The City of Liberty
City Council

Regular Meeting

~ Agenda ~

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

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, July 13, 2010 **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 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. 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, June 08, 2010

VI. ITEMS OF INTEREST

A. Information Item (ID # 1748)

Comcast Channel Lineup

VII. PUBLIC HEARINGS

1. Public Hearing (ID # 1746)

2009 Drinking Water Quality Report

- CCR 2010 (PDF)

VIII. REGULAR AGENDA

A. Regular Session

1. Council Action (ID # 1745)

Consider Approval of a Variance Request to Develop a Recreational Vehicle Park to be Located at 1609 Lakeland Drive.

- Blanchard Variance Request (PDF)

2. Council Action (ID # 1747)

Discuss and Take Action, If Deemed Necessary, on the City's Utility Deposit Ordinance.

- Utility Deposit Ord. (PDF)

3. Council Action (ID # 1729)

Consider Approval of the Liberty Community Development Corporation's Proposal for Demolition of the Old Mercy Hospital, Located at 521 Travis Street.

4. Council Action (ID # 1739)

Consider Approval of March 25 & 26 as Dates for the 2011 Liberty Jubilee.

5. Council Action (ID # 1740)

Consider an Appointment to the Liberty Community Development Corporation Board of Directors.

6. Council Action (ID # 1741)

Consider Approval of Advertising for Sale Various Real Properties Owned by the City of Liberty.

7. Resolution (ID # 1742)

Consider Approval of a Resolution Electing to Participate in the Tax Abatement Program Under Texas Tax Code 312.

8. Resolution (ID # 1743)

Consider Approval of a Resolution Adopting Guidelines and Criteria for Tax Abatement.

- Tax Abatement Guidelines and Criteria 2010 (DOC)

9. Council Action (ID # 1730)

Consider and Adopt an Agreement for Electrical Service to Boomerang Tube, LLC.

10. Ordinance (ID # 1731)

Consider and Adopt an Industrial Rate Ordinance.

11. Council Action (ID # 1744)

Discuss Citizen Response and Take Action, If Any, on Recent Customer Survey Conducted by the City of Liberty.

B. Executive Session

Deliberation Regarding Economic Development Negotiation. Gov. Code §551.087
Consultation With Attorney. Gov. Code §551.071
Meeting Concerning Municipally Owned Utility. 551.086

1. Discussion of industrial electric rate ordinance and electric service agreement with industrial customer.

C. Reconvene into Regular Session

1. Ordinance (ID # 1733)

Consider Adoption of an Industrial Electric Rate Ordinance.

2. Council Action (ID # 1734)

Consider an Electric Service Agreement with an Industrial Customer.

IX. COUNCIL MEAL

X. 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 9th day of July, 2010 at 10:00 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.

_____
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 _____, 2010.

The City of Liberty
City Council
Regular Meeting
~ Minutes ~

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

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, June 8, 2010 **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

The Meeting was called to order on June 8, 2010 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:01 PM by Mayor Carl Pickett.

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Dennis Beasley	Councilperson	Present	
Diane Huddleston	Councilperson	Present	
Mike McCarty	Mayor Pro-Tem	Present	
Al Simonson	Councilperson	Present	
Louie Potetz	Councilperson	Present	
Frank Jordan	Councilperson	Present	

II. INVOCATION

Mr. Kevin Ladd gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Fire Chief Fred Collins led the pledge to the American and Texas flags.

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Mayor Pickett welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council regarding non-agenda items. There were no comments from the audience.

City Manager Gary Broz reported on the following:
1. a neighborhood meeting for the residents of the Oak Forest Subdivision will be held on Saturday, June 12th at 11:00 a.m. in the Council Chambers. This meeting deals with a study of floodplain issues and suggestions for those that are located in high profile areas. This study is conducted by a group from New Orleans, LA., under contract with the federal government.
2. City Hall employees have adopted the gazebo on the City Hall grounds as a community project to improve the facility grounds.
3. Police Department employees have adopted the triangle area around the large flag pole on Martin Luther King Drive as their community project, while other departments are searching for areas to use as a project.

Mayor Pickett reported on the following:

Minutes Acceptance: Minutes of Jun 8, 2010 6:00 PM (Minutes Approval)

1. City's July 4th celebration to be held on Friday, July 2nd,
2. Expressed appreciation for the numerous responses to the city survey sent out to the citizens,
3. TML Annual Conference to be held on October 26 - 29 in Corpus Christi, and
4. Hurricane Preparedness Training for the public, to be held in the Liberty Center on June 17th at 6:00 p.m., sponsored by Liberty County Emergency Management and the cities of Liberty and Cleveland Emergency Management.

V. 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.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Mike McCarty, Mayor Pro-Tem
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Beasley, Huddleston, McCarty, Simonson, Potetz, Jordan

A. Minutes Approval

1. Thursday, May 06, 2010

2. Tuesday, May 11, 2010

3. Wednesday, May 26, 2010

VI. REGULAR AGENDA

A. Regular Session

1. Council Action 2010-52

Consider Approval of an Interlocal Agreement with Liberty County Precinct 1 for the Maintenance of Streets, Roads, Ditches, and Recreational Areas.

COMMENTS - Current Meeting:

Brief discussion was held regarding cooperation between the City and the County on various projects, to include downtown revitalization, awareness of historic preservation grants that may be available to the City, improved communication, documenting requests for assistance, the County Economic Alliance, and other related topics.

Motion was made to approve the Interlocal Agreement.

ATTACHMENTS:

- Interlocal Agreement Liberty Co. 2010 (PDF)

Minutes Acceptance: Minutes of Jun 8, 2010 6:00 PM (Minutes Approval)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Mike McCarty, Mayor Pro-Tem
AYES:	Pickett, Beasley, Huddleston, McCarty, Simonson, Potetz, Jordan

2. Council Action 2010-53

Consider Approval of an Increase in the Ad Valorem Tax Collection Contract with Liberty County and the Liberty County Tax Assessor-Collector.

COMMENTS - Current Meeting:

Discussion was held regarding the tax assessment and collection services contract between the City and Liberty County, and the increase from $.15 to $.32 per parcel. The current rate of $.15 has been in effect since 1991, with the increase raising the City's cost from $1574.00 to $3385.00. This increase in the ad valorem tax collection contract is to cover increased operating and reporting requirements, personnel costs, and other associated costs which have not been adjusted since the contract's inception.

Motion was made to approve the increase in the ad valorem tax collection contract with Liberty County.

ATTACHMENTS:

- Ad valorem tax collection increase (PDF)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Mike McCarty, Mayor Pro-Tem
SECONDER:	Al Simonson, Councilperson
AYES:	Pickett, Beasley, Huddleston, McCarty, Simonson, Potetz, Jordan

3. Council Action (ID # 1691)

Consider a Request for Variance from Road Frontage Requirements for a A Manufactured Home Located at FM 2830/FM 160.

COMMENTS - Current Meeting:

Mr. Curtis Herman applied for a manufactured home permit for property located at FM 2830 at FM 160. After discussion, a motion was made to accept the recommendation of the Planning & Zoning Commission to deny the variance request, as the property does not have the proper road frontage required by the City's manufactured home ordinance.

ATTACHMENTS:

- HERMAN VARIANCE PACKAGE (PDF)

RESULT:	**DEFEATED [0 TO 7]**
MOVER:	Al Simonson, Councilperson
SECONDER:	Mike McCarty, Mayor Pro-Tem
NAYS:	Pickett, Beasley, Huddleston, McCarty, Simonson, Potetz, Jordan

4. Ordinance 2010-15

Minutes Acceptance: Minutes of Jun 8, 2010 6:00 PM (Minutes Approval)

Consider an Ordinance Ordering Adoption of the Charter Amendments Approved by the Voters in the May 8, 2010 Special Election.

COMMENTS - Current Meeting:

The following proposed charter amendments were presented, and approved, by the voters in the May 8, 2010 Special Election as follows:

Proposition #1	Section 1.03(b)	Change of boundaries and residents' rights - Disannexation of Territory
Proposition #2	Section 3.06(i)	Powers of the City Council
Proposition #3	Section 3.08	Meetings of the City Council
Proposition #4	Section 3.13	Audit & Examination of City Books and Records
Proposition #5	Section 4.04(b)	Municipal Court
Proposition #6	Section 6.03	Form of Recall Petition
Proposition #7	Section 9.12	Contingent Appropriation

Motion was made to adopt the ordinance ordering adoption of the proposed charter amendments.

ATTACHMENTS:

- Charter Amendments Adopted by Voters (DOC)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Frank Jordan, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Beasley, Huddleston, McCarty, Simonson, Potetz, Jordan

5. Council Action 2010-54

Consider Award of Bid for Sale of the Old Liberty Police Department Located at 323 San Jacinto Street.

COMMENTS - Current Meeting:

Brief discussion was held regarding the sale of the old Police Department building located at 323 San Jacinto. City Manager Gary Broz reported that one bid had been received from Mr. Frank Biehunko, in the amount of $51,000. Mr. Broz further reported that Mr. Biehunko's intent is to renovate the building as the location for his air conditioning business.

Motion was made to accept the bid in the amount of $51,000.

ATTACHMENTS:

- Bid for PD Bldg June 2010 (PDF)

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

6. Council Action 2010-55

Consider Granting a Right-Of-Way to Boomerang Tube, LLC.

COMMENTS - Current Meeting:

City Manager Gary Broz reported that Boomerang Tube requires the use of an entrance to their facility on the east side of the property to provide access for large trucks. With the granting of this right-of-way, Boomerang will have three entrances into their location, which will alleviate traffic issues as their business becomes more active. This road will be built to the City's specifications, with no expense to the City, and which will become property of the City.

Motion was made to grant the right-of-way to Boomerang Tube, LLC.

ATTACHMENTS:

- Boomerang ROW Agreement (PDF)

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

7. Council Action 2010-56

Discuss and Consider Approval of the Liberty Community Development Corporations's Proposal for Demolition of the Old Mercy Hospital, Located at 521 Travis Street.

COMMENTS - Current Meeting:

General Manager Gary Broz reported on the proposed plan for demolition of the old Mercy Hospital located at 521 Travis Street. As previously discussed, Mr. Broz stated that LCDC would pay the $1600 cost of purchase, one-half of the $114,000 cost of demolition, with the School District and the County each funding one-half of the remaining fifty percent. Mr. Broz further reported that he had me with Liberty Independent School District Superintendent Cynthia Lusignolo and Liberty County Judge Phil Fitzgerald, each of whom would take this proposition to their respective governing bodies for approval.

Lengthy discussion ensued regarding this project and related expenses, CAD appraised value, liability insurance, taxes, and other topics.

City Attorney Randy Gunter summarized for Council the proposed plan per their discussion:

LCDC is to pay the $1600 court costs, take title to the property, fund 50%of the $114,00 cost of demolition, which is approximately $56,000, with LISD and Liberty County to fund one-quarter each of the remaining 50%, approximately $28,000 per entity. LCDC will manage the sale of

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the property, also retaining 50% of the proceeds from the sale, along with 100% of expenses related to the sale from the closing proceeds. The balance of proceeds will then be dispersed equally to LISD and Liberty County. If either of the parties involved disagree with the proposal then the contract document is null and void.

Motion was made to authorize the City Manager to renegotiate based on terms and conditions agreeable to Council, and allow the City Manager to authorize minor changes to the contract at his discretion, with material changes to be brought back before Council.

RESULT:	**APPROVED [6 TO 1]**
MOVER:	Mike McCarty, Mayor Pro-Tem
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Beasley, Huddleston, McCarty, Simonson, Jordan
NAYS:	Louie Potetz

8. Council Action 2010-57

Consider and Adopt an Agreement for Electrical Service to Boomerang Tube, LLC.

COMMENTS - Current Meeting:

This agenda item was passed on.

RESULT:	**NO ACTION TAKEN**

9. Ordinance (ID # 1706)

Consider and Adopt an Industrial Electric Rate Ordinance.

COMMENTS - Current Meeting:

This agenda item was passed on.

RESULT:	**NO ACTION TAKEN**

B. Executive Session

Deliberation Regarding Economic Development Negotiation. Gov. Code §551.087
Consultation With Attorney. Gov. Code §551.071
Meeting Concerning Municipally Owned Utility. Gov. Code §551.086
Personnel Matters. Gov. Code §551.074

1. Discussion of industrial electric rate ordinance and electric service agreement with industrial customer.

2. Discussion of the City Manager's 6-month evaluation.

At 7:57 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 7:57 p.m., Mayor Pickett closed the Executive Session and reconvened the open

Minutes Acceptance: Minutes of Jun 8, 2010 6:00 PM (Minutes Approval)

meeting.

1. Ordinance (ID # 1709)

Consider Adoption of an Industrial Electric Rate Ordinance.

COMMENTS - Current Meeting:

This agenda item was passed on.

RESULT:	**NO ACTION TAKEN**

2. Council Action 2010-58

Consider an Electric Service Agreement with an Industrial Customer.

COMMENTS - Current Meeting:

This agenda item was passed on.

RESULT:	**NO ACTION TAKEN**

3. Council Action 2010-59

Consider Action, If Any, on the City Manager's 6-Month Evaluation.

COMMENTS - Current Meeting:

This agenda item was passed on.

VII. COUNCIL MEAL

Council shared an evening meal.

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 7:58 p.m.

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

Carl Pickett, Mayor

ATTEST:

Minutes Acceptance: Minutes of Jun 8, 2010 6:00 PM (Minutes Approval)

Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Jun 8, 2010 6:00 PM (Minutes Approval)

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

Meeting: 07/13/10 06:00 PM

Department: Administration
Category: Correspondence

INFORMATION ITEM (ID # 1748)

DOC ID: 1748

Comcast Channel Lineup

.

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

Meeting: 07/13/10 06:00 PM

Department: Administration
Category: Public Hearing

PUBLIC HEARING (ID # 1746)

DOC ID: 1746

2009 Drinking Water Quality Report

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About the Following Page

The page that follows list all of the federally regulated or monitored contaminants which have been found in your drinking water. The U.S. EPA requires water systems to test for up to 97 contaminants.

Important Drinking Water Definitions:

TT: Treatment Technique: A required process intended to reduce the level of a contaminant in drinking water.
MRDLG: Maximum Residual Disinfectant Level Goal: The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contamination.
MRDL: Maximum Residual Disinfectant Level: The highest level of disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.
MCLG: Maximum Contaminant Level Goal: The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.
MCL: Maximum Contaminant Level: The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.
AL: Action Level: The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

Year	Contaminant	Average Level at any sampling point	Range of detected levels	MCL	MCLG	Unit of Measure	Source of Constituent
08-06	Arsenic	4	4	10	0	ppb	Erosion of natural deposits; runoff from Orchards; runoff from glass and electronics productions waste
08-06	Barium	.055	.041 -.068	2	2	ppm	Discharge of drilling wastes; discharge from Metal Refineries; erosion of natural deposits
09-08	Fluoride	.31	.25-.36	4	4	ppm	Erosion of natural deposits; Water additive which promotes strong teeth; discharge from fertilizer & aluminum factories
08	Nitrate	.01	0-.01	10	10	ppm	Runoff from fertilizer use; leaching from septic tanks, sewage; erosions of natural deposits

Year	Constituent	Average Level	Minimum Level	Maximum Level	Secondary Limit		Source of Constituent
09-08	Bicarbonate	209	196	221	Na	ppm	Corrosion of carbonate rocks such as limestone
08-06	Calcium	5.5	5.4	5.6	Na	ppm	Abundant naturally occurring element
09-08	Chloride	51	28	73	300	ppm	Abundant naturally occurring element; used in water purification; byproduct of oil field activity
08-06	Copper	.003	.002	.004	1	ppm	Corrosion of household plumbing systems; erosion of natural deposits; leaching from wood preservatives
08-06	Iron	.013	.012	.014	.3	ppm	Erosion of natural deposits; iron or steel water delivery equipment or facilities
08-06	Manganese	.003	.0029	.003	.05	ppm	Abundant naturally occurring element
08-06	PH	7.6	7.5	7.7	>7.0	Units	Measure of corrosivity of water
08-06	Sodium	95	92	97	Na	ppm	Erosion of natural deposits; byproduct of oil field activity
09-08	Sulfate	7	6	7	300	ppm	Naturally occurring; common industrial byproduct; byproduct of oil field activity
09-08	Total Alkalinity as CaCO3	171	161	181	Na	ppm	Naturally occurring soluble mineral salts
09-08	Total Dissolved solids	293	274	311	1000	ppm	Total dissolved mineral constituents in water
08-06	Total Hardness as CaCO3	14	13	14	Na	ppm	Natural occurring calcium

Year	Disinfectant	Average Level	Range of Level	MRDL	MRDLG	Unit of Measure	Source of Chemical
2009	Chlorine	1.21	0.2-2.2	4.0	4.0	ppm	Disinfectant used to control microbes

Year	Contaminant	90th Percentile	Exceeding Action Level	Action Level		Unit of Measure	Source of Contaminant
2007	Lead	1	0	15		ppb	Corrosion of household plumbing systems; erosion of natural deposit
2007	Copper	.211	0	1.3		ppm	Corrosion of household plumbing systems; erosion of natural deposits; leaching from wood preservatives

		Total Coliform				
Year	Contaminant	Highest Monthly # of Positive Sample	MCL		Unit of Measure	Source of Constituent
2009	Total Coliform Bacteria	1	*		Presence	Naturally present in the environment

Total Coliform: Total coliform bacteria are used as indicators of microbial contamination of drinking water because testing for them is easy. While not disease-causing organisms themselves, they are often found in association with other microbes that capable of causing disease. Coliform bacteria are more hardy than many disease-causing organisms; therefore, their absence from water is a good indication that the water is microbiologically safe for human consumption
Unregulated Contaminants: Not reported or none detected
Disinfection Byproducts: Not reported or none detected
Turbidity: Not required
Fecal Coliform: Reported Monthly tests found no fecal coliform bacteria
Organic Contaminants: Testing waived, not reported, or none detected

Abbreviations

ppm-parts per million, or milligrams per liter (mg/L)
ppb-parts per billion, or micrograms per liter (mg/L)
For more information contact:
City of Liberty Attn: Earl McCreight 1829 Sam Houston Liberty, Texas 77575 936-336-3684 emccreight@cityofliberty.org

Attachment: CCR 2010 (1746 : 2009 Drinking Water Quality Report)

City of Liberty 2009 Drinking Water Quality Report

Special Notice for the ELDERLY, INFANTS, CANCER PATIENTS, people with HIV/AIDS or other Immune problems:
Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. The EPA/Centers for Disease Control and Prevention (CDC) guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the Safe Drinking Water Hotline (1-800-426-4791).

Our Drinking Water Meets or Exceeds All Federal (EPA) Drinking Water Requirements
This report is a summary of the quality of the water we provide our customers. The analysis was made by using the data from the most recent U.S. Environmental Protection Agency (EPA) required tests and is presented in the attached pages. We hope this information helps you become more knowledgeable about what's in your drinking water. WATER SOURCES: The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals, and in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity. Contaminants that may be present in source water before treatment include: microbes, inorganic contaminants, pesticides, herbicides, radioactive contaminants, and organic chemical contaminants. Some more knowledgeable about what's in your drinking water.

En Español Este informe incluye información importante sobre el agua potable. Si tiene preguntas o comentarios sobre éste informe en español, favor de llamar al tel. (936)336 - 3684 - para hablar con una persona bilingüe en español.

Where do we get our drinking water?
Our drinking water is obtained from GROUND water sources. It comes from the following Lake/River/Reservoir/Aquifer: Gulf Coast Aquifer. A Source Water Susceptibility Assessment for your drinking water sources(s) is currently being updated by the Texas Commission on Environmental Quality and will be provided to us this year. The report will describe the susceptibility and types of constituents that may come into contact with your drinking water source based on human activities and natural conditions. The information contained in the assessment will allow us to focus our source water protection strategies. For more information on source water assessments and protection efforts at our system, please contact us.

ALL drinking water may contain contaminants.
When drinking water meets federal standards there may not be any health based benefits to purchasing bottled water or point of use devices. Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the EPA's Safe Drinking Water Hotline (1-800-426-4791).

Secondary Constituents
Many constituents (such as calcium, sodium, or iron) which are often found in drinking water, can cause taste, color, and odor problems. The taste and odor constituents are called secondary constituents and are regulated by the State of Texas, not the EPA. These constituents are not causes for health concern. Therefore, are not required to be reported in this document but they may greatly affect the appearance and taste of your water.

October 13, 2009
The faucet in the First Baptist Church had a sample that had to be retested. Samples were taken upstream and downstream and it was determined that there was no problem. First sample could have been faulty due to operator error or bad weather.

Public Participation Opportunities
July 13, 2010 at 6:00pm at City Hall in the council chambers

City of Liberty
1829 Sam Houston
Liberty, Tx 77575

Attachment: CCR 2010 (1746 : 2009 Drinking Water Quality Report)

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

Meeting: 07/13/10 06:00 PM

Department: Inspection
Category: Variance Requests

COUNCIL ACTION (ID # 1745)

DOC ID: 1745

Consider Approval of a Variance Request to Develop a Recreational Vehicle Park to be Located at 1609 Lakeland Drive.

EXPLANATION:
Ms. Dorene Blanchard has submitted information regarding a request for a variance to place a recreational vehicle park at 1609 Lakeland Drive. Ms. Blanchard's electrical contractor was denied a permit to place multiple electrical services at this location for vehicle spaces. At this time, Ms. Blanchard was given a copy of the Recreational Vehicle Ordinance and advised of her right to ask for a variance.

The Planning and Zoning Commission met on June 29, 2010 to discuss the variance request and denied it because the location is in conflict with the Recreational Vehicle Ordinance because it is located within the "No Recreational Vehicle Park Zone".

Included as an attachment is the information Ms. Blanchard submitted for your review.

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June 22, 2010

Dear Zoning Committee and Liberty City Council,

We have property located at 1609 Lakeland Dr. It consists of two acres (2 acres), nice storage buildings and two existing RV hookups.

When purchased in July 2006, our plans were to add additional RV Spaces, plant trees for shade and beauty and open to Senior Citizens Only.

My brother, Robert Locke, spoke with Roy Gilllilliand in 2008 about the specks required.

Each tenant would have a personal storage building, which would allow items that would otherwise be an eye sore, to be stored.

All RV's would be required to be of late models, in good repair.

The lawns would continue to be keep, as they are now, as most seniors are unable to do such chores.

There is an air and heated building for recreational use. The back of the property, with all the trees would be for picnic area and walking trails.

We feel this would be an assent to the City of Liberty, for the appearance and most of all for the revenue brought in.

Our plans were to become reality at the time the loan being paid. The loan was paid in full May 26, 2010.

We learned of the City Ordinance that was passed several months ago, and plea that our plans could be considered "Grandfathered" in.

Submitted are drawings of our plans.

Thanking you in advance for your consideration of this matter.

Dorene L. Blanchard
2431 CR 2066
Hull, TX 77564

Home & Fax # 936-298-2261
Cell# 936-346-4666

Attachment: Blanchard Variance Request (1745 : Variance Request)

Addvantage Storage
1609 Lakeland Dr.
Liberty, TX 77575

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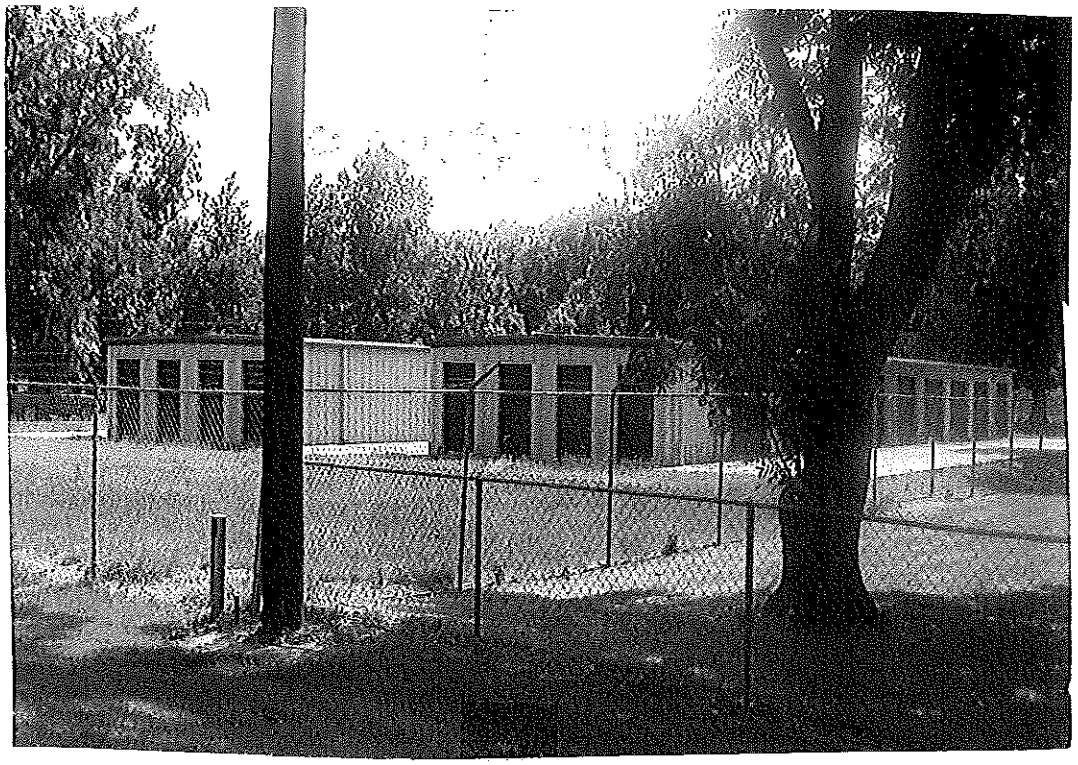
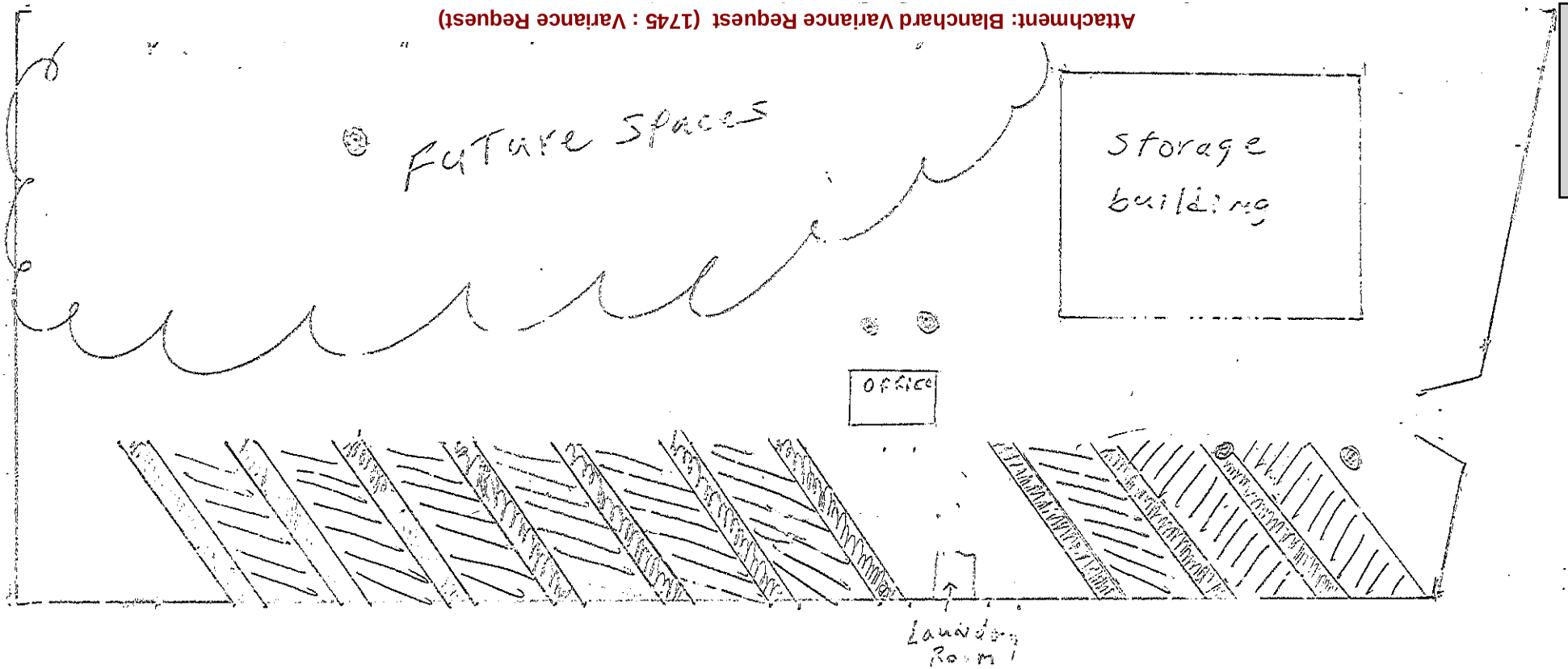


Attachment: Blanchard Variance Request (1745 : Variance Request)



1 sq = 13'

● = Tree

//// - Existing Space

//// - planned space

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

Meeting: 07/13/10 06:00 PM

Department: Administration
Category: Utility Deposit Issues

COUNCIL ACTION (ID # 1747)

DOC ID: 1747

Discuss and Take Action, If Deemed Necessary, on the City's Utility Deposit Ordinance.

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ORDINANCE NO. 964

AN ORDINANCE REVISING ORDINANCE NO. 775, 829, 845, AND 855 OF THE CITY OF LIBERTY, TEXAS; ESTABLISHING CERTAIN FEES PERTAINING TO SECURITY DEPOSITS, RETURNED CHECKS, DELINQUENT BILLS, SUSPENSION OF SERVICE, AND UPGRADE OF SERVICE TO BE CHARGED BY THE LIGHT AND POWER DEPARTMENT, WATER AND WASTEWATER DEPARTMENT AND SOLID WASTE DEPARTMENT AND CREATING PROCEDURES FOR THE RETURN OF UTILITY SERVICE SECURITY DEPOSITS; AND DISPENSING WITH THE REQUIREMENTS OF SECTION 3:10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

SECTION 1

SECURITY DEPOSITS

The City may require a security deposit for utility services in a form acceptable to the City. The deposit for residential service shall be established by the City Manager subject to approval by the City Council. Commercial and Industrial deposits will be calculated by the City to equal the estimated total billing from the City to the customer for two (2) months power and water and wastewater consumption, plus an amount calculated by the City to cover the City's increased ratchet billing liability to the City's wholesale electric provider, as a result of the customer's billing load. Any customer who makes three (3) late payments in a twelve month period shall be required to post a deposit. Failure to do so will result in termination of utility service. The amount of the required deposits may be adjusted by the City Manager subject to approval by the City Council.

SECTION 2

SECURITY DEPOSIT RETURN

The City shall return the security deposits on a utility account for all classes of utility customers if the customer has made all utility bill payments by the due date for a twelve (12) consecutive month period immediately prior to the date of the return.

SECTION 3

BILL COLLECTION

A fee may be charged when the City takes any action to collect a delinquent bill. The collection fee shall be set by the City Manager subject to approval by City Council.

SECTION 4

RECONNECTION FEE

A fee will be charged to restore service which has been suspended as a result of any utility service bill in arrears, failure of a customer to comply with the terms and conditions applicable to utility service, prevention of fraud or abuse, or discovery that utility meter(s) have

Attachment: Utility Deposit Ord. (1747 : Utility Deposit Ordinance)

been tampered with or damaged. The fee to reconnect utility service during normal business hours and the after hours reconnect fee shall be set by the City Manager subject to City Council approval. Normal business hours shall be defined as the hours in which City Hall is open in order to conduct day to day business. After hours operation shall be defined as when the City Hall is closed and shall include nights, weekends, and recognized holidays.

SECTION 5

RETURN CHECK FEE

A fee may be charged for each check that is returned from a financial institution without being paid. The returned check fee shall be set by the City Manager subject to approval by City Council.

SECTION 6

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two (2) separate days is hereby dispensed with and all Council Members present vote affirmatively for the adoption of this Ordinance.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Liberty, Texas on the 9th day of September, 2003, with all Council Members present voting "AYE".

Bruce E. Halstead, Mayor

ATTEST:

Dianne Tidwell, City Secretary

Attachment: Utility Deposit Ord. (1747 : Utility Deposit Ordinance)

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

Meeting: 07/13/10 06:00 PM

Department: Administration
Category: Hospital

COUNCIL ACTION (ID # 1729)

DOC ID: 1729

Consider Approval of the Liberty Community Development Corporation's Proposal for Demolition of the Old Mercy Hospital, Located at 521 Travis Street.

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

Meeting: 07/13/10 06:00 PM

Department: Administration
Category: Misc.

COUNCIL ACTION (ID # 1739)

DOC ID: 1739

Consider Approval of March 25 & 26 as Dates for the 2011 Liberty Jubilee.

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

Meeting: 07/13/10 06:00 PM

Department: Administration
Category: Board Appointments

COUNCIL ACTION (ID # 1740)

DOC ID: 1740

Consider an Appointment to the Liberty Community Development Corporation Board of Directors.

EXPLANATION:
The Corporation is managed by a board of seven members, each of whom is appointed by the City Council. Each of the directors shall be a resident of the City and serve for two-year terms. Three directors shall be persons who are not employees, officers of the City, or members of the City Council. At the council meeting of May 11th, Dennis Beasley, Louie Potetz, and Billy Page were re-appointed to this Board. Board Member Mike Van Etta resigned in May, being at the end of his term. A new appointment will fill the seventh position on the Board.

Dennis Beasley Louie Potetz Mike Van Etta Billy Page

Current Members are:
Dennis Beasley, President
Mike McCarty, Vice-President
Louie Potetz
Billy Page
Robert Ward
Juan Venegas

.

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

Meeting: 07/13/10 06:00 PM

Department: Administration
Category: Disposal of Real Property

COUNCIL ACTION (ID # 1741)

DOC ID: 1741

Consider Approval of Advertising for Sale Various Real Properties Owned by the City of Liberty.

EXPLANATION:
City Manager Gary Broz will present a list of city-owned properties that could be advertised for sale and placed back onto the tax rolls.

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

Meeting: 07/13/10 06:00 PM
Department: Administration
Category: Tax Abatement

RESOLUTION (ID # 1742)

DOC ID: 1742 A

Consider Approval of a Resolution Electing to Participate in the Tax Abatement Program Under Texas Tax Code 312.

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, ELECTING TO PARTICIPATE IN THE TAX ABATEMENT PROGRAM UNDER TEXAS TAX CODE 312

WHEREAS, the City Council of the City of Liberty desires to promote the development/redevelopment of certain contiguous geographic areas within its jurisdiction; and

WHEREAS, the City of Liberty is authorized to enter into Tax Abatement Agreements for commercial/industrial purposes as authorized in Chapter 312 of the Texas Tax Code, "Property Redevelopment and Tax Abatement Act" (The Act); and

WHEREAS, the Act requires the City of Liberty to elect to make itself eligible to engage in a Tax Abatement Program pursuant to Chapter 312 of the Texas Tax Code.

NOW, THEREFORE, BE IT RESOLVED that the City of Liberty does hereby elect to participate in a Tax Abatement Program under Chapter 312 of the Texas Tax Code.

PASSED AND APPROVED this the 13th day of July, 2010.

CITY OF LIBERTY, TEXAS

_____
Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

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

Meeting: 07/13/10 06:00 PM

Department: Administration
Category: Tax Abatement

RESOLUTION (ID # 1743)

DOC ID: 1743

Consider Approval of a Resolution Adopting Guidelines and Criteria for Tax Abatement.

A RESOLUTION BY THE CITY COUNCIL OF THE
CITY OF LIBERTY, TEXAS, ADOPTING GUIDELINES
AND CRITERIA FOR TAX ABATEMENT

WHEREAS, the City Council of the City of Liberty desires to promote the development/redevelopment of certain contiguous geographic areas within its jurisdiction; and

WHEREAS, the City of Liberty is authorized to enter into Tax Abatement Agreements for commercial/industrial purposes as authorized in Chapter 312 of the Texas Tax Code, "Property Redevelopment and Tax Abatement Act" (The Act); and

WHEREAS, the Act requires the City of Liberty to establish guidelines and create criteria for the designation of Reinvestment Zones and the entering into Tax Abatement Agreements.

NOW, THEREFORE, BE IT RESOLVED that the City of Liberty does hereby adopt the attached guidelines and criteria for tax abatement.

PASSED AND APPROVED this the 13th day of July, 2010.

CITY OF LIBERTY, TEXAS

_____
Carl Pickett, Mayor

ATTEST:

_____

Dianne Tidwell, City Secretary

GUIDELINES AND CRITERIA

FOR

TAX ABATEMENT

July 13, 2010 – July 12, 2012

Mayor

Carl Pickett

City Council

Dennis Beasley
Frank Jordan
Louie Potetz
Mike McCarty
Al Simonson
Diane Huddleston

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

CITY OF LIBERTY
SCHEDULE OF TAX ABATEMENT EVENTS

STEP 1 Request for information on Tax Abatement.

STEP 2 Application for Abatement received by City.

STEP 3 Discussions with applicant about application. Gathering data to meet City of Liberty Tax Abatement Guidelines and Criteria to qualify for tax abatement. Written response on findings to Applicant.

STEP 4 Notification of Public Hearing on designation of a Reinvestment Zone for the purpose of tax abatement:

A. to all taxing entities no later than seven days prior to meeting;

B. publication and posting no later than seven days prior to meeting.

STEP 5 Public hearing on designation of a Reinvestment Zone for the purpose of tax abatement.

STEP 6 Adoption of Ordinance designating an area a Reinvestment Zone.

STEP 7 Notice of City's intent to consider entering into a Tax Abatement Agreement sent to all taxing entities no later than seven days prior to City Council meeting. Taxing entities must be sent a copy of proposed abatement agreement with notification.

STEP 8 City Council considers Resolution authorizing the Tax Abatement Agreement and authorizes the Mayor to execute the agreement.

STEP 9 Applicant begins construction and/or acquisition of property described in abatement.

STEP 10 Completion of improvements:

A. City inspects the project improvements for compliance with agreement;

B. City receives accounting statement and/or list of capital expenditures on improvements for compliance with agreement;

C. City issues Certification of Completion/Compliance.

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

STEP 11 Certificate of Completion/Compliance filed with Tax Collector and Chief Appraiser.

STEP 12 Prior to April 1 of the year following the Agreement; the City sends to the Texas Department of Commerce and to the State Property Tax Board a copy of the following:

A. Reinvestment Zone Designation including general description, size, and type of property it includes;

B. Tax Abatement Agreement Including parties involved, property description and improvements or repairs to be made the portion of property to be exempted and the term of agreement.

C. Annual report on each Reinvestment Zone.

STEP 13 Prior to May 1 of the year following the agreement, (and each year thereafter) the company files form titled "Application for Abatement" with the Liberty County Central Appraisal District, P. O. Box 10016, Liberty, TX 77575.

STEP 14 At expiration of agreement or a termination due to noncompliance, the City will issue a Termination of Agreement to company with copies to all taxing entities, Tax Collector and Chief Appraiser, the Texas Department of Commerce and the State Property Tax Board.

CITY OF LIBERTY

GUIDELINES AND CRITERIA

FOR TAX ABATEMENT

LIST OF EXHIBITS

A. Tax Abatement Schedule

B. Resolution adopting Guidelines and Criteria for Tax Abatement

C. Ordinance designating Reinvestment Zone

- C-1 Metes and Bounds description of Reinvestment Zone
- C-2 Drawing (Plat) of Reinvestment Zone
- C-3 Tax Abatement Schedule

D. Resolution authorizing Tax Abatement Agreement

E. Sample Tax Abatement Agreement

- E-1 Tax Abatement Schedule
- E-2 List of proposed improvements and/or personal property, limited to manufacturing equipment.
- E-3 Certificate of Compliance
- E-4 Map showing existing uses and conditions to company's property within the Zone
- E-5 Map showing proposed improvements to company's property within the Zone

F. Section 312.204 of the Property Redevelopment and Tax Abatement Act

G. Commercial/Industrial Tax Abatement Application

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

CITY OF LIBERTY
GUIDELINES AND CRITERIA
FOR
TAX ABATEMENT

INTRODUCTION

The City of Liberty has implemented a Tax Abatement Program under the provisions of Property Redevelopment and Tax Abatement Act found in Chapter 312 of the Texas Tax Code. The has adopted this uniform policy and these Guidelines and Criteria for Tax Abatement for businesses with qualifying real and personal property willing to execute tax abatement agreements with the City. The goal of tax abatement is to provide long significant impact on this community and to utilize area contractors and work force to the maximum extent feasible by developing, redeveloping and improving real property.

Tax Abatement will be negotiated with the property owner within a Reinvestment Zone. Tax Abatement is available to property owners according to the schedule outlined in Exhibit A. The agreement between the City and the Business will exempt from taxation all or part of the increase in value of the real property over its value in the year in which the agreement is executed. It can also exempt from taxation tangible personal property limited to manufacturing equipment.

It is the intent of these Guidelines and Criteria to outline the policy of the City toward tax abatement to determine the eligibility criteria of the industry and to outline the process for designating a Reinvestment Zone. These Guidelines and Criteria further outline the terms of the Tax Abatement Agreement with the business and the process for seeking tax abatements from the other taxing entities.

These general Guidelines and Criteria are not intended to be restrictive in any way, and are designed to be used as a guide to any business, industry or individual interested in Tax Abatement. The Guidelines and Criteria have been approved by the City Council as evidenced by the adoption of Resolution dated July 13, 2010, (which is attached to this document as Exhibit B).

These guidelines and criteria should not be construed as implying or suggesting that the City of Liberty is under any obligation to provide tax abatement or other incentive to any applicant. All applications shall be considered on a case by case basis.

POLICY

It is the policy of the City of Liberty to use tax abatement as an effective tool for economic development. Tax Abatement will be used to exempt owners of property

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

within the Reinvestment Zone from paying taxes on improvements on that property according to the schedule outlined in Exhibit A.

ELIGIBILITY PROCEDURES AND GUIDELINES

Procedures

Prior to beginning any demolition, rehabilitation, reconstruction or construction, purchase or any improvement to be included in a tax abatement agreement, the owner and/or developer shall first submit to the City, in writing, a request for tax abatement. The City will then determine the eligibility of the business and the proposed improvements and upon determination of eligibility, the City shall respond to such in writing. As outlined in the Tax Abatement Agreement (discussed in detail later in this document), the business is required to meet all codes and ordinances and acquire all permits required prior to any construction. Contact should be made early in the project with the City's Building Inspector.

Guidelines

The following guidelines will apply to all categories of redevelopment:

The proposed property to be affected must be designated by the City of Liberty as a reinvestment zone by ordinance pursuant to Chapter 312 of the Texas Tax Code or designated as an Enterprise Zone by the State of Texas.

The property owner must enter into an agreement with the City of Liberty which satisfies the guidelines and criteria adopted by the City of Liberty.

The minimum capital costs of the project shall be $1,000,000, or annual payroll of at least $400,000, or the creation of twenty-five (25) new permanent, full-time jobs. However, any office or retail development which guarantees a minimum of 15 new jobs or at least $400,000 annual payroll may be considered for tax abatement.

The information furnished with a request to the City is confidential and not subject to public disclosure until the tax abatement agreement is executed.

A portion of the value of the real property, or of tangible personal property, located on the real property or both may be part of the tax abatement agreement.

Abatement for real property will be based on the increase in market value of the real property from the development, redevelopment, and/or improvement specified in the abatement contract.

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

Abatement for tangible personal property will be the market value of the personal property located on the real property, other than inventory or supplies. Personal property located on the real property before the period covered by the agreement will not be considered for tax abatement. Personal property may be considered as part of the overall abatement agreement or by separate agreement. Personal property is limited to manufacturing equipment and must equal a minimum of $200,000.

In the evaluation of abatement contracts, the City of Liberty will consider the burden on existing basic services that the development, redevelopment, or improvement proposed by the abatement applicant will have.

The following general guidelines will apply in these categories:

New Construction. Any new building should be of quality design and construction. New construction should complement and blend with existing structure. Proper landscaping and lighting is encouraged in order to enhance the overall quality of life for the City. New construction should also provide key pedestrian linkages through construction or repair of sidewalks as appropriate.

General Redevelopment. Any redevelopment activity should take full advantage of the unique architectural characteristics of the area. Redevelopment should be of high quality in order to create an image needed to further attract development. The buildings to be rehabilitated must meet all City codes as a minimum standard. Normal maintenance cost alone should not be considered eligible for tax abatement.

Historical Areas. Any construction in a Reinvestment Zone in a historical area should be accomplished in a manner that will preserve, where possible, the original character and architectural integrity. Each building should have, where possible, the original wood, brick, metal or stone exteriors retained. When refinishing the exterior walls, new exterior finishes should have colors and textures, which will blend with the original. consideration should be given to the removal of artificial facades constructed on building. Signs should be subdued and of a scale and character which will blend with and complement the surrounding environment.

Exterior Building Repairs. In a reconstruction project, the business should make every effort to remove all miscellaneous and/or abandoned electrical, plumbing, drainage and other mechanical equipment from the building exterior. New mechanical systems and utility services should be installed in such a way that it will not detract from the building appearance. The contractor should leave all openings in tact where possible and avoid cement blocking or boarding up of windows or doors. Lighting and landscaping of signing should be carefully used to create a pleasant and secure environment throughout the area.

Land Use. The land use in a business district should promote and encourage uses, which generate large numbers of people, create a stimulating atmosphere and provide a

sense of security. It should encourage quality office development which will provide daytime customers for support service, such as retail shops and restaurants and encourage development which would generate outdoor activity such as sidewalk cafes, street vendors, sidewalk art sales, concerts, etc.

Personal Property. Personal property limited to manufacturing equipment may be eligible for tax abatement. Any personal property of this nature should be identified in Exhibit E-2 of the Tax Abatement Agreement. The taxable situs of any personal property abated in an agreement must be within the taxing jurisdiction of the City of Liberty for the term of the abatement unless such property is sold. Should the situs of the personal property change, the property owner shall notify the appraisal district.

REINVESTMENT ZONE

General. There are two types of zones that may be created for tax abatement. They are Residential Reinvestment Zones and Commercial/Industrial Reinvestment Zones. Each Zone must have one of these designations.

There are seven criteria under which either of Reinvestment Zones may be designated. An area may meet any one of these seven in order to qualify. They are as follows:

Criteria for Designation.

An area must (as provided in Chapter 312 of Texas Tax Code):

(1) substantially impair or arrest the sound growth of a city or town, retard the provision of housing accommodations, or constitute an economic or social liability and be a menace to the public health, safety, morals, or welfare in its present condition and use by reason of the presence of a substantial number of substandard, slum, deteriorated, or deteriorating structures; predominance of defective or inadequate sidewalk or street layout; faulty lot layout in relation to size, accessibility, or usefulness; unsanitary or unsafe conditions; deterioration of site or other improvements; tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title; the existence of conditions that endanger life or property by fire or other cause; or any combination of these factors or conditions; or

(2) be predominately open and, because of obsolete platting or deterioration of structures of site improvements, or other factors, substantially impair or arrest the sound growth of the City; or

(3) be in a federally assisted new community located within a home-rule city or in an area immediately adjacent to the federally assisted new community; or

(4) be located wholly within an area which meets the requirements for federal assistance under Section 119 of the Housing and community Development Act of 1974; or

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

(5) encompass signs, billboards, and other outdoor advertising structures designated by the City Council for relocation, reconstruction, or removal for the purpose of enhancing the physical environment of the City, which the Legislature hereby declares to be a public purpose; or

(6) be designated a local or state-federal enterprise zone under the Texas Enterprise Zone Act; or

(7) Be reasonably likely, as the result of the designation, to contribute to the retention or expansion of primary employment or to attract major investment in the Zone that would be a benefit to the property and contribute to the economic development of the City.

Process for Designation.

A public hearing must be held prior to the adoption of the Ordinance. A notice of public hearing must be published in the newspaper not less than seven days before the date of the hearing. Following the public hearing, the Ordinance creating the Reinvestment Zone may be adopted.

A Reinvestment Zone must be created by Ordinance. The Ordinance must describe the boundaries of the Zone by metes and bounds and describe the designation of the Zone as residential or industrial/commercial; such description to be provided by the applicant prior to the designation of the Zone.

A Reinvestment Zone designation expires after five years and may be renewed for an additional five years. However, the term of an existing Tax Abatement Agreement within the Zone is not affected. There is no limit as to the size or number of Reinvestment Zones the City of Liberty may have. All Zones must, however, conform to the comprehensive zoning ordinance of the City. A copy of a proposed Reinvestment Zone Ordinance is attached as Exhibit C.

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

TAX ABATEMENT AGREEMENT

General

The Tax Abatement Agreement, between the City and the business, is entered into after the creation of a Reinvestment Zone.

Provisions of Agreement

An Agreement must include the following provisions (as provided in Chapter 312.205 (a) of the Texas Tax Code). Provisions must:

(1) list the kind, number and location of all proposed improvements of the property, and

(2) provide for access to an authorize inspection of property by municipal employees to ensure that the improvements or repairs or purchase of personal property were made according to the specifications or conditions of the Agreement, and

(3) limit the uses of the property consistent with the general purposes of encouraging development or redevelopment of the Zone during the period that the property tax exemptions are in effect, and

(4) provide for recapture of property tax revenue lost as a result of the Agreement if the owner of the property fails to make the improvements or repairs or purchases of personal property as provided by the Agreement.

(5) contain each term agreed to by the owner of the property;

(6) require the owner of the property to certify annually to the governing body of each taxing unit that the owner is in compliance with each applicable term of the agreement; and

(7) provide that the governing body of the municipality may cancel or modify the agreement if the property owner fails to comply with the agreement.

An Agreement with the business may also include, at the option of the City, the following provisions (as Provided by Chapter 312.205 (b) of the Texas Tax Code):

(1) Improvements or repairs by the City to streets, sidewalks, and utility services or facilities associated with the property, except that the Agreement may not provide for lower charges or rates than are made for other services or properties of similar character.

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

(2) An Economic Development Feasibility Study including a detailed list of estimated improvement costs, a description of the methods of financing all estimated costs and the time when the related costs or monetary obligations are to be incurred.

(3) A map showing uses and conditions of real property in the Reinvestment Zone in relation to property descriptions as used by Liberty County Central Appraisal District.

(4) A map showing proposed improvements and uses in the Reinvestment Zone in relation to property descriptions as used by Liberty County Central Appraisal District.

(5) Proposed changes of the zoning ordinance, master plan, map, building codes and City ordinances.

(6) The recapture of all or a portion of property tax revenue lost as a result of the agreement if the owner of the property fails to create all or a portion of the number of new jobs provided by the agreement, if the appraised value of the property subject to the agreement does not attain a value specified in the agreement, or if the owner fails to meet any other performance criteria provided by the agreement, and payment of a penalty or interest, or both, on that recaptured property tax revenue.

Process for the Adoption of the Agreement

Prior to entering into the proposed Agreement, the City must publish notice of consideration of establishing a Reinvestment Zone for the purpose of entering into a Tax Abatement Agreement, and a copy of the notice must be delivered, either by registered or certified mail, or in person, to the appropriate county and school official prior to the meeting at which the Agreement is discussed. The City must also deliver a copy of the proposed Agreement to the presiding officer of Liberty County, Liberty Independent School District, and other taxing authorities with jurisdiction in the Reinvestment Zone along with written notice that the City intends to enter into the Agreement. This proposed Agreement must be delivered, either by registered or certified mail, or in person, seven days prior to the date the City intends to enter into the Agreement.

The City Council may then adopt a Resolution, attached as Exhibit D, authorizing the Tax Abatement Agreement. A copy of a sample Tax Abatement Agreement is attached as Exhibit E.

The Tax Abatement Agreement may be modified or terminated by mutual consent of the parties.

CONCLUSION

The City of Liberty has developed and adopted these Guidelines and Criteria in order to allow any business interested in tax abatement opportunity to understand the requirements and processes.

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

These Guidelines are subject to and governed by Chapter 312 of the Texas Tax Code and the statutes, rules and regulations of the State of Texas and the United States of America. In case of any conflict between the guidelines and any statute, the statute shall control.

These Guidelines and Criteria are effective for a two year period and may be renewed or amended after that date using the same procedure for adoption as was followed for this adoption. However, any amendment, alteration, or repeal of these Guidelines and Criteria can only become effective upon vote by three-fourths of the members of the City Council.

For reference purposes, Chapter 312.204 of the Texas Tax Code is attached as Exhibit F.

For reference purposes, an Outline of Procedures for Tax Abatement: Establishing Guidelines and Criteria for Designating Reinvestment Zones and for Entering into Tax Abatement Agreement are included as Exhibit G.

For reference purposes, a Commercial/Industrial Tax Abatement Application is included as Exhibit H.

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

EXHIBIT A - Guidelines and Criteria
EXHIBIT C-3 - Ordinance Designating Reinvestment Zone
EXHIBIT E-1 - Tax Abatement Agreement

TAX ABATEMENT SCHEDULE

The tax abatement policy of the City of Liberty reflects a balance between the revenue needs of local government and the desire to provide incentives for the expansion and relocation of industry.

The City agrees to abate ad valorem taxes on real personal property improvements of qualified businesses in Commercial/Industrial Reinvestment Zones as follows:

The minimum capital costs of the project shall be $1,000,000, or annual payroll of at least $400,000, or the creation of twenty-five (25) new permanent, full-time jobs. Any office or retail development which guarantees a minimum of 15 new jobs or at least $400,000 annual payroll may be considered for tax abatement.

Personal property is limited to manufacturing equipment and cost must equal not less than $200,000.00.

Year	% OF ADDED VALUE TO BE ABATED
1-5	100%
6	75%
7	50%

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

EXHIBIT B

A RESOLUTION BY THE CITY COUNCIL OF THE
CITY OF LIBERTY, TEXAS, ADOPTING GUIDELINES
AND CRITERIA FOR TAX ABATEMENT.

WHEREAS, the City Council of the City of Liberty desires to promote the development/redevelopment of certain contiguous geographic areas within its jurisdiction; and

WHEREAS, the City of Liberty is authorized to enter into Tax Abatement Agreements for commercial/industrial purposes as authorized in Chapter 312 of the Texas Tax Code, "Property Redevelopment and Tax Abatement Act" (The Act); and

WHEREAS, the Act requires the City of Liberty to establish guidelines and create criteria for the designation of Reinvestment Zones and the entering into Tax Abatement Agreements.

NOW, THEREFORE, BE IT RESOLVED that the City of Liberty does hereby adopt the attached guidelines and criteria for tax abatement.

PASSED AND APPROVED this 13th day of July, 2010.

CITY OF LIBERTY, TEXAS

_____
Carl Pickett, Mayor

ATTEST:

_____
Dianne Tidwell, City Secretary

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

EXHIBIT C - Guidelines and Criteria
EXHIBIT E-1 - Tax Abatement Agreement

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, DESIGNATING A CERTAIN AREA AS A COMMERCIAL/INDUSTRIAL REINVESTMENT ZONE, CITY OF LIBERTY, TEXAS, PROVIDING FOR THE ESTABLISHMENT OF AGREEMETNS WITHIN THE ZONE, AND OTHER MATTERS RELATING THERETO; PROVIDING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE FOR THE COMMENCEMENT OF THE REINVESTMENT ZONE AND THIS ORDINANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the City Council of the City of Liberty, Texas, (the "City"), desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a Reinvestment Zone, as codified in Chapter 312 of the Texas Tax Code (the "Act"); and

WHEREAS, a hearing before the City Council was set for _____ p.m. on the _____ day of _____ 20____, such date being at lease seven (7) days after the date of publication of the notice of such public hearing in a newspaper of general circulation in the City of Liberty; and

WHEREAS, the City has called a public hearing and published notice of such public hearing, and has properly notified the proper officials of Liberty County, Liberty Independent School District, and other taxing authorities with jurisdiction in the reinvestment zone as required by the Act; and

WHEREAS, upon such hearing being convened there was presented proper proof and evidence that notices of such hearing had been published and mailed as described above; and

WHEREAS, the City at such hearing invited any interested person, or his attorney, to appear and contend for or against the creation of the Reinvestment Zone. The boundaries of the proposed Reinvestment Zone, whether all or part of the territory, which is described by a metes and bounds description attached hereto as Exhibit C-1 and depicted in the drawing attached hereto as Exhibit C-2, should be included in such proposed Reinvestment Zone; and

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

WHEREAS, all owners of property located within the proposed Reinvestment Zone and all other taxing units and other interested persons were given the opportunity at such public hearing to protest the creation of the proposed Reinvestment Zone or the inclusion of their property in such Reinvestment Zone; and

WHEREAS, the proponents of the Reinvestment Zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the Reinvestment zone; and

WHEREAS, after considering all testimony and evidence offered at the public hearing, the City Council finds that improvements in the Reinvestment Zone will enhance significantly the value of all taxable real property in the Zone, that it will be of general benefit to the City of Liberty and that it will be in the public interest to pass this Ordinance creating a Reinvestment zone;

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

SECTION 1: That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

SECTION 2: The City, after conducting such hearing and having heard such evidence and testimony, has made the following findings and determinations based on the evidence and testimony presented to it:

(a) That the public hearing on adoption of the Reinvestment Zone has been properly called, held and conducted and that notice of such hearing has been published as required by law.

(b) That the City has jurisdiction to hold and conduct this public hearing on the creation of the proposed Reinvestment Zone pursuant to the Act; and

(c) That creation of the proposed Zone with boundaries as described herein will result in benefits to the City, its residents and property owners and to the property, residents and property owners in the Reinvestment Zone.

(d) That the Reinvestment Zone, as defined herein in Exhibits C-1 and C-2, meets the criteria for the creation of a Reinvestment Zone as set forth in Chapter 312.202 of the Act in that:

(1) It is a contiguous geographic area located wholly within the corporate limits of the City.

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

(2) The area will reasonably be likely, as a result of the designation, to contribute to the retention or expansion of primary employment, or to attract major investment in the Zone that would be a benefit to the property and that would contribute to the economic development of the City.

(3) No part of the property in the Reinvestment Zone is owned or leased by a member of the governing body of the City or town or by a member of zoning or planning board or commission of the City.

(4) Improvements in the Reinvestment Zone will enhance significantly the value of all taxable real property in the Reinvestment Zone.

SECTION 3: That the City hereby creates a Reinvestment Zone over the area described by the description attached hereto and depicted in a drawing attached hereto and such Reinvestment Zone shall hereafter be identified as the Commercial/Industrial Reinvestment Zone, Number _____, _____, City of Liberty, Texas, (the "Zone").

SECTION 4: That operation of the Zone shall commence on _____, 20_____, for a period of five years, may be renewed for an additional five years or may terminate sooner by subsequent ordinance.

SECTION 5: That a written agreement as provided in the Act, with the owners of the property located within the Reinvestment Zone is hereby authorized according to the schedule and term outlined in Exhibit C-3, and the written agreement shall provide an exemption from taxation the increased value of the real and/or personal property according to that schedule.

SECTION 6: That if any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

SECTION 7: That it is hereby officially found, determined, and declared that a sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter hereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

SECTION 8: That the contents of the notice of public hearing, which hearing was held before the City Council on _____, and the publication of said notices, are hereby ratified, approved and confirmed.

PASSED, APPROVED AND ADOPTED on the _____ day of _____,
20_____.

CITY OF LIBERTY

_____
Carl Pickett
Mayor

ATTEST:

_____
Dianne Tidwell
City Secretary

EXHIBITS TO ORDINANCE

C-1	Metes and Bounds description of zone
C-2	Map of Zone
C-3	Tax Abatement Schedule

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

EXHIBIT C-1

METES AND BOUNDS DESCRIPTION OF
REINVESTMENT ZONE

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

EXHIBIT C-2

DRAWING (PLAT) OF
REINVESTMENT ZONE

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

EXHIBIT A - Guidelines and Criteria
EXHIBIT C-3 - Ordinance Designating Reinvestment Zone
EXHIBIT E-1 - Tax Abatement Agreement

TAX ABATEMENT SCHEDULE

The tax abatement policy of the City of Liberty reflects a balance between the revenue needs of local government and the desire to provide incentives for the expansion and relocation of industry.

The City agrees to abate ad valorem taxes on real and personal property improvements of qualified businesses in Commercial/Industrial Reinvestment Zone as follows:

The minimum capital costs of the project shall be $1,000,000, or annual payroll of at least $400,000, or the creation of twenty-five (25) new permanent, full-time jobs. However, any office or retail development which guarantees a minimum of 15 new jobs or at least $400,000 annual payroll may be considered for tax abatement.

Personal Property is limited to manufacturing equipment and cost must equal $200,000.00 minimum.

Year	% OF ADDED VALUE TO BE ABATED
1-5	100%
6	75%
7	50%

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

EXHIBIT D

RESOLUTION NO. _____

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, AUTHORIZING AN AGREEMENT FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT FOR REINVESTMENT ZONE NO. _____.

WHEREAS, the City Council of the City of Liberty did previously approve and adopt Tax Abatement Guidelines and Criteria; and

WHEREAS, the City Council has established a Commercial/Industrial Reinvestment Zone by Ordinance No. _____ for _____.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Liberty, Texas, does hereby authorize entering into a Commercial/Industrial Tax Abatement Agreement with _____, Reinvestment Zone No. _____.

FURTHER, BE IT RESOLVED that through the adoption of this Resolution, the Mayor of the City of Liberty, Carl Pickett, is authorized to execute the commercial/Industrial Tax Abatement Agreement as attached hereto.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 20____.

CITY OF LIBERTY, TEXAS

_____
Carl Pickett
Mayor

ATTEST:

_____
Dianne Tidwell
City Secretary

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

EXHIBIT E
SAMPLE TAX ABATEMENT AGREEMENT

STATE OF TEXAS

COUNTY OF LIBERTY

This instrument is an Abatement Agreement executed by and between the City of Liberty, Texas, and _____company_____. Its terms and conditions are supported by good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

RECITALS

1. The Texas Property Redevelopment and Tax Abatement Act and all amendments thereto ("Law") provide that the governing body of an incorporated City (such as the City of Liberty) has the power to create one or more Reinvestment Zones for the abatement of ad valorem taxes assessed against real and/or personal property provided that certain conditions as detailed in the law are met.

2. _____ ("Company") owns real property ("Real Property") and/or personal property ("Personal Property") located within the taxing jurisdiction of the City of Liberty ("City").

3. The City has designated by ordinance the real property as Reinvestment Zone No. ____ ("Zone") eligible for the abatement of ad valorem taxes assessed against the real property or certain tangible personal property located thereon. The Ordinance creating the Zone is included as Exhibits C with Exhibits C-1 and C-2 describing and depicting the Zone. By virtue of the City following the requirements of the Law in creating the Zone, the City and Company now exercise their rights to enter into this instrument, the terms and conditions of which are detailed below and, with the Exhibits, constitute the full and complete agreement ("Agreement") between the City and Company concerning the abatement of ad valorem taxes assessed against the real property and personal property within the Zone and otherwise payable to the City.

TERMS AND CONDITIONS

1. The first year of Tax Abatement under this Agreement shall be the year following the year in which it is executed unless otherwise noted. All valuations are determined by the Liberty County Central Appraisal District as of January 1st of each year.

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

2. The percentage of abatement on properties covered are described in Exhibit E attached hereto and made a part hereof.

3. Company will construct within the Zone improvements and/or purchase certain tangible personal property, limited to manufacturing equipment, for use in the Zone, and prior to completion or purchase by _____ ("Completion Period") spend a minimum of $_____ in construction cost and/or a minimum of $_____ in personal property costs.

4. A list of the kind, number and location of al proposed improvements constituting the Facilities are attached to this Agreement as Exhibit E-5. Employees and/or designated representatives of the City will have access to the Zone during the term of this Agreement to inspect the Facilities to determine if the terms and conditions of the Agreement are being met. All inspections will be made during normal business hours and will only be conducted in such a manner as to not unreasonably interfere with the construction and/or operation of the Facilities. All inspections will be made with one or more representatives of Company, and in accordance with its safety standards.

5. The use of the real property and/or personal property is limited to those uses consistent with the general purpose of encouraging development or redevelopment of the Zone during the period that the Property Tax Abatements are in effect. Company will declare the real property to be the tax situs of the personal property and will render both the real property and the personal property with Liberty County Central Appraisal District during each year this agreement is in effect.

6. In the event that company (a) allows its ad valorem taxes owed the City to become delinquent and fails to timely and properly follow the legal procedures for their protests and/or contests; or fails to cure during the Cure Period (as hereafter provided), or (b) violates any of the terms and conditions of this Agreement by failing to make the improvements and repairs or renditions as provided by this Agreement, this Agreement then may be terminated by the City, and all taxes otherwise abated by virtue of this Agreement will be recaptured and paid to the City by Company within sixty (60) days of the termination. As an alternative, the City may in its discretion, not declare the Agreement terminated, but it must certify to Liberty County Central Appraisal District that the company has failed to qualify for an abatement for that tax year.

7. In the event that the Facilities are completed and Company begins operations, but subsequently discontinues operations for any reason excepting fire, explosion or other casualty or accident or natural disaster for a period of one year during the abatement period, then this Agreement shall terminate and so shall the abatement of the taxes for the calendar year during which the Facility no

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

longer operates. The taxes otherwise abated for that calendar year shall be paid to City within sixty (60) days from the date of the termination.

8. Company must annually, on or before February 15th of each year, certify to the City Council that it is in compliance with the terms of this Agreement as of January 1st of that year.

9. Should the City determine that company is in default in the terms and conditions of this Contract, then the City shall notify Company at the address stated below of such claimed default, and if such is not cured within sixty (60) days from the date of such notice ("Cure Period"), this Agreement may be terminated by the City. Any notice of default shall be in writing and shall be given by personal delivery or by certified mail, return receipt requested. In the event the notice is effected by personal delivery, the date and hour of actual delivery shall be the time and date of such notice to Company. Absent a postal strike or other stoppage of the mails, in the event of delivery of notice by registered or certified United States mail, the date and hour following 48 hours after the date and hour at which the sealed envelope containing the notice is deposited in the United States mail, properly addressed, and with postage prepaid, shall be the time and date of such notice to Company.

10. This Agreement is made subject to all conditions, prohibitions, obligations, acts of default, termination, reimbursement and recapture contained in Section 312.204 of the Property Redevelopment and Tax Abatement Act, a copy of which is marked Exhibit F attached hereto and made a part hereof.

11. All notices required or contemplated by this Agreement shall be addressed as follows:

If to Company, then to _____
_____.

If to the City, then to 1829 Sam Houston, Liberty, Texas, 77575, Attention: Mayor of the City of Liberty, Texas.

12. The terms and conditions of this Agreement are binding upon the successors and assigns of both parties hereto. This Agreement cannot be assigned by company unless permission is first granted by the City, in its sole discretion.

13. This Agreement was approved by the affirmative vote of a majority of the members of the governing body of the City Council of the City of Liberty at a regularly scheduled meeting on the _____ day of _____, 20____, and Carl Pickett, Mayor, was authorized to sign on behalf of the City of Liberty, Texas.

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

14. This Agreement was authorized by Company, and _____ of Company was authorized to sign on its behalf.

15. This Agreement is performable in Liberty County, Texas.

16. All values used shall be established by Liberty County Central Appraisal District.

17. The current taxable value of the property of Company in the Zone is:

Real property	$_____
Personal Property	$_____
Total Base Value	$_____

NOTE: Values will be confirmed by Liberty County Central Appraisal District prior to execution of Agreement.

18. The City of Liberty hereby exempts from ad valorem real and personal property taxation for the term set forth, the value in the Zone in excess of that stated in (2) above, in accordance with Tax Abatement Agreement Exhibit E-1, Tax Abatement Schedule.

19. The term of the exemption will be for a period of six (6) years, beginning January 1, 20 ____. After the term expires, the full value of the improvements shall be included on the tax roll and assessed appropriately, and this Agreement shall terminate.

20. The company shall, within the term of this Agreement, construct or cause to be constructed upon Company's property in the Zone certain improvements and/or repairs as set forth in Exhibit E-2 of this Agreement and/or purchase or cause to be purchased certain tangible personal property as set forth in Exhibit E-2 of this agreement. Such Exhibit lists the kind, number and location of all proposed improvements and/or repairs to the property of Company in the Zone. Make, model and serial number of tangible personal property should be listed when known. However, it is the intent of the City to abate taxes on all improvements and additions in excess of the base value, regardless of whether itemized on Exhibit E-2.

21. The company agrees to build improvements in accordance with all applicable laws, ordinances, codes, rules, requirements or regulations of the City and any subdivision, agency, or authority thereof, and prior to commencing shall secure all permits, licenses and authorization required.

22. Upon completion and inspection by the City of the improvements specified in this Agreement, Company and City shall execute a Certificate of Compliance set out in Exhibit E-3 of this Agreement. A copy of this shall be sent to each taxing entity involved, the company and to the Liberty County Central Appraisal District.

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

23. Should company fail to make the improvements and/or repairs and/or personal property purchases as provided in this Agreement, then all real and personal property tax revenue lost by the City of Liberty from Company's property in the Zone due to this Agreement shall be forthwith paid to the City of Liberty by Company, and this Agreement shall become void.

24. A map showing existing uses and conditions of company's property within the Zone is attached as Exhibit E-4 and incorporated herein by reference.

25. A map showing proposed improvements and uses to Company's property within the Zone is attached as Exhibit E-5 and incorporated herein by reference.

WITNESS OUR HANDS, this _____ day of _____, 20____.

CITY OF LIBERTY, TEXAS

_____
Carl Pickett
Mayor

ATTEST:

_____
Dianne Tidwell
City Secretary

"Company"

By
_____

Title
_____

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

THE STATE OF TEXAS

COUNTY OF LIBERTY

Before me, the undersigned authority, on this day personally appeared _____, _____, _____, a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity herein stated and as the act and deed of said Corporation.

Given under my hand and seal of office on this the _____ day of _____, 20____.

_____

Notary Public in and For the
State of Texas

THE STATE OF TEXAS

COUNTY OF LIBERTY

Before me the undersigned authority, on this day personally appeared _____, Mayor of the City of Liberty, a Corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to met that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said Corporation.

Given under my hand and seal of office on this the _____ day of _____, 20____.

_____

Notary Public in and for the
State of Texas

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

EXHIBIT A - Guidelines and Criteria
EXHIBIT C-3 - Ordinance Designating Reinvestment Zone
EXHIBIT E-1 - Tax Abatement Agreement

TAX ABATEMENT SCHEDULE

The tax abatement policy of the City of Liberty reflects a balance between the revenue needs of local government and the desire to provide incentives for the expansion and relocation of industry.

The City agrees to abate ad valorem taxes on real and personal property improvements of qualified businesses in Commercial/Industrial Reinvestment Zones as follows:

The value of any real property improvements must equal $10,000.00 minimum.

New development cost must equal $50,000.00 minimum

Personal Property is limited to manufacturing equipment and cost must equal $200,000.00 minimum.

Year	% OF ADDED VALUE TO BE ABATED
1-5	100%
6	75%
7	50%

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

TAX ABATEMENT AGREEMENT
EXHIBIT E-2

(List of personal property, limited to manufacturing equipment)

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

EXHIBIT E-3

CERTIFICATE OF COMPLIANCE

AGREEMENT FOR DEVELOPMENT AND TAX ABATEMENT

WITH _____

IN REINVESTMENT ZONE NO. _____ CITY OF LIBERTY

FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT

CITY OF LIBERTY, TEXAS

THE STATE OF TEXAS:

COUNTY OF LIBERTY

_____, (The "Company") hereby certifies that the real and/or personal property improvements on the property, described on Exhibit e-2, as attached hereto, as called for in the above referenced Agreement, have been completed and that all facilities and improvements have been constructed or acquired pursuant to said Agreement.

Signed the _____ day of _____, 20____.

_____

Name, Title

The above described improvements have been accepted by the City of Liberty, Texas, as being in compliance with the above-referenced Agreement, and that pursuant to said Agreement, the exemption from taxation shall commence on _____ and the "base value" for the purposes of determining the taxable value of the Premises shall be the value of the property as established in the said Agreement.

Signed this ____ day of _____, 20____.

_____

Inspector

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

City of Liberty, Texas

EXHIBIT E-4

MAP SHOWING EXISTING USES AND
CONDITIONS OF REAL PROPERTY

EXHIBIT E-5

MAP/LIST OF PROPOSED
IMPROVEMENTS AND USES

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

EXHIBIT F

Sec. 312.204. Municipal Tax Abatement Agreement

(a) The governing body of a municipality eligible to enter into tax abatement agreements under Section 312.002 may agree in writing with the owner of taxable real property that is located in a reinvestment zone, but that is not in an improvement project financed by tax increment bonds, to exempt from taxation a portion of the value of the real property or of tangible personal property located on the real property, or both, for a period not to exceed 10 years, on the condition that the owner of the property make specific improvements or repairs to the property. The governing body of an eligible municipality may agree in writing with the owner of a leasehold interest in tax-exempt real property that is located in a reinvestment zone, but that is not in an improvement project financed by tax increment bonds, to exempt a portion of the value of property subject to ad valorem taxation, including the leasehold interest, improvements, or tangible personal property located on the real property for a period not to exceed ten (10) years, on the condition that the owner of the leasehold interest may specific improvements or repairs to the real property. A tax abatement agreement under this section is subject to the rights of holders of outstanding bonds of the municipality. An agreement exempting taxable real property or leasehold interests or improvements on tax-exempt real property may provide for the exemption of such taxable interests in each year covered by the agreement only to the extent its value for that year exceeds its value for the year in which the agreement is executed. An agreement exempting tangible personal property located on taxable or tax-exempt real property may provide for the exemption of tangible personal property located on the real property in each year covered by the agreement other than tangible personal property that was located on the real property at any time before the period covered by the agreement with the municipality, including inventory and supplies. In a municipality that has a comprehensive zoning ordinance, and improvement, repair, development, or redevelopment taking place under an agreement under this section must conform to the comprehensive zoning ordinance.

(b) The agreements made with the owners of property in a reinvestment zone must contain identical terms for the portion of the value of the property that is to be exempt and the duration of the exemption. For purposes of this subsection, if agreements made with the owners of property in a reinvestment zone before September 1, 1989, exceed 10 years in duration, agreements made with owners of property in the zone on or after that date must have a duration of 10 years.

(c) The property subject to an agreement made under this section may be located in the extraterritorial jurisdiction of the municipality. In that event, the agreement applies to taxes of the municipality if the municipality annexes the property during the period specified in the agreement.

(d) Except as otherwise provided by this subsection, property that is in a reinvestment zone and that is owned or leased by a person who is a member of the

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

governing body of the municipality or a member of a zoning or planning board or commission of the municipality is excluded from property tax abatement or tax increment financing. Property that is subject to a tax abatement agreement in effect when the person becomes a member of the governing body or of the zoning or planning board or commission does not cease to be eligible for property tax abatement under that agreement because of the person's membership on the governing body, board, or commission. Property that is subject to tax increment financing when the person becomes a member of the governing body or of the zoning or planning board or commission does not become ineligible for tax increment financing in the same reinvestment zone because of the person's membership on the governing body, board, or commission.

(e) The governing body of a municipality eligible to enter into tax abatement agreements under Section 312.002 may agree in writing with the owner or lessee of real property that is located in a reinvestment zone to exempt from taxation for a period not to exceed 10 years a portion of the value of the real property or of personal property, or both, located within the zone and owned or leased by a certificated air carrier, on the condition that the certificated air carrier make specific real property improvements or lease for a term of 10 years or more real property improvements located within the reinvestment zone. An agreement may provide for the exemption of the real property in each year covered by the agreement to the extent its value for that year exceeds its value for the year in which the agreement is executed. An agreement may provide for the exemption of the personal property owned or leased by a certificated air carrier located within the reinvestment zone in each year covered by the agreement other than specific personal property that was located within the reinvestment zone at any time before the period covered by the agreement with the municipality.

(f) The agreements made with owners of property in an enterprise zone that is also designated as a reinvestment zone are not required to contain identical terms for the portion of the value of property that is to be exempt and the duration of the agreement.

(g) Notwithstanding the other provisions of this chapter, the governing body of a municipality eligible to enter into tax abatement agreements under Section 312.002 may agree in writing with the owner of real property that is located in a reinvestment zone to exempt from taxation for a period not to exceed five years a portion of the value of the real property or of tangible personal property located on the real property, or both, that is used to provide housing for military personnel employed at a military facility located in or near the municipality. An agreement may provide for the exemption of the real property in each year covered by the agreement only to the extent its value for that year exceeds its value for the year in which the agreement is executed. An agreement may provide for the exemption of tangible personal property located on the real property in each year covered by the agreement other than tangible personal property that was located on the real property at any time before the period covered by the agreement with the municipality and other than inventory or supplies. The governing body of the municipality may adopt guidelines and criteria for tax abatement agreements entered into under this subsection that are different from the guidelines and criteria that apply to

tax abatement agreements entered into under another provision of this section. Tax abatement agreements entered into under this subsection are not required to contain identical terms for the portion of the value of the property that is to be exempt or for the duration of the exemption as tax abatement agreements entered into with the owners of property in the reinvestment zone under another provision of this section.

(h) The Texas Department of Economic Development or its successor may recommend that a taxing unit enter into a tax abatement agreement with a person under this chapter. In determining whether to enter into a tax abatement agreement under this section, the governing body of a municipality shall consider any recommendation made by the Texas Department of Economic Development or its successor.

Added by Acts 1987, 70th Leg., ch. 191, § 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 2, § 14.10(a), eff. Aug. 28, 1989; Acts 1989, 71st Leg., ch. 486, § 1, eff. June 14, 1989; Acts 1989, 71st Leg., ch. 1137, § 6, 7, eff. Sept. 1, 1989; Acts 1995, 74th Leg., ch. 985, § 13, eff. Sept. 1, 1995; Acts 2001, 77th Leg., ch. 560, § 1, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 640, § 1, eff. June 13, 2001; Acts 2001, 77th Leg., ch. 765, § 2, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1016, § 1, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1258, § 1, eff. June 15, 2001; Acts 2003, 78th Leg., ch. 149, § 18, eff. May 27, 2003; Acts 2003, 78th Leg., ch. 978, § 5, eff. Sept. 1, 2003; Acts 2005, 79th Leg., ch. 412, § 16, eff. Sept. 1, 2005; Acts 2005, 79th Leg., ch. 728, § 23.001(82), eff. Sept. 1, 2005;

SECTION 312.2041. **Notice of Tax Abatement Agreement to Other Taxing Units**.

(a) Not later than the seventh day before the date on which the municipality enters into an agreement under Section 312.204 or 312.211, the governing body of the municipality or a designated officer or employee of the municipality shall deliver to the presiding officer of the governing body of each other taxing unit in which the property to be subject to the agreement is located a written notice that the municipality intends to enter into the agreement. The notice must include a copy of the proposed agreements.

(b) A notice is presumed delivered when placed in the mail postage paid and properly addressed to the appropriated presiding officer. A notice properly addressed and sent by registered or certified mail for which a return receipt is received by the sender is considered to have been delivered to the addressee.

(c) Failure to deliver the notice does not affect the validity of the agreement.

Added by 1989 Tex. Law, p. 185, ch. 2, sec. 14.11; amended by 1989 Tex. Laws, p. 4685, ch. 1137, Sec. 8; amended by SB 1596, 75th Tex, Leg., 1997, eff. September 1, 1997, and by HB 1239, 75th Tex. Leg., 1997, eff. September 1, 1997.

EXHIBIT G

COMMERCIAL/INDUSTRIAL TAX ABATEMENT
APPLICATION

Name of Company
_____

Address
_____
(Street) (Mailing, if different)

City_____ _____ State _____ Zip _____

Phone
_____

Contact
Person_____

I. List kind, number and location of all proposed improvements of the property, both real and personal (attach an additional sheet if necessary).

II. Attach to this application:

(A) a map showing current uses and conditions of real property;

(B) a map showing proposed improvements and uses.

Use a copy of the Liberty County Central Appraisal District map of your property as the base map for your property. You can get this from their office at 2030 Sam Houston Street, Liberty, Texas. There will be a minimal charge. Liberty County Central Appraisal District now requires that all applications for Tax Abatement use a District map as the base map for all drawings or improvements and Reinvestment Zones.

III. Attach a metes and bounds description of the property.

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

The City of Liberty Guidelines and Criteria for Tax Abatement establishes the following Tax Abatement criteria:

As a minimum, the value of any real property improvements must equal $10,000.00.

Personal Property is limited to manufacturing equipment and must equal $200,000.00 minimum.

The Amount of abatement is as follows:

Year	% OF ADDED VALUE TO BE ABATED
1-5	100%
6	75%
7	50%

IV. Company plans to invest $_____ in real property improvements and/or invest $_____ in personal property (manufacturing equipment prior to _____ (date).

V. The current taxable value of the property of the Company is:

Real Property _____

Personal Property _____

Total _____

You will receive a written response to your application for Commercial/Industrial Tax Abatement .

Dianne Tidwell
City Secretary
1829 Sam Houston
Liberty, TX 77575

Attachment: Tax Abatement Guidelines and Criteria 2010 (1743 : Tax Abatement Guidelines)

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

Meeting: 07/13/10 06:00 PM

Department: Administration
Category: Agreements

COUNCIL ACTION (ID # 1730)

DOC ID: 1730

Consider and Adopt an Agreement for Electrical Service to Boomerang Tube, LLC.

.

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

Meeting: 07/13/10 06:00 PM

Department: Administration
Category: Utility Rates

ORDINANCE (ID # 1731)

DOC ID: 1731

Consider and Adopt an Industrial Rate Ordinance.

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

Meeting: 07/13/10 06:00 PM

Department: Administration
Category: Misc.

COUNCIL ACTION (ID # 1744)

DOC ID: 1744

Discuss Citizen Response and Take Action, If Any, on Recent Customer Survey Conducted by the City of Liberty.

EXPLANATION:
Discussion will be held on the responses received to the customer survey recently conducted by the City of Liberty. This survey offered questions relative to the various services provided by the City to its residents, allowing responders to rate a service and offer comments.

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

Meeting: 07/13/10 06:00 PM

Department: Administration
Category: Electric Issues

ORDINANCE (ID # 1733)

DOC ID: 1733

Consider Adoption of an Industrial Electric Rate Ordinance.

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

Meeting: 07/13/10 06:00 PM

Department: Administration
Category: Agreements

COUNCIL ACTION (ID # 1734)

DOC ID: 1734

Consider an Electric Service Agreement with an Industrial Customer.

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