



The City of Liberty
City Council
Special Called Meeting
~ Agenda ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, September 2, 2008

7:00 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

7:00 PM Meeting called to order on September 2, 2008 at City Council Chambers, 1829 Sam Houston, Liberty, TX.

Attendee Name	Present	Absent	Late	Arrival
Mayor Carl Pickett	..	..	..	
Councilperson Dennis Beasley	..	..	..	
Councilperson Diane Huddleston	..	..	..	
Mayor Pro-Tem Mike McCarty	..	..	..	
Councilperson Al Simonson	..	..	..	
Councilperson Louie Potetz	..	..	..	
Councilperson Frank Jordan	..	..	..	

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

V. Presentations/Reports

1. Information Item 2008-43

Texas Water Development Board Project Update

VI. REGULAR AGENDA

A. Regular Session

1. Council Action 2008-46

Consider Approval of an Agreement Between the Texas Commission on Environmental Quality and the City of Liberty Regarding the Sanitary Sewer Overflow Initiative to Rehabilitate the Wastewater Collection System.

- Attachment #1 - TCEQ Agreement SSOI(PDF)
- Attachment #2 - TCEQ Ltr Agreement SSOI (PDF)

2. Resolution 2008-20

Consider Approval of a Resolution Authorizing Submission of a Texas Community Development Block Grant Program Application and Authorizing the Mayor to Act as the City's Representative in All Matters Pertaining to the City's Participation in the Community Development Program.

FISCAL IMPACT:

The matching portion is to come from the TWDB Bond Proceeds.

- Attachment #3 - Schaumburg & Polk Ltr Lift Station Project (PDF)

3. Work Session 2008-5

Budget Work Session.

4. Information Item 2008-44

Public Hearing on the Proposed Tax Rate for Fiscal Year 2008-2009.

VII. COUNCIL MEAL

VIII. ADJOURNMENT

Motion To: Adjourn

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 29th day of August, 2008 at 1:00 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 given to The Vindicator, Liberty Gazette, and KSHN Radio.

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 _____, 2008.

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/02/08 07:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM 2008-43

DOC ID: 1172

Texas Water Development Board Project Update

EXPLANATION:

Mr. Steve Jordan, Project Manager, Schaumburg & Polk will be present to update the Council on the status of the \$8.1 Million Dollar Water Development Board Project.

Dianne Tidwell

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**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/02/08 07:00 PM

Department: Administration
Category: Agreements

COUNCIL ACTION 2008-46

DOC ID: 1170

**Consider Approval of an Agreement Between the Texas
Commission on Environmental Quality and the City of Liberty
Regarding the Sanitary Sewer Overflow Initiative to
Rehabilitate the Wastewater Collection System.**

EXPLANATION:

This agreement lists the deficiencies addressed by the Sanitary Sewer Overflow Initiative and the necessary actions, to be taken by the City of Liberty, to resolve these deficiencies.

At this time, changes are being made to items 1, 3, and 6 under "Provisions". Mr. Steve Jordan, Project Manager, Schaumburg & Polk, Inc., will be present to review the agreement and answer any questions.

Dianne Tidwell

Texas Commission on Environmental Quality

AGREEMENT

CITY OF LIBERTY
RN102078128
Enforcement Case No. 35607
Liberty County, Texas

The Texas Commission on Environmental Quality ("Commission" or "TCEQ") is the state agency charged with enforcing TEX. WATER CODE ch. 26 (the "Code") and the regulations promulgated pursuant to the Code.

The City of Liberty ("the City") owns and operates a wastewater collection system located in Liberty County, Texas (the "System").

The City has reported 31 unauthorized discharges totaling more than 100,000 gallons during the period between July 2005 and January 2008. The majority of these discharges were due to infiltration and inflow ("I/I"). The City will be required to rehabilitate the System to insure a reduction of risk to the public health and the environment and to comply with Commission requirements.

PROVISIONS

In response to these deficiencies and in an effort to eliminate the potential threat to public health, the City and the Commission have entered into an Agreement. This Agreement formalizes the commitments made by the City in its letter to the TCEQ dated December 4, 2007 (amended on April 24, 2008 and on May 19, 2008) (see Attachment A). The provisions of this Agreement are as follows:

1. Within 90 days after the effective date of this Agreement and on an annual basis thereafter, the City shall smoke test 20% of the System.
2. By January 31, 2009, the City shall complete a sanitary sewer evaluation survey ("SSES") of the System to identify locations where defects exist and potential blockage are most likely to occur.
3. By January 31, 2009, the City shall complete Phase I of the wastewater treatment facility improvements, as identified in Appendix 2 of Attachment A.
4. By December 31, 2009, the City shall clean 30,000 linear feet of the System.
5. By January 31, 2010, the City shall implement the Operation and Maintenance ("O&M") Program. The City shall provide a copy of the O&M Program, in accordance with Provision No. 8 below.
6. By January 31, 2010, the City shall complete Phase I of the collection system improvements, as identified in the SSES.
7. The City shall evaluate the effectiveness of its corrective actions by monitoring sanitary sewer overflow ("SSO") records, wastewater treatment facility flow records, lift station pump run-time records, and customer complaints via the O&M Program.

City of Liberty
Agreement
Page 2

8. Within 90 days of the effective date of this Agreement, and on an annual basis thereafter, the City shall submit a progress report to the Commission. These reports shall include information regarding actions taken by the City towards completion of the Provisions in this Agreement.
9. By December 31, 2010, the City shall submit a written Final Report that contains the following:
 - a. A summary of all corrective actions that have been completed in accordance with the Provisions in this Agreement;
 - b. A summary of all Provisions in this Agreement that were not completed, including reasons why specific corrective actions were delayed; and
 - c. A description of the overall improvement the corrective actions had on the System.
10. By July 31, 2011, the City shall submit an SSO Initiative plan including a list of the recommended corrective actions to the System and an implementation schedule for the corrective actions based on the evaluation of the results of the completed SSES and all improvements made to the system prior to the submission of this plan. The City shall submit the plan to the Regional Office for review, modification, and approval, in accordance with Provision No. 12 below. Upon the Regional Office's approval, the plan shall be incorporated by the TCEQ into an Agreement that will formalize the commitments made by the City through the year 2018.
11. The Executive Director may grant an extension to any provisions of this Agreement upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the TCEQ. Extensions are not effective until the City receives written approval from the TCEQ. The determination of what constitutes good cause rests solely with the TCEQ.
12. The City shall submit copies of all correspondence, reports, and documentation required by Provision Nos. 1 through 11 to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Manager, Water Section
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

City of Liberty
Agreement
Page 3

In return for the City's agreement and adherence to these terms, the Commission will withhold further enforcement actions related to the noted deficiencies. Should unforeseen circumstances indicate a need to alter the above mentioned schedule, the City must immediately notify the Commission so that an amendment can be discussed.

The effective date of this Agreement is the signature date of the City's authorized representative. Acceptance of the terms of this Agreement is indicated by the signature below.

Authorized representative of
the City of Liberty

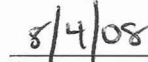
Date

Printed name of authorized representative
for the City of Liberty

Title



Susan Johnson, Manager
Water Enforcement Section, Enforcement Division



Date

Instructions: Send this signed, original Agreement to Stephen Thompson, Enforcement Division, MC 169, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087

Buddy Garcia, *Chairman*
 Larry R. Soward, *Commissioner*
 Bryan W. Shaw, Ph.D., *Commissioner*
 Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 6, 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED 91 7108 2133 3935 1961 2127

The Honorable Carl Pickett
 Mayor of Liberty
 1829 Sam Houston Street
 Liberty, Texas 77575

Re: Sanitary Sewer Overflow ("SSO") Initiative
 City of Liberty; Liberty County
 RN102078128; Enforcement Case No. 35607

Dear Mayor Pickett:

On February 13, 2008, a member of our regional staff conducted a record review of the City of Liberty to determine compliance with applicable laws and regulations pertaining to wastewater collection systems. Based on a letter dated December 4, 2007 (amended on April 24, 2008 and May 19, 2008) from Mr. Ron Wood, City Manager, it was recommended that the City of Liberty be placed into the Sanitary Sewer Overflow ("SSO") Initiative Program.

We propose that the Texas Commission on Environmental Quality ("Commission" or "TCEQ") and the City of Liberty enter into the enclosed Agreement. The Agreement lists the deficiencies addressed by this action and any specific technical requirements necessary to resolve the deficiencies. Please review the Agreement, affix your signature and the date, and return it to this office within 30 days after the date of this letter. A copy of the Agreement is provided for your files. Also, enclosed for your convenience is a return envelope.

If you observe any inaccuracies in the document, please contact us immediately so that an amended Agreement can be considered within the 30-day deadline. If you have any questions, please contact Ms. Lynley Doyen of my staff at 512-239-1364.

Sincerely,

Susan Johnson, Manager
 Enforcement Division

SJ/LD

Enclosures: Original Agreement with Attachments, File Copy, Return Envelope

cc: Mr. Steve Smith, Manager, Water Section, Houston Regional Office, TCEQ
 Mr. Ron Wood, City Manager, City of Liberty, 1829 Sam Houston Street, Liberty, Texas 77575
 Steve Jordan, P.E., Project Manager, Schaumburg & Polk, Inc., 8865 College Street, Beaumont, Texas 77707



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/02/08 07:00 PM

Department: Administration
Category: Tx Comm Dev Block Grants

RESOLUTION 2008-20

DOC ID: 1171 A

Consider Approval of a Resolution Authorizing Submission of a Texas Community Development Block Grant Program Application and Authorizing the Mayor to Act as the City's Representative in All Matters Pertaining to the City's Participation in the Community Development Program.

EXPLANATION:

These grant funds, in the amount of \$350,000, will be used for improvements at the Washington Street Lift Station, and will be used in conjunction with the loan from the Texas Water Development Board. Total project cost is approximately \$852,000.

Mr. J. Rice, Public Management, Inc. will be present to report on details of the grant and the proposed project.

Dianne Tidwell

FISCAL IMPACT:

The matching portion is to come from the TWDB Bond Proceeds.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE OFFICE OF RURAL COMMUNITY AFFAIRS FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM.

WHEREAS, the City Council of the City of Liberty desires to develop a viable urban community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low/moderate income; and

WHEREAS, certain conditions exist which represent a threat to the public health and safety; and

WHEREAS, it is necessary and in the best interests of the City of Liberty to apply for funding under the 2009-2010 Texas Community Development Block Grant Program;

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

1. That a Texas Community Development Block Grant Program application for the Community

Development Fund is hereby authorized to be filed on behalf of the City with the Office of Rural Community Affairs.

2. That the City's application be placed in competition for funding under the Community Development Fund.
3. That the application is for \$350,000.00 of grant funds for sewer system improvements.
4. That the City Council directs and designates the Mayor as the City's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the City's participation in the Texas Community Development Block Grant Program.
5. That it further be stated that the City of Liberty is committing \$502,423.00 from its approved Texas Water Development Board loan funds and its utility fund for this project.

Passed and approved this _____ day of August, 2008.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

July 18, 2008

Mr. Ron Wood, City Manager
City of Liberty
1829 Sam Houston Street
Liberty, Texas 77575-4742

Re: 2008/2009 ORCA Community Development Block Grant Project

Dear Mr. Wood:

I was recently contacted by Mr. Jay Rice concerning the eligibility of the City of Liberty to pursue a project under the Community Development Block Grant (CDBG) program. Mr. Rice asked for our assistance in identifying a project for the City to pursue for the grant funding. The grant provides approximately \$350,000. Mr. Rice was aware of the current \$8.1 million project, and indicated the proposed Grant project could be dove-tailed with the loan so that the City's match would be part of the loan.

In selecting a project, we consulted with City Staff and reviewed the field work we have gathered to date for the on-going SSES project. In addition, Schaumburg & Polk, Inc. recently reviewed several of the City's lift stations. As a result, we are proposing a project which would provide improvements at the existing Washington Street Lift Station. This facility currently serves a major portion of the City. The flows are pumped via force main to the wastewater treatment plant from this point. There is a small portion of gravity system which accepts flows from Washington Street and from the lift station overflow. This system flows by gravity to the wastewater plant across a swampy area. The pipe material is in very poor shape and is believed to be a major source of inflow and infiltration.

The proposed project would include an additional wet well with additional pumps to accept the overflows from the existing lift station. The gravity system from the Washington Street area would be re-routed to the new wet well. A new force main would be installed by directional drilling across the swamp to the wastewater plant. With this configuration, the existing problematic gravity line across the swamp could be abandoned, thus eliminating a large source of inflow and infiltration.

The proposed project and the area served are illustrated on the attached drawings.

July 18, 2008
Mr. Ron Wood
Page 2 of 2

Our opinion of probable project cost for these improvements is approximately \$828,000. It is our understanding \$350,000 would be grant funds, with the remainder as part of the Texas Water Development Board Loan.

Upon your review and concurrence, this information will be submitted to Mr. Rice to begin the grant application process.

Please call me if you have any questions or require further information.

Sincerely,
SCHAUMBURG & POLK, INC.



Stephen J. Jordan, P. E.
Project Manager

Attachments

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/02/08 07:00 PM

Department: Administration
Category: Budget

WORK SESSION 2008-5

DOC ID: 1168

Budget Work Session.

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 09/02/08 07:00 PM

Department: Administration
Category: Public Hearings

INFORMATION ITEM 2008-44

DOC ID: 1169

Public Hearing on the Proposed Tax Rate for Fiscal Year 2008-2009.

EXPLANATION:

This is the second of two public hearings required by Property Tax Code Section 26.05(d). This Code requires a taxing unit to hold two public hearings before adopting a tax rate that exceeds the rollback or effective rate. The second public hearing may not be held earlier than the third day after the date of the first hearing. The first public hearing was held on Tuesday, August 26th.

At each of the public hearings, the governing body must announce the date, time and place of the meeting at which it will vote on the tax rate. The meeting to vote on the tax rate must take place no less than three days and no more than 14 days after the second public hearing. This vote will take place on September 9, 2008.

Dianne Tidwell