The City of Liberty

Liberty Community Development Corporation

Meeting

~ Agenda ~

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

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, April 1, 2014 | **6:00 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	Present	Absent	Late	Arrival
President Dennis Beasley	☐	☐	☐	
Vice-President Mike McCarty	☐	☐	☐	
Board Member Louie Potetz	☐	☐	☐	
Board Member Barbara Norwood	☐	☐	☐	
Board Member Leslie Herndon	☐	☐	☐	
Board Member David Arnold	☐	☐	☐	
Board Member Mark Campbell	☐	☐	☐	
General Manager Gary Broz	☐	☐	☐	

II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / CITIZENS FORUM

III. PRESENTATIONS / REPORTS

A. LCDC Information Item (ID # 2961)

Project Updates - Gen. Mgr. G. Broz

B. LCDC Information Item (ID # 2962)

Financial Report - Gen. Mgr. Gary Broz

IV. CONSENT AGENDA

All consent items listed are considered to be routine by the LCDC and will be enacted by one motion. There will be no separate discussion of these items unless a Board 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, February 04, 2014

2. Tuesday, February 25, 2014

3. Tuesday, March 11, 2014

V. REGULAR AGENDA

A. Regular Session

1. LCDC Corporation Action (ID # 2963)

Consider acceptance of a loan for a tanker truck, for the Fire Department, from the Gulf Coast Economic Development District, and take any action deemed necessary.

B. Executive Session

Consultation with Attorney. Closed Session. Gov. Code 1551.071
Consultation with Attorney. Pending Litigation. Gov. Code §551.071

Liberty Community Development Corporation v. Laura Pinkney, et.al., Cause Number CON-0136 in the Liberty County Court at Law, Liberty County, Texas.

C. Reconvene into Regular Session

1. LCDC Corporation Action (ID # 2964)

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

VI. ADJOURNMENT

A. 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 March, 2014 at 11:00 a.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.

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Dianne Tidwell, Corp. 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
Liberty Community Development Corporation
1829 Sam Houston Street
Liberty, TX 77575

Meeting: 04/01/14 06:00 PM

Department: Administration
Category: LCDC Reports

LCDC INFORMATION ITEM (ID # 2961)

DOC ID: 2961

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The City of Liberty
Liberty Community Development Corporation
1829 Sam Houston Street
Liberty, TX 77575

Meeting: 04/01/14 06:00 PM

Department: Administration
Category: LCDC Reports

LCDC INFORMATION ITEM (ID # 2962)

DOC ID: 2962

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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, February 4, 2014 | **6:00 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	6:03 PM
Louie Potetz	Board Member	Absent	
Barbara Norwood	Board Member	Present	
Leslie Herndon	Board Member	Present	
David Arnold	Board Member	Present	
Mark Campbell	Board Member	Present	6:01 PM
Gary Broz	General Manager	Present	
Dianne Tidwell	Corp. Secretary	Present	

II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / CITIZENS FORUM

There were no guests/visitors.

III. PRESENTATIONS / REPORTS

1. LCDC Information Item (ID # 2931)

Project Updates - City/Gen. Manager - G. Broz

COMMENTS - Current Meeting:

General Manager Gary Broz reported on the following projects:

1) worked with Key property lessee regarding insurance requirements

2) sent information packet to business for possible relocation to the Liberty area - Xtreme Lashes

3) working on Downtown Lighting Project and related grant application

4) contacting NewQuest regarding remaining property, not acquired by Stripes Store, at Main and the Bypass

5) will soon place for sale the old Mercy Hospital property

6) working to find prospects for the Brookshire Shopping Center.

Discussion was also held regarding dilapidated signage, and enforcement of same, at the Brookshire Shopping Center.

2. LCDC Information Item (ID # 2932)

Financial Report - City/Gen. Manager, G. Broz

COMMENTS - Current Meeting:

General Manager Gary Broz reported on the Corporation financials as of December 31, 2013. Mr. Broz stated that the Corporation fund balance is currently \$3.3 million, with revenues on target with budgeted amounts. Mr. Broz concluded by reporting that the largest expenditures have been related to the Street Project.

Mr. Broz provided an update to the Street Project stating that the previous Standard & Poor's Bond Rating, of October, 2013, resulted in the Corporation receiving an A-rating. S&P has requested a re-rating call, in which there is exists optimism of receiving an A rating. Mr. Broz further reported that there is a 4-4.5% interest rate on the debt service of \$3,250,000. There will be a mandatory pre-bid conference and bid will be opened on February 27th.

Further discussion was held regarding the status of the eminent domain process for 2.25 acres for the Street Project. Mr. Broz reported that the hearing was held on January 8th, funds were placed in the registry of the Court. The property owner may file a statement for appeal on or before the first Monday, following the 20th day after the commissioners file their findings with the Court. There were issues with the County releasing the appropriate paperwork to the property owner, so Final Judgment date will move from January 28th to February 18th.

IV. CONSENT AGENDA

All consent items listed are considered to be routine by the LCDC and will be enacted by one motion. There will be no separate discussion of these items unless a Board 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:	Barbara Norwood, Board Member
SECONDER:	Mike McCarty, Vice-President
AYES:	Beasley, McCarty, Norwood, Herndon, Arnold, Campbell
ABSENT:	Louie Potetz

A. Minutes Approval

1. Tuesday, January 07, 2014

2. Tuesday, January 14, 2014

Minutes Acceptance: Minutes of Feb 4, 2014 6:00 PM (Minutes Approval)

V. REGULAR AGENDA

A. Regular Session

1. LCDC Public Hearing (ID # 2933)

Public Hearing to discuss providing funds to the City of Liberty to pay a portion of the costs 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.

COMMENTS - Current Meeting:

At 6:16 p.m., President Beasley opened the Public Hearing to discuss funding for the Street Project. This project consists of constructing a new street on the east side of the City off of the Highway 146 Bypass. The estimated sources of funding include a $3 million bond transaction and use of $2.3 million from the LCDC fund balance, for a total of $5.3 million. With there being no representation from the public at this public hearing, President Beasley closed the public hearing at 6:18 p.m.

VI. ADJOURNMENT

1. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Corporation, President Beasley adjourned the meeting at 6:18 p.m.

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Dennis Beasley, President

ATTEST:

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Dianne Tidwell, City Secretary

The City of Liberty

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

Dianne Tidwell
City Secretary
(936) 336-3684

Liberty Community Development Corporation

Special Mtng. & Joint Meeting-Liberty City Council

~ Minutes ~

Tuesday, February 25, 2014 | 6:00 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	Absent	
Leslie Herndon	Board Member	Present	
David Arnold	Board Member	Present	
Mark Campbell	Board Member	Absent	
Gary Broz	General Manager	Present	
Dianne Tidwell	Corp. Secretary	Present	
Randy Gunter	City Attorney	Present	

II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS

President Beasley welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Board. There were no comments.

III. REGULAR AGENDA

A. Regular Session

1. LCDC Public Hearing (ID # 2945)

Public Hearing to discuss providing funds to the City of Liberty to pay a portion of the costs 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.

COMMENTS - Current Meeting:

At 6:05 p.m., President Beasley opened the Public Hearing on the Corporation providing funds to the City to pay a portion of the costs for the new Street Project. Brief discussion was held regarding the Corporation's funding of this project, derived from sales tax revenues. The project will be funded with Sales Tax Revenue Bonds, Series 2014, if approved. For clarification purposes, this project is not funded with any property tax revenues.

At 6:10 p.m., President Beasley closed the Public Hearing.

2. LCDC Resolution 2014-1

Consider a Resolution authorizing the issuance of approximately $3,900,000 in aggregate principal amount of Liberty Community Development Corporation Sales Tax Revenue Bonds, Series 2014; approving all documents related thereto including a Paying Agent/Registrar Agreement, a Project Funding Agreement, a Sales Tax Remittance Agreement, a Purchase Contract and an Official Statement; and approving other matters thereto.

COMMENTS - Current Meeting:

This being a joint meeting of both the Liberty Community Development Corporation and the Liberty City Council, Mr. Bob Henderson, RBC Capital Markets, the Corporation and the City's Financial Advisor, addressed both entities. Mr. Henderson spoke regarding the issuance of LCDC Sales Tax Revenue Bonds, in the amount of $3,215,000.00, for the Street Project. Previous proposed issuance estimates were for $3.9 million, however, after firm project cost estimates were obtained, an issuance of only $3.215,000 is required. Mr. Henderson reported on rating calls that resulted in the Corporation receiving a rate of "A-" with stable rating. This rating was achieved due to the historical average of collections from the sales tax revenues being over $1 million for the last six years.

Mr. Henderson detailed the negotiated interest rate of 3.925172% average coupon on debt, however with financial advisor fees, legal fees, attorney general fees, etc., the true interest rate becomes 4.206379%; with Samco Capital Markets as underwriter. Further discussion entailed the sources and uses of funds, bond summary statistics, bond pricing and maturity dates, the debt service with some bonds being callable on March 1, 2023, and other related issues.

Mr. Tom Spurgeon, McCall, Parkhurst, & Horton, the City's Bond Counsel, explained that the proposed Resolution also approves a Paying Agent/Registrar Agreement, Project Funding Agreement, Sales Tax Remittance Agreement, and a Purchase Contract. Mr. Spurgeon described the purpose and importance of each of these documents.

A motion was made to approve the Resolution authorizing the issuance of $3,215,000.00 in Sales Tax Revenue Bonds, Series 2014 for the Street Project.

RESULT:	**APPROVED [4 TO 1]**
MOVER:	Dennis Beasley, President
SECONDER:	Leslie Herndon, Board Member
AYES:	Dennis Beasley, Mike McCarty, Leslie Herndon, David Arnold
NAYS:	Louie Potetz
ABSENT:	Barbara Norwood, Mark Campbell

IV. ADJOURNMENT

1. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Corporation, President Beasley adjourned the meeting at 6:22 p.m.

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Dennis Beasley, President

ATTEST:

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Dianne Tidwell, City Secretary

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, March 11, 2014 | **5:15 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	Absent	
Barbara Norwood	Board Member	Present	
Leslie Herndon	Board Member	Absent	
David Arnold	Board Member	Present	
Mark Campbell	Board Member	Absent	
Gary Broz	General Manager	Present	
Dianne Tidwell	Corp. Secretary	Present	
Brandon Davis	Legal Counsel	Present	

II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / CITIZENS FORUM

President Beasley welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Board. There were no comments from the audience.

General Manager Gary Broz reported that he would holding a lunch meeting of the local realtors to discuss housing needs in the City. This lunch will take place at noon on Wednesday, March 12th at City Hall.

III. REGULAR AGENDA

A. Regular Session

1. LCDC Corporation Action 2014-4

Consider award of bid for the Lakeland to Bypass Street Connector Project, and take any action deemed necessary.

COMMENTS - Current Meeting:

Mr. Broz reported that six bids were received for the street connector project on March 4th, ranging from $5.1 to $6.2 million dollars. The number of calendar days for construction ranged from 240 days to 450 days.

Mr. Tommy Kuykendall, CivilCorp Engineers, reviewed the project budget and costs. Mr. Kuykendall reported that the low bid of $5,107,816.29 exceeded the anticipated construction cost of $4,785,392.26 by $322,424.03. Mr. Kuykendall reported as a result of this difference, several alternatives were developed to reduce the project bid cost below the original estimated cost. A summary of those alternatives are as follows:

1) Eliminate upsizing of storm sewer trunkline for long range needs. Additional trunkline may be placed if Phase II is developed - Cost Savings - $174,000.

2) Reduction of the center turn lane from 14' to 12' for Phase I. When Phase II is developed, adequate width can be placed to provide an ultimate 14' turn lane when traffic warrants - Cost Savings - $79,000.

3) Reduce conduit placement for electrical distribution lines and provide for placement from the Bypass east 1,600'. Coverage will include the future nursing home site and potential hospital site. Additional electrical infrastructure can be constructed to the west as development occurs - Cost Savings - $182,000.

Mr. Kuykendall stated that the total estimated project savings is $435,000, for a beginning project cost of $4,672,816.29. Discussion was held regarding the second lowest bidder, R Construction, however, no similar projects had been completed under this company name even though they had personnel who had performed similar services. Further discussion included solicited references, the proposed alternatives, project funding and related issues. Management and CivilCorp recommend the project award to Doughtie Construction for $5,107,816.29, with 330 calendar days for completion, to include Change Order #1, the alternatives described.

A motion was made to award the bid to Doughtie Construction in the amount of $5,107,816.29, to include Change Order #1, for a beginning project cost of $4,672,816.29.

ATTACHMENTS:

- Bid Tab Street Project (PDF)

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

B. Executive Session

Consultation with Attorney-Pending Litigation. Gov. Code §551.071

1. Liberty Community Development Corporation v. Laura Pinkney, et. al., Cause Number CON-0136 in the Liberty County Court at Law, Liberty County, Texas.

At 5:37 p.m., President Beasley closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 5:55 p.m., President Beasley closed the Executive Session and reconvened the open meeting.

1. **LCDC Corporation Action (ID # 2953)**

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

COMMENTS - Current Meeting:

No action was taken.

IV. ADJOURNMENT

1. **Motion To:** Adjourn

COMMENTS - Current Meeting:

There being no further business before the Board, President Beasley adjourned the meeting at 5:56 p.m.

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Dennis Beasley, President

ATTEST:

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Dianne Tidwell, City Secretary

The City of Liberty
Liberty Community Development Corporation
1829 Sam Houston Street
Liberty, TX 77575

Meeting: 04/01/14 06:00 PM

Department: Administration
Category: LCDC Misc.

LCDC CORPORATION ACTION (ID # 2963)

DOC ID: 2963

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The City of Liberty
Liberty Community Development Corporation
1829 Sam Houston Street
Liberty, TX 77575

Meeting: 04/01/14 06:00 PM
Department: Administration
Category: LCDC Executive Session Items

LCDC CORPORATION ACTION (ID # 2964)

DOC ID: 2964

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