



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, June 10, 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	Present	
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Randy Gunter	City Attorney	Present	

II. INVOCATION

The Invocation was given by Mr. Kevin Ladd, Director, Wallisville Heritage Park.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Liberty High School Senior Evelyn Brady.

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 on the following:

- The Hunger Busters Program is preparing to serve meals to those less fortunate children that may not otherwise have anything to eat during the summer months. Mayor Pickett thanked the program volunteers,
- Thank you to the organizers and participants of the recent D-Day Parade, commemorating the 70th Anniversary of D-Day,
- The Liberty County Appraisal District has filed with the City its 2015 Budget and Appraisal Plan,
- The annual Independence Day Celebration will take place on Thursday, July 3rd at the

Liberty Municipal Park,

- A copy of the minutes from the March 27th and April 22nd Sam Rayburn Municipal Power Agency meetings has been provided,
- Applauded Carol Skewes, Editor of The Vindicator, on an article regarding TOMEI Engineering regarding relocating their headquarters from Chicago to Liberty, and
- Scheduled dates for the upcoming Budget Work Sessions will need to be rescheduled.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 3019)

Liberty Fire Department - Life Saver Awards

COMMENTS - Current Meeting:

Fire Chief Fred Collins recognized, and presented awards to, a member of the public and members of the Fire/EMS Department whose efforts saved the life of local citizen, Mr. Michael Todd. The EMS Department responded to a call of cardiac arrest and if it were not for Mr. Todd's niece who performed CPR and the skill of the EMS personnel, Mr. Todd would not be here today.

B. Information Item (ID # 3020)

Proclamation - Liberty High School Literary Criticism Team

COMMENTS - Current Meeting:

Mayor Pickett read a Proclamation, in its entirety, proclaiming Wednesday, June 11th as "Liberty High School Literary Criticism Team Day". The 2014 Lit-Crit Team won the State title in Literary Criticism, while achieving the highest score of all 1A, 2A, 3A, and 4A schools. The Proclamation was presented to the Team and its Coach, Randy Gunter.

ATTACHMENTS:

- LHS Literary Criticism Team 2014 (DOC)

C. Information Item (ID # 3021)

Project Updates - City Mgr. Gary Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the status of the following projects:

- contractor is clearing brush and trees from the right-of-way for the Street Project,
- construction of the Police Department facility is progressing well. Brick work is complete, transformer installed and power on, painting, and cabling being installed,
- fence has been replaced at the Wastewater Treatment Plant and clarifiers being worked on,
- working on options for various water issues, including water reuse with Boomerang Tube, LLC,
- lines of communication have been opened with Union Pacific regarding the railroad spur,
- budget meetings with Staff this week and a draft budget to be complete by July 3rd, and
- Ridgewood Waterline Project is complete.

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, Beasley, Jordan, Potetz, Simonson, Arnold
ABSENT:	Diane Huddleston

A. Minutes Approval

1. Tuesday, April 22, 2014
2. Tuesday, May 13, 2014
3. Tuesday, May 27, 2014

VII. REGULAR AGENDA

A. Regular Session

1. Council Action 2014-28

Consider ratifying the Liberty Community Development Corporation's action to purchase a Tanker Truck for the Liberty Fire Department, with a loan from the Gulf Coast Economic Development District.

COMMENTS - Current Meeting:

Councilperson Jordan, as a member of the Gulf Coast Economic Development District, discussed the proposed project for purchase of a tanker truck for the Liberty Fire Department. Councilperson Jordan reviewed the GCEDD loan which was granted to the Corporation on March 24, 2014, in the amount of \$498,982. The loan is for twenty years with 4% simple interest.

Councilperson Jordan reported that the Fire Department currently does not have a tanker truck, which is a critical piece of equipment which would provide an additional on-site water supply to fight fires.

A motion was made to approve the loan from the Gulf Coast Economic Development District to the Liberty Community Development Corporation for the purchase of a tanker truck.

ATTACHMENTS:

- Tanker Truck-Agenda Item Form (DOCX)

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

2. Council Action 2014-30

Consider a request from First Baptist Church to close a portion of Webster Street, between Main and Fannin, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that Steve Bean, Pastor of the First Baptist Church has asked about acquiring ownership of the block of Webster Street between Main and Fannin Street. The Church owns the property on both sides of the street in question. Discussion was held regarding the closing of this street, using gates to close the street without selling the street, setting a precedent, and other related issues.

No action was taken.

ATTACHMENTS:

- First Baptist Church Ltr (PDF)

RESULT:	NO ACTION TAKEN
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3. Council Action 2014-31

Presentation by Don Prather regarding support for grant funding for the Liberty Church of Christ Food Bank, and take any action deemed necessary.

COMMENTS - Current Meeting:

Don Prather, Liberty Church of Christ Pastor spoke to Council regarding a letter of support in connection with a USDA Rural Development Grant Application for funding for a new Church Food Bank facility. The food bank has been in operation for fourteen years and is in desperate need of assistance. After brief discussion of its services and the number of those assisted by this program, a motion was made to authorize the City Manager to prepare a document in support of the grant, as requested.

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

4. Council Action 2014-32

Consider selection of a Financial Advisor for a potential Texas Water Development Board Project.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that in regard to compiling various options for water supply and usage, along with Texas Water Development Board requirements, proposals were let for Financial Advisor for one potential project. One response was received from RBC Capital

Markets, Robert Henderson, Broker-Dealer-Agent. Mr. Broz requested approval of Mr. Bob Henderson as the Financial Advisor and authorization to negotiate fees.

A motion was made to approve Bob Henderson as Financial Advisor for the proposed project and authorization to negotiate related fees.

ATTACHMENTS:

- Financial Advisor Recc-TWDB Proj (PDF)

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

5. Council Action 2014-33

Consider selection of a Bond Counsel for a potential Texas Water Development Board Project.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that in regard to compiling various options for water supply and usage, along with Texas Water Development Board requirements, proposals were let for Bond Counsel for one potential project. Two responses were received from Mahomes Bolden PC and McCall, Parkhurst and Horton, Tom Spurgeon, Attorney. Both firms were scored, by management, based on various criteria. Mr. Broz requested approval of Mr. Tom Spurgeon as Bond Counsel and authorization to negotiate a fee schedule.

A motion was made to approve Tom Spurgeon as Bond Counsel for the proposed project and authorization to negotiate a related fee schedule.

ATTACHMENTS:

- Bond Counsel Recc-TWDB Proj (PDF)

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

6. Council Action 2014-34

Consider the purchase of a city-wide telephone system, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the proposed purchase of a software based phone system for City Hall, the new Police Department facility, the Animal Shelter and Fire Station. Mr. Broz reported that the purchase of the phone system falls into the scope of funding with the 2010 Certificates of Obligation. Mr. Broz proposed the purchase and networking of the phone system in four steps. The proposed plan is as follows:

Step 1 - purchase 56 phones and software for the four mentioned facilities (non-networked at this time),

Step 2 - purchase a server for City Hall, which will be centrally placed for a city-wide network

Step 3 - Obtain Fiber Backbone - investigate partnership with various vendors (AT&T, Comcast, etc.)

Step 4 - Connect all facilities together, including the Library and Public Works facility.

Quotes and phones systems from six vendors were reviewed, along with warranties and references. Mr. Broz recommended the NEC phone system (Step 1) from Triangle Computer and Telephone, for a cost of \$28,996.

A motion was made to approve the purchase of a telephone system for the City Hall, Police Dept., Animal Control and Fire Dept. From Triangle Computer and Telephone, in the amount of \$28,996.

ATTACHMENTS:

- City-Wide Telephone-Agenda Item Form(DOCX)

RESULT:	APPROVED [5 TO 1]
MOVER:	David Arnold, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Beasley, Jordan, Simonson, Arnold
NAYS:	Louie Potetz
ABSENT:	Diane Huddleston

7. Council Action 2014-35

Consider approval of a bid received for Tax Resale Property described as Liberty Inner Blocks, Block 72, Lot PT 2 TR 3 5.

COMMENTS - Current Meeting:

City Attorney Randy Gunter reviewed information regarding an offer on a tax sale property described as Liberty Inner Blocks, Block 72, Lot PT 2 TR 3 5, Liberty Tax Roll Account #005900-000351-000.

Mr. Gunter reviewed the offer from Ms. Anastasia Rubin in the amount of \$24,233.85, reporting on the amount of taxes owed, location (Oklahoma St.), CAD property value, amounts to be distributed to the various taxing entities, and other related information. The amount to be received by the City of Liberty is \$5,760.44. Mr. Gunter stated that Liberty County and the Liberty Independent School District have already approved the sale of this property.

A motion was made to approve the sale of the property as described above.

ATTACHMENTS:

- Liberty Inner Blocks Info (PDF)
- Liberty Inner Blocks Photos (PDF)

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

8. Council Action 2014-36

Consider approval of a bid received for Tax Resale Property described as M.G. White, Tract 117.

COMMENTS - Current Meeting:

City Attorney Randy Gunter reviewed information regarding an offer on a tax sale property described as M G White, Tract 117; Liberty County Tax Roll Account #000117-000221-003.

Mr. Gunter reviewed the offer from Mr. Wesley N. Hinch, in the amount of \$7,410.00, reporting on the amount of taxes owed, location (Hwy. 563 across from Elks Lodge), CAD property value, amounts to be distributed to the various taxing entities, and other related information. The amount to be received by the City of Liberty is \$1,594.36. Mr. Gunter stated that Liberty County and the Liberty Independent School District have already approved the sale of this property.

A motion was made to approve the sale of the property as described above.

ATTACHMENTS:

- MG White Tract 117 Info (PDF)
- MG White Tract 117 Photo (PDF)

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

9. Council Action 2014-37

Consider approval of a bid received for Tax Resale Property described as Davidge, Block A-1, Lot 12 PT 13.

COMMENTS - Current Meeting:

City Attorney Randy Gunter reviewed information regarding an offer on a tax sale property described as Davidge, Block A-1, Lot 12 PT 13, Liberty County Tax Roll Account #003640-000010-000.

Mr. Gunter reviewed the offer from Mr. M.C. Malone, In the amount of \$3,500.00, reporting on the amount of taxes owed, location (Beaumont Ave.), CAD property value, amounts to be distributed to the various taxing entities, and other related information. The amount to be received by the City of Liberty is \$691.69. Mr. Gunter stated that Liberty County and the Liberty Independent School District have already approved the sale of this property.

A motion was made to approve the sale of the property as described above.

ATTACHMENTS:

- Davidge, Block A-1 Info (PDF)
- Davidge, Block A-1 Photo (PDF)

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

10. Council Action 2014-38

Consider approval of Change Order No. 4 regarding additions of electrical/data outlets, conduit and wiring for the Dispatch Center, in the new Police Department facility.

COMMENTS - Current Meeting:

Tom Warner, Public Works Director, addressed Council regarding Change Order No. 4 for the new Police Department facility. Mr. Warner explained that there are two permanent dispatch stations, and a third station initially set up for an administrative assistant. This third station can be turned into another dispatch position as need dictates. During the design stage it was discovered that the 911 equipment must be on its own dedicated circuit. Mr. Warner stated that the change order is for the additional equipment of data outlets, conduit and wiring for the Dispatch Center, and also reviewed the number of various type outlets required.

A motion was made to approve Change Order No. 4 in the amount of \$2,977.00.

City Attorney Randy Gunter departs the meeting at 7:05 p.m.

ATTACHMENTS:

- PD Change Order Agenda Item Form (DOCX)
- PD Drawing (PDF)

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

11. Council Action 2014-39

Consider approval of final payment to Eastex Utility Construction, in the amount of \$48,700, for completion of the Ridgewood Subdivision Waterline Project.

COMMENTS - Current Meeting:

Mr. Tom Warner, Public Works Director, reported the Ridgewood Subdivision Waterline Project is now complete. The contractor has submitted the final payment request of \$48,700, based on installed quantities. Original contract price was \$151,700, however, Change Order No. 2 increased the contract amount by \$10,500, previously approved by Council on May 13, 2014. The final invoice is due to the installation of six additional taps, as multiple residences were on a single tap.

A motion was made to approve final payment of \$48,700 to Eastex Utility Construction for the Ridgewood Subdivision Waterline Project.

ATTACHMENTS:

- Ridgewood Subd Agenda Item Form (DOCX)
- Ridgewood Final Cost (PDF)
- Ridgewood Completion Ltr (PDF)

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

B. Executive Session

Gov. Code §551.074 - Personnel Matters.

1. Discussion of the City Manager's Annual Evaluation.

At 7:14 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:32 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2014-29

Consider and take action, if any, on the City Manager's Annual Evaluation, as discussed in the Executive Session.

RESULT: NO ACTION TAKEN

VIII. ADJOURNMENT**A. Motion To:** Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:33 p.m.

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

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary