The City of Liberty
Liberty Community Development Corporation

Meeting

~ Minutes ~

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

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, January 14, 2014 | **12:00 PM** | **City Council Chambers**

The Liberty Community Development Corporation 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	Title	Status	Arrived
Dennis Beasley	President	Present	
Mike McCarty	Vice-President	Present	
Louie Potetz	Board Member	Present	
Barbara Norwood	Board Member	Present	
Leslie Herndon	Board Member	Absent	
David Arnold	Board Member	Present	
Mark Campbell	Board Member	Present	12:08 PM
Gary Broz	General Manager	Present	
Dianne Tidwell	Corp. Secretary	Present	
Randy Gunter	City Attorney	Present	

II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / CITIZENS FORUM

This item was passed on, as there were no guests/visitors.

III. REGULAR AGENDA

A. Regular Session

1. LCDC Corporation Action 2014-2

Consider approval of an agreement designating RBC Capital Markets as the Liberty Community Development Corporation's Financial Advisors, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Attorney Randy Gunter explained that at the previous meeting of the LCDC, there were two issues of concern with this document, in regard to protection of the Corporation. Mr. Gunter stated that the two issues were 1) a waiver of sovereign immunity and 2) an indemnification to RBC. Mr. Gunter further stated that both of these areas of concern had been removed from the agreement and that he had no objection to entering into the current agreement with RBC Capital Markets.

Further discussion ensued including one other change to the agreement in Paragraph 5 regarding out-of-pocket expenses.

Motion was made to approve the agreement to retain RBC Capital Markets as the Corporation's financial advisors.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Mike McCarty, Vice-President
SECONDER:	Dennis Beasley, President
AYES:	Beasley, McCarty, Potetz, Norwood, Arnold
ABSENT:	Leslie Herndon, Mark Campbell

2. LCDC Corporation Action 2014-3

Consider approval of the Special Commissioner's ruling in the eminent domain hearing, for property located on the Bypass for the Street Extension Project, and take any action deemed necessary.

COMMENTS - Current Meeting:

City Attorney Randy Gunter reported that the Special Commissioner's hearing was held on January 8, 2014, with an award for the property in the amount of $139,095. Mr. Gunter further reported that the previous appraisal received by the Corporation for this 2.25 acre tract was just under $13,000.

(Board Member Campbell arrived at 12:08 p.m.).

Mr. Gunter stated that it is the Board's call on whether or not to move forward. However, both the Board and the landowner have the right to object to the Commissioner's award. If this occurs, the case would start over as a civil trial in the County Court at Law. Mr. Gunter further stated that the civil trial would be an expensive procedure and that his analysis of the situation is that it would be more expensive to file an objection than deposit these funds in the registry of the Court, with anticipation of filing a Final Judgment on January 29th.

After discussion of the landowners initial demand of $245,000, having no indication of the landowner's current intent, no appraisal presented at the hearing by the landowners, and other related topics, a motion was made to approve the Special Commissioner's ruling and authorize management to make a deposit into the registry of the court, in the amount of $139,095.

ATTACHMENTS:

- Agenda Item Form-Eminent Domain (DOCX)

RESULT:	**APPROVED [5 TO 1]**
MOVER:	David Arnold, Board Member
SECONDER:	Barbara Norwood, Board Member
AYES:	Beasley, McCarty, Norwood, Arnold, Campbell
NAYS:	Louie Potetz
ABSENT:	Leslie Herndon

IV. ADJOURNMENT

1. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Corporation, President Beasley adjourned the meeting at 12:11 p.m.

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Dennis Beasley, President

ATTEST:

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Dianne Tidwell, City Secretary