phase or aspect of the foregoing rather, Manager will advise City of the need of such services in furtherance of the planned objectives of the City's Programs.

II.

Manager hereby agrees that in the implementation of this agreement, he will comply with the provisions of Attachment 1--Terms and Conditions, which document is attached hereto and incorporated herein for all purposes, as if set out herein verbatim.

III.

The City is awarding this contract in accordance with the State of Texas Government Code 2254, Professional and Consulting Services.

IV.

It is agreed by the parties hereto that Manager will, in the discharge of services herein, be considered as an Independent Contractor as that term is used and understood under the laws of the State of Texas and further for the purposes of governing Manager's fees under the Procurement Standards of Attachment O of OMB Circular No. A-102 and Title 24 CFR Part 570.200 (g) Manager Activities.

V.

For and in consideration of the foregoing, City agrees to pay Manager a fee, payable upon receipt of invoice from Manager, that will not exceed the amount given for the corresponding service in accordance with the following schedule:

DWSRF Fee Schedule Planning and Design

Administrative Requirements.....	\$11,000.00
Environmental Review.....	39,000.00
Coordinate Service Provider Activities.....	11,000.00
Real Property Acquisition.....	3,000.00
Labor Standards.....	0.00
Financial Management.....	15,000.00
TWDB Liaison.....	10,000.00
Reporting and Correspondence.....	5,000.00
Total.....	\$94,000.00

DWSRF Fee Schedule Mainstream Funding

Administrative Requirements.....	\$11,000.00
Environmental Review.....	0.00
Coordinate Service Provider Activities.....	11,000.00
Real Property Acquisition.....	.00
Labor Standards.....	15,000.00
Financial Management.....	15,000.00
TWDB Liaison.....	10,000.00
Reporting and Correspondence.....	\$5,000.00
Total.....	\$67,000.00

CWSRF Fee Schedule Planning and Design

Administrative Requirements.....	\$4,000.00
Environmental Review.....	7,500.00
Coordinate Service Provider Activities.....	4,000.00
Real Property Acquisition.....	0.00
Labor Standards.....	0.00
Financial Management.....	6,000.00
TWDB Liaison.....	2,000.00
Reporting and Correspondence.....	1,000.00
Total.....	\$24,500.00

CWSRF Fee Schedule Mainstream Funding

Administrative Requirements.....	\$4,000.00
Environmental Review.....	0.00
Coordinate Service Provider Activities.....	4,000.00
Real Property Acquisition.....	.00
Labor Standards.....	6,000.00
Financial Management.....	6,000.00
TWDB Liaison.....	2,000.00
Reporting and Correspondence.....	1,000.00
Total.....	\$17,000.00

It is also agreed that payments to such Manager shall be subject to adjustment where monitoring reviews or audits by TWDB indicate that personal services were compensated at greater than reasonable rate.

VI.

The Mayor or his/her designated representative will act as the Manager's primary contact regarding all matters in connection with the Program.

VII.

This agreement shall extend and be in full force until the City's 2014 TWDB Programs have been fully closed out by TWDB.

VIII.

If either party shall fail to keep any of the agreements herein by him to be kept, or to make any payments by him to be made, the other party may, by giving the party in default written notice, cancel and terminate this agreement as and from the expiration of five (5) days of receipt of said notice. In the event of termination, City agrees to pay Manager for all services actually performed and expenses incurred as of the date of termination in accordance with the schedule set forth in Paragraph V hereof. It is specifically agreed and understood by the parties hereto that, in the event of breach by Manager, City reserves and preserves unto itself any and all remedies, administrative, legal, or equitable as may accrue to it either under the terms of this agreement or the laws of the State of Texas or of the United States.

IX.

City or TWDB, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Manager which are directly pertinent to this contract, for the purpose of making audit, examination, excerpts, and transcriptions. Manager agrees hereby to maintain all records made in connection with this agreement for a period of three (3) years after City makes final payment and all other pending matters are closed.

X.

If, by reason of force majeure, either party hereto shall be rendered unable, wholly or in part, to carry out its obligations under this agreement, then if such party shall give notice and full particulars of such force majeure in writing to the other party within a reasonable time after the occurrence of the event or cause relied on, the obligation of the party giving such notice, so far as it is affected by such force majeure, shall be suspended during the continuance of the inability then claimed, but for no longer period, and such party shall endeavor to remove or overcome such inability with all reasonable dispatch.

The term "force majeure" as employed herein shall mean acts of God, acts of public enemy, orders of any of the Government of the United States or of the State of Texas, or any civil or military authority, and any other cause not reasonably within the control of the party claiming such inability.

XI.

This document embodies the entire agreement of the parties hereto and no amendment, addition, or deletion will be valid except same be in writing and executed by the parties.

XII.

If a portion of this contract is or be declared illegal, the validity of the remainder and balance of the contract shall not be affected thereby.

PUBLIC MANAGEMENT, INC.
P. O. Box 1827
Cleveland, Texas 77328
281 592-0439

J. ANDREW RICE
President

CITY OF LIBERTY

CARL PICKETT
Mayor

ATTEST:

DIANE TIDWELL
City Secretary

Attachment: TWDB Programs-Rice 2014 (2980 : Contract-TWDB Loan Programs)

ATTACHMENT 1

TERMS AND CONDITIONS

I.

Equal Employment Opportunity

During the performance of this Contract, the Manager agrees as follows:

- a) The Manager will not discriminate against any employee or applicant for employment because of race, creed sex, color or national origin. The Manager will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, sex color or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Manager agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the County setting forth provisions of this non-discrimination clause.
- b) The Manager will, in all solicitation or advertisements for employees placed by or on behalf of the Manager, state that qualified applicants will receive consideration for employment without regard to race, creed, color, sex, or national origin.
- c) The Manager will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Contract so that such provisions will be binding upon each subcontractor, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.
- d) The Manager will include the provisions a. through c. in every subcontract or purchase order unless exempted.

II.

Civil Rights Act of 1964

Under Title VI of the Civil Rights Act of 1964, no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

III.

Section 109 of the Housing and Community Development of 1974

No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

IV.

"Section 3" Compliance in the Provision of Training, Employment and Business Opportunities

- a) The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
- b) The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 C.F.R. 235, and all applicable rules and orders of the Department issued thereunder prior to the execution of this Contract. The parties to this Contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c) The Manager will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- d) The Manager will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 C.F.R. Part 135. The Manager will not subcontract with any subcontractor where he has notice or knowledge that the latter has been found in violation of regulations under 24 C.F.R. Part 135 and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

e) Compliance with the provisions of Section 3, the regulations set forth in 24 C.F.R. Part 135, and all applicable rules and orders of the Department issued hereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, his contractors and subcontractors, his successors and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 C.F.R. Part 135.

V.

Section 503 Handicapped Affirmative Action for Handicapped Workers

- a) The Manager will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The Manager agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: Employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination rates of pay or other forms of compensation, and selection for training, including apprenticeship.
- b) The Manager agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.
- c) In the event of the Manager's non-compliance with requirements of this clause, actions for non-compliance may be taken in accordance with rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.
- d) The Manager agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, provided by or through the contracting officer. Such notices shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.
- e) The Manager will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of Section 503 of Rehabilitation Act of 1973, and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.

f) The Manager will include the provisions of this clause in every subcontract or purchase order of \$2,500 or more unless exempted by rules, regulations, or orders of the Secretary issued pursuant to Section 503 of the Act, so that such provisions will be binding upon each subcontractor with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for non-compliance.

VI.

Interest of Members of City

No member of the governing body of the City and no other officer, employee, or agent of the City who exercises any functions or responsibilities in connection with the planning and carrying out of program, shall have any personal financial interest, direct or indirect, in this Contract and the Manager shall take appropriate steps to assure compliance.

VII.

Interest of Other Local Public Officials

No member of the governing body of the locality and no other public official of such locality, who exercises any functions or responsibilities in connections with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this Contract; and the Manager shall take appropriate steps to assure compliance.

VIII.

Interest of Manager and Employees

The Manager covenants that he presently has no interest and shall not acquire interest, direct or indirect, in the study area or any parcels therein or any other interest which would conflict in any manner or degree with the performance of his services hereunder. The Manager further covenants, that in the performance of this contract, no person having any such interest shall be employed by the Manager.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.10

Meeting: 04/08/14 06:00 PM

Department: Administration
Category: Public Hearing

PUBLIC HEARING (ID # 2981)

DOC ID: 2981



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.11

Meeting: 04/08/14 06:00 PM

Department: Administration
Category: Tax Issues

ORDINANCE (ID # 2982)

DOC ID: 2982 A

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, DESIGNATING A CERTAIN AREA AS A COMMERCIAL/INDUSTRIAL REINVESTMENT ZONE, CITY OF LIBERTY, TEXAS, PROVIDING FOR THE ESTABLISHMENT OF AGREEMENTS WITHIN THE ZONE, AND OTHER MATTERS RELATING THERETO; PROVIDING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE FOR THE COMMENCEMENT OF THE REINVESTMENT ZONE AND THIS ORDINANCE; PROVIDING AN OPEN MEETINGS CLAUSE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

WHEREAS, the City Council of the City of Liberty, Texas, (the "City"), desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a Reinvestment Zone, as codified in Chapter 312 of the Texas Tax Code (the "Act"); and

WHEREAS, a hearing before the City Council was set for _____ p.m. on the _____ day of _____ 2014, such date being at least seven (7) days after the date of publication of the notice of such public hearing in a newspaper of general circulation in the City of Liberty; and

WHEREAS, the City has called a public hearing and published notice of such public hearing, and has properly notified the proper officials of Liberty County, Liberty Independent School District, and other taxing authorities with jurisdiction in the reinvestment zone as required by the Act; and

WHEREAS, upon such hearing being convened there was presented proper proof and evidence that notices of such hearing had been published and mailed as described above; and

WHEREAS, the City at such hearing invited any interested person, or his attorney, to appear and contend for or against the creation of the Reinvestment Zone. The boundaries of the proposed Reinvestment Zone, whether all or part of the territory, which is described by a metes and bounds description attached hereto as Exhibit A and depicted in the drawing attached hereto as Exhibit B, should be included in such proposed Reinvestment Zone; and

WHEREAS, all owners of property located within the proposed Reinvestment Zone and all other taxing units and other interested persons were given the opportunity at such public hearing to protest the creation of the proposed Reinvestment Zone or the inclusion of their property in such Reinvestment Zone; and

WHEREAS, the proponents of the Reinvestment Zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the Reinvestment zone; and

WHEREAS, after considering all testimony and evidence offered at the public hearing, the City Council finds that improvements in the Reinvestment Zone will enhance significantly the value of all taxable real property in the Zone, that it will be of general benefit to the City of Liberty and that it will be in the public interest to pass this Ordinance creating a Reinvestment zone;

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

SECTION 1: That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

SECTION 2: The City, after conducting such hearing and having heard such evidence and testimony, has made the following findings and determinations based on the evidence and testimony presented to it:

- (a) That the public hearing on adoption of the Reinvestment Zone has been properly called, held and conducted and that notice of such hearing has been published as required by law.
- (b) That the City has jurisdiction to hold and conduct this public hearing on the creation of the proposed Reinvestment Zone pursuant to the Act; and
- (c) That creation of the proposed Zone with boundaries as described herein will result in benefits to the City, its residents and property owners and to the property, residents and property owners in the Reinvestment Zone.
- (d) That the Reinvestment Zone, as defined herein in Exhibits A and B, meets the criteria for the creation of a Reinvestment Zone as set forth in Chapter 312.202 of the Act in that:
 - (1) It is a contiguous geographic area located wholly within the corporate limits of the City.
 - (2) The area will reasonably be likely, as a result of the designation, to contribute to the retention or expansion of primary employment, or to attract major investment in the Zone that would be a benefit to the property and that would contribute to the economic development of the City.
 - (3) No part of the property in the Reinvestment Zone is owned or leased by a member of the governing body of the City or town or by a member of zoning or planning board or commission of the City.

- (4) Improvements in the Reinvestment Zone will enhance significantly the value of all taxable property in the Reinvestment Zone.

SECTION 3: That the City hereby creates a Reinvestment Zone over the area described by the description attached hereto and depicted in a drawing attached hereto and such Reinvestment Zone shall hereafter be identified as the Commercial/Industrial Reinvestment Zone, Number _____, _____, City of Liberty, Texas, (the "Zone").

SECTION 4: That operation of the Zone shall commence on _____, 2014, for a period of five years, may be renewed for an additional five years or may terminate sooner by subsequent ordinance.

SECTION 5: That a written agreement as provided in the Act, with the owners of the property located within the Reinvestment Zone is hereby authorized according to the schedule and terms outlined in Exhibit C, and the written agreement shall provide an exemption from taxation the increased value of the real and/or personal property according to that schedule.

SECTION 6: That if any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

SECTION 7: That it is hereby officially found, determined, and declared that a sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter hereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

SECTION 8: That the contents of the notice of public hearing, which hearing was held before the City Council on _____, and the publication of said notices, are hereby ratified, approved and confirmed.

SECTION 9: 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 days is hereby dispensed with.

SECTION 10: This Ordinance shall be in full force and effect from and after the date of its passage.

PASSED, APPROVED AND ADOPTED on the _____ day of _____,
20____.

CITY OF LIBERTY

Carl Pickett
Mayor

ATTEST:

Dianne Tidwell
City Secretary