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

Thursday, January 30, 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	☐	☐	☐	
Councilperson Diane Huddleston	☐	☐	☐	
Councilperson Dennis Beasley	☐	☐	☐	
Councilperson Frank Jordan	☐	☐	☐	
Councilperson Louie Potetz	☐	☐	☐	
Councilperson Libby Simonson	☐	☐	☐	
Councilperson David Arnold	☐	☐	☐	

II. 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.

III. PRESENTATIONS / REPORTS

1. **Information Item (ID # 2923)**

   Project Updates - City Mgr. G. Broz

2. **Information Item (ID # 2924)**

   Financial Report, Dec. 2013- Finance Dir. N. Herrington

3. **Information Item (ID # 2925)**

   Sam Rayburn Municipal Power Agency - Mayor Pickett

4. **Information Item (ID # 2926)**

   Recycling Report - Councilperson Huddleston

5. **Information Item (ID # 2927)**

   Houston-Galveston Area Council - Councilperson Jordan

IV. REGULAR AGENDA

A. Regular Session

1. Council Action 2014-5

Consider approval of a lease agreement with Sjolander Aviation, for property at the Liberty Municipal Airport.

2. Resolution 2014-2

Consider a Resolution approving a new street project (approximately 4,700 linear feet) in an undeveloped area on the east side of the City off of the Highway 146 Bypass to be financed, in part, with funds provided by the Liberty Community Development Corporation, and approving a project funding agreement related thereto with the Corporation.

B. Executive Session

1. Consultation with Attorney. Gov. Code §551.071 - Contemplated Litigation regarding the Humphreys Cultural Center.

2. Deliberation Regarding Economic Development Negotiation. Gov. Code §551.087 - Sjolander Aviation.

C. Reconvene into Regular Session

1. Council Action 2014-4

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

V. ADJOURNMENT

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 27th day of January, 2014 at 5:30 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

Meeting: 01/30/14 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2923)

DOC ID: 2923

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/30/14 06:00 PM
Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2924)

DOC ID: 2924

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/30/14 06:00 PM
Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2925)

DOC ID: 2925

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/30/14 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2926)

DOC ID: 2926

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/30/14 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2927)

DOC ID: 2927

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/30/14 06:00 PM

Department: Administration
Category: Agreements

COUNCIL ACTION (ID # 2928)

DOC ID: 2928

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The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/30/14 06:00 PM
Department: Administration
Category: Street Extension

RESOLUTION 2014-2

DOC ID: 2929 B

RESOLUTION APPROVING A NEW STREET PROJECT (APPROXIMATELY 4,700 LINEAR FEET) IN AN UNDEVELOPED AREA ON THE EAST SIDE OF THE CITY OFF OF THE HIGHWAY 146 BYPASS TO BE FINANCED, IN PART, WITH FUNDS PROVIDED BY THE LIBERTY COMMUNITY DEVELOPMENT CORPORATION, AND APPROVING A PROJECT AGREEMENT RELATED THERETO WITH THE CORPORATION

STATE OF TEXAS '
COUNTY OF LIBERTY '
CITY OF LIBERTY '

WHEREAS, the **CITY OF LIBERTY, TEXAS** (the "***City***") is a home rule municipality operating under the Constitution and laws of the State of Texas and the City=s home rule charter; and

WHEREAS, pursuant to the provisions of the Development Corporation Act of 1979, as amended ("***Article 5190.6***"), the City Council of the City called an election for May 6, 1995, for the purpose of receiving authority to levy a one-half of one percent (2 of 1%) sales and use tax for the benefit of an industrial development corporation to be created pursuant to Section 4B of Article 5190.6; and

WHEREAS, at the election held on May 6, 1995, a majority of the citizens of the City voting at said election authorized the City to levy a sales and use tax on the receipts at retail of taxable items within the City at a rate of one-half of one percent (2 of 1%) (the "***4B Sales Tax***") to "*promot[e] economic development within the City and the State of Texas in order to eliminate unemployment and underemployment, and to promote and encourage employment and the public welfare of, for, and on behalf of the City, and to promote or develop expanded business enterprises, including drainage or related improvements and for maintenance and operating costs of the publicly owned and operated projects by developing, implementing, providing, and financing projects under the Act and as defined in Section 4B of the Act*"; and

WHEREAS, pursuant to the provisions of Section 4B of Article 5190.6, in 1995 the City created the **LIBERTY COMMUNITY DEVELOPMENT CORPORATION** (the "***Issuer***") as a nonstock, nonprofit industrial development corporation to act on behalf of the City to satisfy the public purposes set forth in Section 4B of Article 5190.6; and

WHEREAS, subsequent to the creation of the Corporation, Article 5190.6 was codified by the Legislature and is now found, as it relates to the Corporation, in Chapters 501, 502 and 505 of the Texas Local Government Code, which chapters are referred to collectively herein as the "***Act***"; and

WHEREAS, Section 505.158(a) of the Act provides that "*[f]or a Type B corporation authorized to be created by a municipality with a population of 20,000 or less, "project" also includes the land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the corporation's board of directors to promote new or expanded business development"*; and

WHEREAS, according to the United States Bureau of the Census, the City=s 2010 census population was 8,395; therefore, the provisions of Section 505.158(a) of the Act are applicable to the Corporation; and

WHEREAS, the City desires to construct a new street (approximately 4,700 linear feet) in an undeveloped area on the east side of the City off of the Highway 146 Bypass for the primary purpose of promoting new or expanded business development in the City (the "***Project***"), and the Corporation has advised the City that it desires to assist the City with providing a portion of the funds to finance the Project in accordance with the terms and conditions of that certain *Project Agreement*, dated as of March 1, 2014, between the City and the Corporation, in substantially the form attached hereto as *Exhibit A* (the "***Project Agreement***"); and

WHEREAS, Section 505.158(b) of the Act provides that "*[a] Type B corporation may not undertake a project authorized by this section that requires an expenditure of more than $10,000 until the governing body of the corporation's authorizing municipality adopts a resolution authorizing the project after giving the resolution at least two separate readings*; and

WHEREAS, it is deemed necessary and advisable that this Resolution be adopted by the City Council of the City in order to satisfy the requirement set forth in Section 505.158(b) of the Act;

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

SECTION 1. **APPROVAL OF PROJECT AND PROJECT AGREEMENT**. In satisfaction of the requirement of Section 505.158(b) of the Act, the City Council hereby approves the Project and authorizes the Corporation to undertake the Project and use a portion of its available funds to provide funds to finance a portion of the Project, as more specifically described and provided in the Project Agreement attached hereto in substantially final form as *Exhibit A*, which Agreement is hereby approved. The Mayor of the City is authorized to execute the Project Agreement on behalf of the City and approve any changes thereto and the City Secretary of the City is authorized to attest the Project Agreement.

SECTION 2. **INCORPORATION OF RECITALS.** The findings and preambles set forth in this Resolution are hereby incorporated into this Resolution and made a part hereof for all purposes.

SECTION 3. **EFFECTIVE DATE.** This Resolution shall become effective immediately upon passage thereof on second and final reading by the City Council.

READ, CONSIDERED, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ON FIRST READING AT A SPECIAL MEETING HELD ON THE 30TH DAY OF JANUARY, AND ON SECOND AND FINAL READING AT A SPECIAL MEETING HELD ON THE 25TH DAY OF FEBRUARY, 2014, AT WHICH MEETINGS A QUORUM WAS PRESENT.

____
Mayor
City of Liberty, Texas

ATTEST:

____
City Secretary
City of Liberty, Texas

(City Seal)

** ** ** ** **

Exhibit A

<u>Form of Project Agreement</u>
<u>CERTIFICATE FOR RESOLUTION</u>

STATE OF TEXAS '
COUNTY OF LIBERTY '
CITY OF LIBERTY '

I, the undersigned City Secretary of the **CITY OF LIBERTY, TEXAS** (the "***City***"), hereby certify as follows:

1. The City Council of said City convened in SPECIAL MEETING ON THE 30TH DAY OF JANUARY, 2014 at the City Hall, and the roll was called of the duly constituted officers and members of said City Council, to wit:

Carl Pickett, Mayor	Libby Simonson
Diane Huddleston, Mayor Pro Tem	Louie Potetz
David Arnold	Frank Jordan
Dennis Beasley	

and all of said officers and members of said City Council were present, except the following absentees: ______________________________. Whereupon, among other business, the following was transacted at said Meeting: a written

RESOLUTION APPROVING A NEW STREET PROJECT (APPROXIMATELY 4,700 LINEAR FEET) IN AN UNDEVELOPED AREA ON THE EAST SIDE OF THE CITY OFF OF THE HIGHWAY 146 BYPASS TO BE FINANCED, IN PART, WITH FUNDS PROVIDED BY THE LIBERTY COMMUNITY DEVELOPMENT CORPORATION, AND APPROVING A PROJECT AGREEMENT RELATED THERETO WITH THE CORPORATION

was duly introduced for the consideration of said City Council. It was then duly moved and seconded that said Resolution be passed <u>on first reading</u> and, after due discussion, said motion carrying with it the adoption of said Resolution, prevailed and carried by the following vote:

AYES: ____ NOES: ____ ABSTENTIONS:

2. A true, full and correct copy of the aforesaid Resolution adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; the Resolution has been duly recorded in said City Council's minutes of said Meeting; the above and foregoing paragraph is a true, full and correct excerpt from said City Council's minutes of said Meeting pertaining to the passage of said Resolution; the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that said Resolution would be introduced and considered for passage at said Meeting, and each of said officers and members consented, in advance, to the holding of said Meeting for such purpose, and that said Meeting was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED the 30th day of January, 2014.

(SEAL)

____
City Secretary
City of Liberty, Texas

Signature Page to the Certificate for Resolution Approving a New Street Project to Be Financed, In Part,
With Funds Provided by the Liberty Community Development Corporation

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COUNTY OF LIBERTY '
CITY OF LIBERTY '

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WHEREAS, at the election held on May 6, 1995, a majority of the citizens of the City voting at said election authorized the City to levy a sales and use tax on the receipts at retail of taxable items within the City at a rate of one-half of one percent (2 of 1%) (the "***4B Sales Tax***") to "*promot[e] economic development within the City and the State of Texas in order to eliminate unemployment and underemployment, and to promote and encourage employment and the public welfare of, for, and on behalf of the City, and to promote or develop expanded business enterprises, including drainage or related improvements and for maintenance and operating costs of the publicly owned and operated projects by developing, implementing, providing, and financing projects under the Act and as defined in Section 4B of the Act*"; and

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____
Mayor
City of Liberty, Texas

ATTEST:

____
City Secretary
City of Liberty, Texas

(City Seal)

** ** ** ** **

Exhibit A

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SIGNED AND SEALED the 30th day of January, 2014.

(SEAL)

____
City Secretary
City of Liberty, Texas

Signature Page to the Certificate for Resolution Approving a New Street Project to Be Financed, In Part,
With Funds Provided by the Liberty Community Development Corporation

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SIGNED AND SEALED the 25th day of February, 2014.

(SEAL)

____
City Secretary
City of Liberty, Texas

Signature Page to the Certificate for Resolution Approving a New Street Project to Be Financed, In Part, With Funds Provided by the Liberty Community Development Corporation

RESULT:	**APPROVED [4 TO 1]**
MOVER:	Dennis Beasley, Councilperson
SECONDER:	David Arnold, Councilperson
AYES:	Diane Huddleston, Dennis Beasley, Frank Jordan, David Arnold
NAYS:	Louie Potetz
ABSENT:	Carl Pickett, Libby Simonson

The City of Liberty
City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/30/14 06:00 PM

Department: Administration
Category: Executive Session Items

COUNCIL ACTION (ID # 2930)

DOC ID: 2930

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