



# The City of Liberty City Council

## Regular Meeting

~ Agenda ~

1829 Sam Houston  
Liberty, TX 77575  
[www.cityofliberty.org](http://www.cityofliberty.org)

Dianne Tidwell  
City Secretary  
(936) 336-3684

Tuesday, August 11, 2015

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	Arrived
Mayor Carl Pickett	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mayor Pro Tem Diane Huddleston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilperson Dennis Beasley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilperson Frank Jordan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilperson Louie Potetz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilperson Libby Simonson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilperson David Arnold	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

### 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 # 3316)

Project Updates - City Mgr. G. Broz

#### B. Information Item (ID # 3317)

Recycling Report - Councilperson Huddleston

#### C. Information Item (ID # 3318)

Sam Rayburn Municipal Power Agency - Mayor Pickett

**D. Information Item (ID # 3319)**

Houston-Galveston Area Council - Councilperson Jordan

**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, July 14, 2015
2. Wednesday, July 15, 2015
3. Thursday, July 16, 2015

**VII. REGULAR AGENDA****A. Regular Session****1. Council Action (ID # 3320)**

Consider selection of the design for a municipal flag to represent the City of Liberty, and take any action deemed necessary.

**2. Council Action (ID # 3321)**

Consider award of proposal for Electric Distribution System Maintenance for the Ridgewood Subdivision.

- Elec Dist System Main-Bright Star (PDF)

**3. Council Action (ID # 3322)**

Consider extension of the tree trimming contract with Trees, Inc. For Additional Work To Be Performed In The Ridgewood and Tree Top Terrace Subdivisions, and take any action deemed necessary.

**4. Council Action (ID # 3323)**

Consider a request for funds for Bullet Proof Vests for the Liberty Police Department, and take any action deemed necessary.

- PD Letter-Vests (PDF)

**5. Council Action (ID # 3324)**

Consider setting the date, time and location for a Public Hearing on the proposed budget for Fiscal Year 2015-2016.

**6. Council Action (ID # 3325)**

Consider approval of the proposed tax rate for Fiscal Year 2015-2016.

**7. Council Action (ID # 3326)**

Consider setting the date, time and location for public hearings on the proposed tax rate for Fiscal Year 2015-2016.

**8. Council Action (ID # 3329)**

Consider ratifying the Liberty Community Development Corporation's action to approve the Agreement with Lee College to provide funding assistance for the Lee College Education Center-South Liberty County, and take any action deemed necessary.

- LCDC-Lee College Grant Agreement (DOCX)

**9. Council Action (ID # 3330)**

Consider approval of the Dayton Community Development Corporation project with Lee College in the City of Liberty.

- DCDC-Lee College Grant Agreement(3) (DOCX)

**10. Council Action (ID # 3331)**

Consider options on repair or replacement of out-of-service ambulance, and take any action deemed necessary.

**11. Information Item (ID # 3332)**

Discussion of the proposed 2015-2016 Fiscal Year Budget.

**12. Council Action (ID # 3333)**

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

**B. Executive Session**

Government Code §551.074 - Personnel Matters.

1. Interview with candidate for the position of City Attorney and deliberate on the selection of a new City Attorney.

Gov. Code §551.087 - Deliberation Regarding JEconomic Development Negotiation.

2. Discussion of prospective economic development project.

3. Discussion of a 380 Agreement with prospective business.

**C. Reconvene into Regular Session****1. Council Action (ID # 3335)**

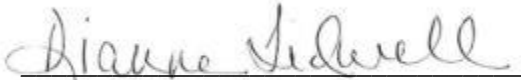
Consider and take action, if any, on the items as discussed in the Executive Session.

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

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*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 6<sup>th</sup> day of*

August, 2015 at 4:00 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 \_\_\_\_\_, 2015.



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

5.A

Meeting: 08/11/15 06:00 PM

Department: Administration  
Category: Reports

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**INFORMATION ITEM (ID # 3316)**

DOC ID: 3316



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

5.B

Meeting: 08/11/15 06:00 PM

Department: Administration  
Category: Reports

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**INFORMATION ITEM (ID # 3317)**

DOC ID: 3317



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

5.C

Meeting: 08/11/15 06:00 PM

Department: Administration  
Category: Reports

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**INFORMATION ITEM (ID # 3318)**

DOC ID: 3318



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

5.D

Meeting: 08/11/15 06:00 PM

Department: Administration  
Category: Reports

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**INFORMATION ITEM (ID # 3319)**

DOC ID: 3319





# The City of Liberty City Council

## Regular Meeting

~ Minutes ~

1829 Sam Houston  
Liberty, TX 77575  
[www.cityofliberty.org](http://www.cityofliberty.org)

Dianne Tidwell  
City Secretary  
(936) 336-3684

Tuesday, July 14, 2015

6:00 PM

City Council Chambers

### I. CALL TO ORDER

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

### II. INVOCATION

The Invocation was not held.

### III. PLEDGE OF ALLEGIANCE

Local journalist Casey Stinnett led the pledge to the American and Texas flags.

### 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. There were no comments from the audience.

Mayor Pickett reported there would be a Special Called Council Meeting on Tuesday, July 28th

Minutes Acceptance: Minutes of Jul 14, 2015 6:00 PM (Minutes Approval)

and expressed appreciation for all those that participated in making the Independence Day Celebration a huge success.

Councilperson Jordan conveyed his appreciation for the recent power outage reports placed on the City's webpage.

## V. PRESENTATIONS / REPORTS

### A. Information Item (ID # 3299)

Project Updates - City Mgr. G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the following:

- Various City projects and the status of each
- Recent electric outages and their cause
- Street Supt. Harvey Joiner and Court Clerk Dorothy Drennan retiring
- Street Project progressing well - completion date is July 31
- Budget Work Sessions to be held July 15<sup>th</sup> and 16<sup>th</sup>, and if necessary July 17<sup>th</sup>
- July Sates Tax revenues continuing to decline.

### B. Information Item (ID # 3300)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported that she will soon be scheduling the next Shred-It event for possibly the month of September.

### C. Information Item (ID # 3301)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported on recent minutes from, and upcoming meetings of, the Sam Rayburn Municipal Power Agency. Mayor Pickett spoke to recent power outages as not acceptable, with some being a result of mother nature and some being substation maintenance performed by the Sam Rayburn Municipal Power Agency.

### D. Information Item (ID # 3302)

Houston-Galveston Area Council - Councilperson Jordan

COMMENTS - Current Meeting:

Councilperson Jordan reported that the Houston-Galveston Area Council, Gulf Coast Economic Development District is urging cities to apply for \$50,000 grants with a 50% match. These grants are offered every two years. As H-GAC covers a 13-County region, Councilperson Jordan conveyed information on neighboring Chambers County economic development

activities that could possibly overflow into Liberty County.

## 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.

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

### A. Minutes Approval

1. Friday, June 05, 2015
2. Tuesday, June 09, 2015
3. Tuesday, June 23, 2015

## VII. REGULAR AGENDA

### A. Regular Session

#### 1. Public Hearing (ID # 3303)

Public Hearing on the 2014 Drinking Water Quality Report.

COMMENTS - Current Meeting:

At 6:31 p.m, Mayor Pickett opened the Public Hearing on the 2014 Drinking Water Quality Report. Tom Warner, Public Works Director, stated that it is required by the Texas Commission on Environmental Quality that this report be sent to each citizen served by the City's water system, prior to July 1<sup>st</sup>. The 2014 report reflects that there are no violations and the City's water exceeds EPA drinking water standards.

After brief discussion, Mayor Pickett closed the Public Hearing at 6:34 p.m.

ATTACHMENTS:

- Water Quality Rpt Pg 1 (PDF)
- Water Quality Rpt. Pg 2 (PDF)

#### 2. Council Action 2015-48

Consider selection of the design for a municipal flag to represent the City of Liberty.

## COMMENTS - Current Meeting:

This agenda item was passed on.

**RESULT: NO ACTION TAKEN**

**3. Council Action 2015-49**

Consider award of bid for two vehicles for the Liberty Police Department.

## COMMENTS - Current Meeting:

City Manager Gary Broz reported on a bid tabulation for two vehicles for the Liberty Police Department. The low bidder on both vehicles was BJ Ford, Liberty, Texas as follows:

2016 Ford Police Interceptor Utility	\$31,982.73
2015 F-150 4X2 Crew Cab XL	\$25,220.16

After brief discussion of the various bidders, bid amounts and that the vehicles will be funded from the Fixed Asset Fund, a motion was made to accept the bid from BJ Ford for both vehicles.

## ATTACHMENTS:

- Bid Tab-PD Vehicles (PDF)

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

**4. Council Action 2015-50**

Consider selection of an engineer for proposed Drinking Water Fund Projects, and take any action deemed necessary.

## COMMENTS - Current Meeting:

Mr. J. Rice, Public Management, reported on the low-interest loan program from the Texas Water Development Board. The City has applied for funding of proposed Drinking Water Fund (State Revolving Fund) Projects to include a new well, elevated tank, 12" water line extension and rehabilitation of the North Water Plant. Mr. Rice stated as these are federal funds, federal procurement standards must be met for any contract services. The City must select an engineer for the proposed projects and seven engineering firms responded to a Request for Proposals. After lengthy discussion of the projects, the engineering firms and their qualifications, a motion was made to begin contract negotiations with O'Malley/Strand Associates, Brenham, Texas.

## ATTACHMENTS:

- Drinking Water Projects (PDF)

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

**5. Council Action 2015-51**

Consider selection of an engineer for proposed Clean Water Fund Projects, and take any action deemed necessary.

**COMMENTS - Current Meeting:**

J. Rice, Public Management, reported on the low-interest loan program from the Texas Water Development Board. The City has applied for funding of proposed Clean Water Fund (State Revolving Fund) Projects to include a Wastewater Treatment Plant discharge line increase, rehabilitation of the manhole/collection line and lift stations, expansion of sewer service and a reuse transmission line. The City must select an engineer for the proposed projects and seven engineering firms responded to a Request for Proposals. After lengthy discussion of the projects, the engineering firms and their qualifications, a motion was made to begin contract negotiations with HR Green, Inc., Houston, Texas.

**ATTACHMENTS:**

- Clean Water Projects (PDF)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dennis Beasley, Councilperson
<b>SECONDER:</b>	Louie Potetz, Councilperson
<b>AYES:</b>	Pickett, Huddleston, Beasley, Jordan, Potetz, Simonson, Arnold

**B. Executive Session**

Government Code §551.074 - Personnel Matters.

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

At 7:11 p.m., Mayor Pickett closed the open meeting and convened the Executive Session as authorized above.

**C. Reconvene into Regular Session**

At 7:53 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

**1. Council Action 2015-52**

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

<b>RESULT:</b>	<b>NO ACTION TAKEN</b>
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**VIII. ADJOURNMENT**

**A. Motion To: Adjourn**

**COMMENTS - Current Meeting:**

There being no further business before the Council, Mayor Pickett adjourned the meeting at 7:54 p.m.

\_\_\_\_\_  
Carl Pickett, Mayor

ATTEST:

\_\_\_\_\_  
Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Jul 14, 2015 6:00 PM (Minutes Approval)



# The City of Liberty City Council

## Special Called Meeting

~ Minutes ~

1829 Sam Houston  
Liberty, TX 77575  
[www.cityofliberty.org](http://www.cityofliberty.org)

Dianne Tidwell  
City Secretary  
(936) 336-3684

Wednesday, July 15, 2015

6:00 PM

City Council Chambers

### I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Diane Huddleston	Mayor Pro Tem	Present	
Dennis Beasley	Councilperson	Present	
Frank Jordan	Councilperson	Present	
Louie Potetz	Councilperson	Present	6:05 PM
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Absent	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	

### II. 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. There were no comments from the audience.

### III. WORK SESSION

#### 1. Work Session (ID # 3309)

Discussion of the proposed budget for Fiscal Year 2015-2016.

COMMENTS - Current Meeting:

A work session was held for discussion of issues relative to the proposed budget for Fiscal Year 2015-2016. Representatives from Bridgehaven Children's Advocacy Center and CASA of Liberty/Chambers Counties made presentations regarding requests for funding. Additional topics discussed were the decline of property and sales tax revenues, annexation, WCID #5 and maintenance issues, proposed \$2 increase each to water and sewer rates, and other budget related matters.

Minutes Acceptance: Minutes of Jul 15, 2015 6:00 PM (Minutes Approval)

**IV. ADJOURNMENT**

**Motion To:** Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:30 p.m.

\_\_\_\_\_  
Carl Pickett, Mayor

ATTEST:

\_\_\_\_\_  
Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Jul 15, 2015 6:00 PM (Minutes Approval)





The City of Liberty  
City Council  
Special Called Meeting

1829 Sam Houston  
Liberty, TX 77575  
[www.cityofliberty.org](http://www.cityofliberty.org)

~ Minutes ~

Dianne Tidwell  
City Secretary  
(936) 336-3684

Thursday, July 16, 2015

6:00 PM

City Council Chambers

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Diane Huddleston	Mayor Pro Tem	Present	
Dennis Beasley	Councilperson	Present	
Frank Jordan	Councilperson	Present	
Louie Potetz	Councilperson	Present	
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Absent	
Gary Broz	City Manager	Present	

II. 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. There were no comments from the audience.

III. WORK SESSION

1. Work Session (ID # 3310)

Discussion of the proposed budget for Fiscal Year 2015-2016.

COMMENTS - Current Meeting:

A work session was held for discussion of issues relative to the proposed budget for Fiscal Year 2015-2016. The Liberty County DARE Officer addressed Council requesting funds for the upcoming fiscal year. Other topics of discussion were the utility funds, proposed \$2 increase each to water and sewer rates, LCDC budget, hotel/motel funds, fixed asset fund and other budget related items.

Minutes Acceptance: Minutes of Jul 16, 2015 6:00 PM (Minutes Approval)

**IV. ADJOURNMENT**

**Motion To:** Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:17 p.m.

\_\_\_\_\_  
Carl Pickett, Mayor

ATTEST:

\_\_\_\_\_  
Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Jul 16, 2015 6:00 PM (Minutes Approval)



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

7.A.1

Meeting: 08/11/15 06:00 PM

Department: Administration  
Category: Misc.

**COUNCIL ACTION (ID # 3320)**

DOC ID: 3320



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

7.A.2

Meeting: 08/11/15 06:00 PM

Department: Administration  
Category: Election Issues

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**COUNCIL ACTION (ID # 3321)**

DOC ID: 3321

Personnel:

- 1- Working Foreman / Crew Leader
- 1- Journeyman Lineman
- 1- Apprentice Lineman

Personnel shall be equipped with such resources as Contractor deems appropriate to safely and efficiently perform Work in connection with this Contract, which shall include as a minimum, the following:

- Aerial Lift Unit -55 ft. min. working height
- Digger derrick
- Backyard Unit

NOTE: Each crew shall be fully equipped with all necessary safety equipment including, but not limited to, required personal protective equipment (PPE) and other items essential for the proper prosecution of all Work as outlined in these Specifications.

8.3 The schedule of charges by the Contractor shall be as set forth below. All hourly rates shall include all charges for labor, equipment, overhead, supervision and profit.

**Unit Charge per Hour Worked**

	<b>Billing Rates</b>	
	<u>Regular</u>	<u>Overtime</u>
Labor - Working Foreman/Crew Leader	\$ <u>58<sup>00</sup></u>	\$ <u>87<sup>00</sup></u>
Labor - Journeyman Lineman	\$ <u>53<sup>00</sup></u>	\$ <u>79<sup>50</sup></u>
Labor - Apprentice Lineman	\$ <u>43<sup>00</sup></u>	\$ <u>64<sup>50</sup></u>
Aerial Lift	\$ <u>50<sup>00</sup></u>	\$ <u>50<sup>00</sup></u>
Digger derrick	\$ <u>50<sup>00</sup></u>	\$ <u>50<sup>00</sup></u>
Backyard Unit	\$ <u>50<sup>00</sup></u>	\$ <u>50<sup>00</sup></u>
<b>Total Charge per Hour</b>	\$ <u>304<sup>00</sup></u>	\$ <u>381<sup>00</sup></u>

Attachment: Elec Dist System Main-Bright Star (3321 : Elec Dist System Maintenance)



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

7.A.3

Meeting: 08/11/15 06:00 PM

Department: Administration  
Category: Election Issues

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**COUNCIL ACTION (ID # 3322)**

DOC ID: 3322



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

Meeting: 08/11/15 06:00 PM

Department: Administration  
Category: Misc.

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**COUNCIL ACTION (ID # 3323)**

DOC ID: 3323

**EXPLANATION:**

The Police Department is requesting \$16,800.00 for bullet proof vests for all of the officers. The current vests are five years old and have exceeded their ballistic integrity.



THOMAS CLAUNCH  
CHIEF OF POLICE

# LIBERTY POLICE DEPARTMENT

1906 LAKELAND DRIVE  
LIBERTY, TX 77575  
936-336-5666

WWW.CITYOFLIBERTY.ORG



GARY BROZ  
CITY MANAGER

To: City Council  
From: Chief Claunch  
Ref: Bullet proof vest funding

I would like to request at this time consideration from the council on equipment that is needed for the protection and well being of our officers. Officers with the Liberty Police Department are currently in need of new bullet proof vest. The vest we currently have are at or exceeding the shelf life for effectiveness. The vest are measured and form fitted to a particular officer. I currently have officers wearing vest that do not fit properly. The vest needed are listed below along with price for replacement.

21 AE Halo Lv2 vest w/panels \$16,800.00

Your consideration in this request will be most appreciated.

Thank You,

A handwritten signature in black ink, appearing to read "T. Claunch".

Chief Thomas Claunch  
Liberty Police Department





**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

Meeting: 08/11/15 06:00 PM

Department: Administration  
Category: Budget Issues

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**COUNCIL ACTION (ID # 3324)**

DOC ID: 3324

**EXPLANATION:**

The governing body of a municipality is required to hold a public hearing on the proposed budget before any tax levy ordinance can be passed. The hearing must be at least fifteen days after the date the proposed budget is filed with the City Secretary and prior to the date that the Council passes the tax levy ordinance. The budget must be passed before the tax levy ordinance can be passed. Texas LGC §102.006. Any person may attend and/or participate in the hearing.



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

7.A.6

Meeting: 08/11/15 06:00 PM

Department: Administration  
Category: Tax Rate

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**COUNCIL ACTION (ID # 3325)**

DOC ID: 3325



## The City of Liberty

City Council  
1829 Sam Houston  
Liberty, TX 77575

7.A.7

Meeting: 08/11/15 06:00 PM

Department: Administration  
Category: Tax Rate

### **COUNCIL ACTION (ID # 3326)**

DOC ID: 3326

#### EXPLANATION:

Tax payers must have the opportunity to express their views regarding the proposed tax rate. Management recommends holding the public hearings on August 25 and September 1, 2015. The second public hearing may not be held earlier than the third day nor later than the 14th day after the date of the first hearing.

The governing body may not adopt the tax rate at either of these hearings. At each hearing, the governing body must announce the date, time and place of the meeting at which it will vote on the tax rate.



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

7.A.8

Meeting: 08/11/15 06:00 PM

Department: Administration  
Category: Agreements

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**COUNCIL ACTION (ID # 3329)**

DOC ID: 3329

GRANT PERFORMANCE AGREEMENT FOR BUSINESS AND COMMERCE THROUGH  
EDUCATION DEVELOPMENT

This Agreement is made by and between the Liberty Community Development Corporation (sometimes hereinafter referred to as LCDC), a nonprofit corporation organized under the authority of the Development Corporation Act and the Texas Constitution, Article III, Section 51-a, acting by and through its duly constituted board of directors, and Lee College (sometimes hereinafter referred to as “Lee”) (LCDC and Lee shall sometimes be referred to hereinafter as the Parties).

LCDC has as its primary purpose the creation of programs and the making of loans and grants of public money for development and diversification of the economy of the City of Liberty, Texas, primarily the creation of jobs. Among its specific purposes are to undertake projects for developing facilities to promote new business development and commercial and business related improvements.

Lee College is an educational political subdivision of the State of Texas, operating as a two year college offering associate degrees in a variety of fields, and enjoying recognized success in its endeavors. Lee, in collaboration with multiple independent school districts, contemplates initiating an educational program at a facility in the Liberty Community, providing educational services directly to students and other members of the public (sometimes hereinafter referred to as the “Project”) of significant economic consequence to the City of Liberty, with the expectation of it being an event of causative effect with regard to other expansion and a generator of additional job opportunities within the City. This Project is seen as a boon to the Liberty Community, because it will not only provide an advanced educational service not

heretofore existing in Liberty, but by its reputation, it is expected to give the Liberty area even greater attractiveness to business, commercial, and residential developers.

Toward those ends, the Project will be located at a site within the Liberty City limits owned by area school districts, to be called the Lee College Education Center (South Liberty County), at 1715 Highway 146 Bypass, Liberty, Texas. Lee will provide courses at a facility on the site as a part of the Project. The Lee College Education Center will be the hub of postsecondary educational opportunities in South Liberty County creating a college-going culture of individuals of all ages. This Lee College Center will provide high demand educational training programs planned to the region such as process technology, electrical, and CADD with many other programs contemplated to follow. In addition to a premiere Lee College Dual Credit Institute for high school students to complete a certificate or degree prior to high school graduation, the Center will also offer a variety of continuing education courses such as EMT training, enrichment courses, and many other Community Education offerings including classes coming soon for Adults and young persons interested in advancing their careers. Lee College is collaborating with Dayton, Liberty, Hull-Daisetta, Anahuac, and Hardin Independent School Districts to create a post-secondary Center full of opportunities for communities including Liberty, Texas. The Project will be a well-recognized higher education facility that is expected to be embraced by the Liberty community.

However, Lee, in order to be able to continue to undertake the development of the Project and finance the costs thereof, must have a contribution from some outside source. LCDC, pursuant to its authority and in pursuit of its goals, is desirous of making a grant of cash for this purpose.

Therefore, in consideration of Lee's development of the Project as set forth above, the result of which will promote new business development and job opportunities, the Liberty Community Development Corporation promises to grant to Lee College, the sum of One Hundred Ninety-one Thousand Three Hundred Fifty-Nine and 90/100 Dollars (\$191,359.90) conditioned on the occurrence of the following events. Lee, in consideration of LCDC's grant, promises, in collaboration with the area school districts, to undertake, develop, and operate the business of the Project. Lee's good faith strategic plan includes operating the Project at the Liberty facility for a period in excess of five years, provided Lee cannot guarantee the success or duration of the Project. The funds will be delivered upon a request for funding to be made in writing to the LCDC. However, the funding of the grant shall be conditioned on the occurrences of the following matters.

1. The City Council of the City of Liberty shall have timely approved the project, including the grant.
  2. LCDC shall have successfully completed all procedural legal requirements to be authorized to make the grant, at least one of which being not in the control of LCDC, i.e.: the possibility of an election in which an objection to the grant is approved by the public; however the LCDC does not guarantee and shall not be liable for damages in the event the legal procedural requirements are not successfully completed for whatever reason.
- A grant similar to this grant must be approved by the Dayton Community Development Corporation within the time frames described herein.
  - Subject to the above conditions, initial funding shall be after the conclusion of the sixty-day waiting period as provided by law.

- None of the grant funds shall be used for any purpose whatsoever except the above referenced Project, which must be located at the site described hereinabove.
- The funds must be related directly to the purchase of Podium Computers (5), \$4,536.70, General Education Lab (24), \$21,776.00, Electrical Computer Lab (20), \$18,147.20, CADD Lab (24), \$31,900.00, EMT Equipment, \$25,000.00, Renovations, \$50,000.00, and Electrical Trainers (4), \$40,000.00 to be located at 1715 Highway 146 Bypass, Liberty, Texas. To the extent that Lee College is able to get any of the aforementioned equipment donated by industry leaders, foundations, or other donors, the balance of the funds may be used to expand course offerings through the purchase of equipment not listed herein for such expanded course offerings at the Liberty location.
- Lee further agrees that in the event Lee shall cease operations or reduce its services so that its activities no longer are sufficient to fulfill the intentions described herein during the first year after the date of the receipt of the grant funds, such cessation or reduction shall be considered an act of default in the performance of the obligations of Lee in this Agreement. In one of those events LCDC shall notify Lee in writing of such default and Lee shall immediately repay all the grant funds plus interest at the rate of 10% per year from the date of receipt of the funds. In the event Lee shall commit said act of default during the second year after the date of the receipt of the grant funds, immediately after notice from LCDC as described hereinabove Lee shall repay four-fifths of the grant funds plus interest at the rate of 10% per year from the date of receipt of the funds. In the event Lee shall commit said act of default during the third year after the date of the receipt of the grant funds, immediately after notice



from LCDC as described hereinabove Lee shall repay three-fifths of the grant funds plus interest at the rate of 10% per year from the date of receipt of the funds. In the event Lee shall commit said act of default during the fourth year after the date of the receipt of the grant funds, immediately after notice from LCDC as described hereinabove Lee shall repay two-fifths of the grant funds plus interest at the rate of 10% per year from the date of receipt of the funds. In the event Lee shall commit said act of default during the fifth year after the date of the receipt of the grant funds, immediately after notice from LCDC as described hereinabove Lee shall repay one-fifth of the grant funds plus interest at the rate of 10% per year from the date of receipt of the funds.

- Lee agrees to use its best efforts to acquire, through its relationships with industry, foundations, grant sources, and other sources, donated and/or discounted equipment prior to expending LCDC funds on the Project permitting the LCDC funds to be used to establish additional course offerings.
- Lee further agrees that if after receipt of the grant funds the grant is found to be void or voidable for whatever reason, either by court decree or order or settlement of a claim related thereto, LCDC, at its election, will be conveyed and will own the above personal property purchased by Lee with the grant funds and Lee shall return all unspent money to LCDC.

In the event the terms of this Performance Agreement are met by Lee throughout the time frame provided herein, this Agreement shall be considered fulfilled.

Other than attorney fees, costs, and interest, no damages beyond the amount of the grant funds are contemplated to be owed by either party hereto to the other for a breach of this agreement.

This Agreement shall be binding on and inure to the benefit of the parties to this Agreement and their respective successors and assigns.

This Agreement shall be construed and governed by the laws of the State of Texas, and shall be performable in Liberty County, Texas.

This Agreement may be amended only in writing by the mutual consent of all of the parties, evidenced by all necessary and proper corporate authority. No waiver of any provision of this Agreement shall arise from any action or inaction of any party, except an instrument in writing expressly waiving the provision executed by the party entitled to the benefit of the provision.

This Agreement, together with any documents and exhibits given or delivered pursuant to this Agreement, constitutes the entire agreement between the parties to this Agreement. No party shall be bound by any communications between them on the subject matter of this Agreement unless the communication is (a) in writing, (b) bears a date contemporaneous with or subsequent to the date of this Agreement, and (c) is agreed to by all parties to this Agreement. On execution of this Agreement, all prior agreements or understandings between parties shall be null and void.

This Agreement may be executed in multiple counterparts.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2015.

LEE COLLEGE

LIBERTY COMMUNITY  
DEVELOPMENT CORPORATION

By: \_\_\_\_\_  
Dennis Brown, President

By: \_\_\_\_\_  
Dennis Beasley, President

THE STATE OF TEXAS §

COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by DENNIS BROWN, as President of LEE COLLEGE, in the capacity therein stated.

\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF LIBERTY §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by DENNIS BEASLEY, as President of the LCDC, in the capacity therein stated.

\_\_\_\_\_  
Notary Public, State of Texas

Attachment: LCDC-Lee College Grant Agreement (3329 : LCDC Agreement-Lee College)



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

7.A.9

Meeting: 08/11/15 06:00 PM

Department: Administration  
Category: Agreements

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**COUNCIL ACTION (ID # 3330)**

DOC ID: 3330

GRANT PERFORMANCE AGREEMENT FOR BUSINESS AND COMMERCE THROUGH  
EDUCATION DEVELOPMENT

This Agreement is made by and between the Dayton Community Development Corporation (sometimes hereinafter referred to as DCDC), a nonprofit corporation organized under the authority of the Development Corporation Act and the Texas Constitution, Article III, Section 51-a, acting by and through its duly constituted board of directors, and Lee College (sometimes hereinafter referred to as “Lee”) (DCDC and Lee shall sometimes be referred to hereinafter as the “Parties”).

DCDC has as its primary purpose the creation of programs and the making of loans and grants of public money for development and diversification of the economy of the City of Dayton, Texas, primarily the creation of jobs. Among its specific purposes are to undertake projects for developing facilities to promote new business development and commercial and business related improvements.

Lee College is an educational political subdivision of the State of Texas, operating as a community college offering associate degrees in a variety of fields, and enjoying recognized success in its endeavors. Lee, in collaboration with multiple independent school districts, contemplates initiating an educational program at a facility in the Liberty community, providing educational services directly to students and other members of the public (sometimes hereinafter referred to as the “Project”) of significant economic consequence to the City of Dayton, with the expectation of it being an event of causative effect with regard to other expansion and a generator of additional job opportunities within the City. This Project is seen as a boon to the Dayton Community, because it will not only provide an advanced educational service not heretofore existing in Dayton, but by its reputation, it is expected to give the Dayton area even greater attractiveness to business, commercial, and residential developers.

Toward those ends, the Project will be located at a site within the Liberty City limits owned by area school districts, to be called the Lee College Education Center (South Liberty County), at 1715 Highway 146 Bypass, Liberty, Texas. Lee will provide courses at a facility on the site as a part of the Project. The Lee College Education Center will be the hub of postsecondary educational opportunities in South Liberty County creating a college-going culture of individuals of all ages. This Lee College Center will provide high demand educational training programs planned to the region such as process technology, electrical, and CADD with many other programs contemplated to follow. In addition to a premiere Lee College Dual Credit Institute for high school students to complete a certificate or degree prior to high school graduation, the Center will also offer a variety of continuing education courses such EMT training, enrichment courses, and many other Community Education offerings including classes for adults and young persons interested in advancing their careers. Lee College is collaborating with Dayton, Liberty, Hull-Daisetta, Anahuac, and Hardin Independent School Districts to create a post-secondary Center full of opportunities for communities including Dayton, Texas. The Project will be a well recognized higher education facility that is expected to be embraced by the Dayton community.

However, Lee, in order to be able to continue to undertake the development of the Project and finance the costs thereof, must have a contribution from some outside source. DCDC, pursuant to its authority and in pursuit of its goals, is desirous of making a grant of cash for this purpose.

Therefore, in consideration of Lee's development of the Project as set forth above, the result of which will promote new business development and job opportunities, the Dayton Community Development Corporation promises to grant to Lee College, the sum of One

Hundred Ninety-one Thousand Two hundred eighty-one and No/100 Dollars (\$191,281.00) conditioned on the occurrence of the following events. Lee, in consideration of DCDC's grant, promises, in collaboration with the area school districts, to undertake, develop, and operate the business of the Project. Lee's good faith strategic plan includes operating the Project at the Liberty facility for a period in excess of five years, provided Lee cannot guarantee the success or duration of the Project. The funds will be delivered upon a request for funding to be made in writing to the DCDC. However, the funding of the grant shall be conditioned on the occurrences of the following matters.

1. The City Council of the City of Dayton shall have timely approved the project, including the grant.
  2. DCDC shall have successfully completed all procedural legal requirements to be authorized to make the grant, at least one of which being not in the control of DCDC, i.e.: the possibility of an election in which an objection to the grant is approved by the public; however the DCDC does not guarantee and shall not be liable for damages in the event the legal procedural requirements are not successfully completed for whatever reason.
- Approval from the City of Liberty must be obtained for a project outside the City of Dayton within the City Limits of Liberty.
  - A grant similar to this grant must be approved by the Liberty Community Development Corporation within the time frames described herein.
  - Subject to the above conditions, initial funding shall be after the conclusion of the sixty-day waiting period as provided by law.

- None of the grant funds shall be used for any purpose whatsoever except the above referenced Project, which must be located at the site described hereinabove.
- The funds must be related directly on the purchase of 3D CADD Printer, \$45,581, Programmable Logic Controllers, \$39,200, Student Desks and Chairs and classroom technology, \$96,500, and CADD Drafting Tables, \$10,000 to be located at 1715 Highway 146 Bypass, Liberty, Texas.
- Lee further agrees that in the event Lee shall cease operations or reduce its services so that its activities no longer are sufficient to fulfill the intentions described herein during the first year after the date of the receipt of the grant funds, such cessation or reduction shall be considered an act of default in the performance of the obligations of Lee in this Agreement. In one of those events DCDC shall notify Lee in writing of such default and Lee shall immediately repay all the grant funds plus interest at the rate of 10% per year from the date of receipt of the funds. In the event Lee shall commit said act of default during the second year after the date of the receipt of the grant funds, immediately after notice from DCDC as described hereinabove Lee shall repay four-fifths of the grant funds plus interest at the rate of 10% per year from the date of receipt of the funds. In the event Lee shall commit said act of default during the third year after the date of the receipt of the grant funds, immediately after notice from DCDC as described hereinabove Lee shall repay three-fifths of the grant funds plus interest at the rate of 10% per year from the date of receipt of the funds. In the event Lee shall commit said act of default during the fourth year after the date of the receipt of the grant funds, immediately after notice from DCDC as described hereinabove Lee shall repay two-fifths of the grant funds plus interest at the rate of



10% per year from the date of receipt of the funds. In the event Lee shall commit said act of default during the fifth year after the date of the receipt of the grant funds, immediately after notice from DCDC as described hereinabove Lee shall repay one-fifth of the grant funds plus interest at the rate of 10% per year from the date of receipt of the funds.

- Lee further agrees that if after receipt of the grant funds the grant is found to be void or voidable for whatever reason, either by court decree or order or settlement of a claim related thereto, DCDC, at its election, will be conveyed and will own the above personal property purchased by Lee with the grant funds.

In the event the terms of this Performance Agreement are met by Lee throughout the time frame provided herein, this Agreement shall be considered fulfilled.

Other than attorney fees, costs, and interest, no damages beyond the amount of the grant funds are contemplated to be owed by either party hereto to the other for a breach of this Agreement.

This Agreement shall be binding on and inure to the benefit of the parties to this Agreement and their respective successors and assigns.

This Agreement shall be construed and governed by the laws of the State of Texas, and shall be performable in Liberty County, Texas.

This Agreement may be amended only in writing by the mutual consent of all of the parties, evidenced by all necessary and proper corporate authority. No waiver of any provision of this Agreement shall arise from any action or inaction of any party, except an instrument in writing expressly waiving the provision executed by the party entitled to the benefit of the provision.

This Agreement, together with any documents and exhibits given or delivered pursuant to this Agreement, constitutes the entire agreement between the parties to this Agreement. No party shall be bound by any communications between them on the subject matter of this Agreement unless the communication is (a) in writing, (b) bears a date contemporaneous with or subsequent to the date of this Agreement, and (c) is agreed to by all parties to this Agreement. On execution of this Agreement, all prior agreements or understandings between parties shall be null and void.

This Agreement may be executed in multiple counterparts.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2015.

LEE COLLEGE

DAYTON COMMUNITY  
DEVELOPMENT CORPORATION

By: \_\_\_\_\_  
Dennis Brown, President

By: \_\_\_\_\_  
Richard Till, President

THE STATE OF TEXAS           §

COUNTY OF LIBERTY           §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by DENNIS BROWN, as President of LEE COLLEGE, in the capacity therein stated.

\_\_\_\_\_  
Notary Public, State of Texas

Attachment: DCDC-Lee College Grant Agreement(3) (3330 : DCDC Agreement-Lee College)

THE STATE OF TEXAS           §  
COUNTY OF LIBERTY           §

This instrument was acknowledged before me on the \_\_\_\_\_day of \_\_\_\_\_, 2015, by Richard Till, as President of the DAYTON COMMUNITY DEVELOPMENT CORPORATION, in the capacity therein stated.

\_\_\_\_\_  
Notary Public, State of Texas

Attachment: DCDC-Lee College Grant Agreement(3) (3330 : DCDC Agreement-Lee College)



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

**7.A.10**

Meeting: 08/11/15 06:00 PM

Department: Administration  
Category: Equipment Repair

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**COUNCIL ACTION (ID # 3331)**

DOC ID: 3331



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

7.A.11

Meeting: 08/11/15 06:00 PM

Department: Administration  
Category: Budget Items

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**INFORMATION ITEM (ID # 3332)**

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DOC ID: 3332



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

7.A.12

Meeting: 08/11/15 06:00 PM

Department: Administration  
Category: Surplus Property

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**COUNCIL ACTION (ID # 3333)**

DOC ID: 3333



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

7.C.1

Meeting: 08/11/15 06:00 PM

Department: Administration  
Category: Executive Session Items

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**COUNCIL ACTION (ID # 3335)**

DOC ID: 3335