



The City of Liberty
City Council
Special Called Meeting
~ Agenda ~

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

Dianne Tidwell
City Secretary
(936) 336-3684

Monday, July 14, 2008

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

6:00 PM Meeting called to order on July 14, 2008 at City Council Chambers, 1829 Sam Houston, Liberty, TX.

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	..	..	..	
Councilman Frank Jordan	..	..	..	

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

V. REGULAR AGENDA

A. Regular Agenda Items

1. Information Item 2008-36

Public Hearing on the Designation of a Reinvestment Zone.

2. Ordinance 2008-7

Consider Adoption of an Ordinance Designating a Certain Area as Reinvestment Zone No. 1.

3. Council Action 2008-36

Consider Approval of the Terms of a Proposed Tax Abatement Agreement with Boomerang Tube, LLC.

B. Executive Session

VI. COUNCIL MEAL

VII. ADJOURNMENT

Motion To: Adjourn

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 10th day of July, 2008 at 4:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

Dianne Tidwell, City Secretary

Notice given to The Vindicator, Liberty Gazette, and KSHN Radio.

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the _____ day of _____, 2008.

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 07/14/08 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM 2008-36

DOC ID: 1141

Public Hearing on the Designation of a Reinvestment Zone.

EXPLANATION:

The Texas Tax Code states that a governing body may not adopt an ordinance designating an area as a reinvestment zone until the governing body has held a public hearing on the designation, and found that improvements sought are feasible and practical. At the hearing, interested persons are entitled to speak for or against the designation.

Dianne Tidwell

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 07/14/08 06:00 PM

Department: Administration
Category: General Ordinances

ORDINANCE 2008-7

DOC ID: 1142 A

Consider Adoption of an Ordinance Designating a Certain Area as Reinvestment Zone No. 1.

AN ORDINANCE DESIGNATING A CERTAIN AREA AS A COMMERCIAL/INDUSTRIAL TAX ABATEMENT ZONE IN THE CITY OF LIBERTY, TEXAS; TO BE KNOWN AS REINVESTMENT ZONE NO. 1; ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH SECTION 3.10 OF THE HOME RULE CHARTER THAT ORDINANCES BE READ ON TWO SEPARATE DAYS.

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

SECTION 1.

The City Council of the City of Liberty, Texas desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a reinvestment zone for commercial/industrial tax abatement, as authorized by the Property Redevelopment and Tax Abatement Act as amended.

SECTION 2.

On the 14th day of July, 2008, a hearing before the City Council was held, such date being at least seven (7) days after the date of publication of the notice of such public hearing and the delivering of written notice to all taxing entities which includes within it boundaries real property that is to be included in the proposed reinvestment zone.

SECTION 3.

The City at such a public hearing invited any interested person to appear and speak for or against the creation of the reinvestment zone and whether all or part of the territory described should be included in the proposed reinvestment zone, and concerns regarding the offering of tax abatement incentives.

SECTION 4.

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 opponents of the reinvestment zone appeared to contest the creation of the reinvestment zone, if any.

SECTION 5.

That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

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.

1. That the public hearing on adoption of the reinvestment zone has been properly called, held and conducted and that notices of such hearings have been published as required by law and mailed to all taxing units overlapping the territory inside the proposed reinvestment zone.
2. That the boundaries of the reinvestment zone should be the area as described in the metes and bounds description attached hereto as "Exhibit A" and depicted on the City of Liberty Land Use Map attached as "Exhibit B".
3. That creation of the proposed zone with boundaries as described in the attached exhibits will result in benefits to the City and to land included in the zone and that the improvements sought are feasible and practical.
4. The reinvestment zone as defined in the attached exhibits meets the criteria for the creation of a reinvestment zone as set forth in the Property Redevelopment and Tax Abatement Act as amended in that it is reasonably likely as a result of the designation to contribute to the economic development of the City.
5. That the reinvestment zone as described in the attached exhibits meets the City's policy on guidelines and criteria for the creation of a reinvestment zone.

SECTION 6.

That pursuant to the Property Redevelopment and Tax Abatement Act as amended, the City hereby creates a reinvestment zone for commercial/industrial tax abatement encompassing only the area described by the attached exhibits and such reinvestment zone is hereby designated and shall hereafter be referred to as Reinvestment Zone No. 1 of the City of Liberty, Texas. This zone shall take effect on July 14, 2008, and shall remain designated as a commercial/industrial reinvestment zone for a period of five (5) years from such date of designation. Prior to or upon such date of expiration the City Council may renew such designation for additional successional period(s) not exceeding five (5) years.

SECTION 7.

To be considered for the execution of an agreement for tax abatement in this reinvestment zone,

the commercial/industrial project shall comply with the City of Liberty's Guidelines and Criteria for Granting Tax Abatement; however, the City is not hereby restricted from making an agreement from the sample abatement schedules and sample terms in the Guidelines and Criteria for Granting Tax Abatement.

SECTION 8.

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 9.

That is hereby found, determined and declared that a sufficient 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 as required by the Open Meetings Act, Section 551.001 *et. seq.*, as amended and that a public hearing was held prior to the designation of such reinvestment zone and that proper notice of the hearing was published in the official newspaper of the City, and furthermore, such notice was in fact delivered to the presiding officer of any affected taxing entities as prescribed by the Property Redevelopment and Tax Abatement Act.

SECTION 10.

That the requirements contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas, that all ordinances be read on two separate days is hereby dispensed with and all Council members present voting affirmatively for the adoption of this ordinance.

SECTION 11.

That this ordinance shall become effective on this the 14th day of July, 2008.

PASSED AND ADOPTED AT a special meeting of the City Council of the City of Liberty, this the 14th day of July, 2008.

Carl Mayor, Mayor

ATTEST:

Dianne Tidwell, City Secretary

EXHIBIT A**FIELD NOTES TO REINVESTMENT ZONE 1**

BEING A TRACT OF LAND OUT OF AND A PART OF LIBERTY TOWN EAST LEAGUE, ABSTRACT NUMBER 359 IN LIBERTY COUNTY, TEXAS, ALSO BEING OUT OF INNER LOTS 92, 93, 94, 95, 107, 108, 109, 200, 201, 202, AND 212 AND OUTER BLOCKS 24, 25, 26, 27, 28, 29, 37, 38, 39, 40, 41, 42, 43, 44, AND 49 OF THE CITY OF LIBERTY AS RECORDED IN VOLUME 1, PAGE 137 OF THE MAP RECORDS OF LIBERTY COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a point at the intersection of the North line of Outer Lot 3, Outer Block 37 of the City of Liberty, and the East right-of-way line of State Farm to Market Road Number 2864;

THENCE South $12^{\circ} 47'30''$ East along the East right-of-way line of F M 2864, a distance of 2080.10 feet to a concrete right-of-way marker for the Point of Curvature (PC) of a curve to the right;

THENCE along the East right-of-way line of F M 2864 and the curve to the right with a radius of 2924.79 feet and an interior angle of $12^{\circ} 54'00''$, a distance of 658.51 feet to a concrete right-of-way monument for the Point of Tangency (PT) of the curve;

THENCE South $00^{\circ} 06'30''$ West along the East right-of-way line of F M 2864, a distance of 1574.02 feet to a point in the South line of a called 35.00 acre tract of land conveyed from Florence Calhoon Fisher et al to Trinity River Barge Company as recorded in Volume 613, Page 657 of the Deed Records of Liberty County, Texas, for corner of this tract;

THENCE West along the South line of the aforementioned 35.00 acre tract passing at 135.05 feet the West right-of-way line of F M 2864 passing at 2,844.03 feet the Southwest corner of the aforementioned 35.00 acre tract passing at 3,344.03 feet the Northeast corner of a 136.42 acre tract of land conveyed from Florence Calhoon Fisher et al to Trinity River Barge Company as recorded in Volume 613, Page 657 of the Deed Records of Liberty County, Texas, passing at 8,074.59 feet the East bank of the Trinity River and the Northwest corner of the aforementioned 136.42 acre tract, a total distance of 9,074.59 feet to a point in the line marking the East boundary of the Floodway as delineated on Flood Insurance Rate Map Community-Panel Number 480441 0025 A dated November 18, 1988, as prepared by the Federal Emergency Management Agency;

THENCE along the aforementioned Floodway line and a curve to the right with a radius

of 1935.35 feet and an interior angle of $87^{\circ} 25'00''$, a distance of 2952.78 feet to a point for the PT of the curve;

THENCE North $11^{\circ} 42'25''$ East along the aforementioned Floodway line, a distance of 1750.00 feet to a point for a corner of this tract;

THENCE North $18^{\circ} 42'25''$ East along the aforementioned Floodway line, a distance of 1750.00 feet to a point for the PC of a curve;

THENCE along the aforementioned Floodway line and a curve to the right with a radius of 680.46 feet and an interior angle of $47^{\circ} 35'00''$, a distance of 565.11 feet to a point for the PT of the curve;

THENCE North $59^{\circ} 17'25''$ East along the aforementioned Floodway line, a distance of 900.00 feet to a point for the PC of a curve;

THENCE along the aforementioned Floodway line and a curve to the left with a radius of 997.78 feet and an interior angle of $36^{\circ} 05'00''$, a distance of 628.37 feet to a point for the PT of the curve;

THENCE North $23^{\circ} 12' 25''$ East along the aforementioned Floodway line, a distance of 200.00 feet to a point in the South right-of-way line of State Highway 90 for a corner of this tract;

THENCE South $86^{\circ} 05'00''$ East along the South right-of-way line of US 90, a distance of 622.20 feet to a point for the PC of a curve to the right;

THENCE along the South right-of-way line of US 90 and a curve to the right with a radius of 2,914.79 feet at an interior angle of $04^{\circ} 24'00''$, a distance of 223.84 feet to a point in the East line of Inner Block 94 of the City of Liberty for the PT of the curve;

THENCE South $78^{\circ} 11'57''$ West along the South right-of-way line of US 90 59.04 feet to the Northwest corner of Inner Block 127 of the City of Liberty;

THENCE North $89^{\circ} 25'00''$ West along the South right-of-way line of US 90 and the North line of Inner Block 127, a distance of 260.51 feet to a point for a corner of this tract;

THENCE South $86^{\circ} 09'00''$ East along the South right-of-way line of US 90, a distance of 29.63 feet to a point for the PC of a curve to the right;

THENCE along the South right-of-way line of US 90 and a curve to the right with a radius of 2,237.83 feet at an interior angle of $14^{\circ} 32'21''$, a distance of 567.86 feet to a point in the West right-of-way of Navigation Street for a corner of this tract;

THENCE South $00^{\circ} 00'35''$ East along the West right-of-way line of Navigation Street passing at 166.67 feet the South line of Inner Lot 1, Inner Block 95 and the North line of Inner Lot 4, Inner Block 95 passing at 222.15 feet the Northeast corner of Outer Block 49, a total distance of 333.33 feet to a point in the North right-of-way line of Santa Ana Street for the Southwest corner of Inner Block 95;

THENCE South $89^{\circ} 25'00''$ West along the North right-of-way line of Santa Ana Street passing at 722.75 feet the West line of Outer Block 49 and the East right-of-way line of a 20 vara street passing at 778.30 feet the Southeast corner of Inner Block 94 and the West line of a 20 vara street passing at 1,111.30 feet the Southwest corner of Inner Block 94 and the East right-of-way of 20 vara street passing at 1,167.18 feet the Southeast corner of Inner Block 93 and the West right-of-way line of a 20 vara street, a total distance of 1,400.51 feet the Southwest corner of Inner Block 93 in the East right-of-way line of Fort Worth Street;

THENCE South $00^{\circ} 35'00''$ East along the East right-of-way of Fort Worth Street passing at 55.55 feet the Northwest corner of Inner Block 108 and the South right-of-way line of Santa Ana Street passing at 388.88 feet the Southwest corner of Inner Block 108 and the North right-of-way line of a 20 vara street passing a 444.43 feet the Northwest corner of Inner Block 202 and the South right-of-way line of a 20 vara street passing at 555.54 feet the Southwest corner of Inner Lot 202 and the North right-of-way line of Washington Street, a total distance of 611.09 feet to a point in the South right-of-way line of Washington Street and the North line of Outer Block 24 for a corner of this tract;

THENCE North $89^{\circ} 25'00''$ East along the South right-of-way line of Washington Street and the North line of Outer Block 24 passing at 260.00 feet the Northeast corner of Outer Block 24 passing at 278.78 feet the Northwest corner of Outer Block 24, a total distance of 1010.53 feet to a point for the Northeast corner of Outer Lot 1, Outer Block 24 the Northwest corner of Outer Lot 2, Outer Block 24, and the Northwest corner of the Garrett Subdivision;

THENCE South $00^{\circ} 35'00''$ East along the East line of Outer Lot 1, Outer Block 24, and the West line of Outer Lot 2, Outer Block 24, and the West line of the Garrett Subdivision passing at 722.75 feet the Southeast corner of Outer Lot 1, Outer Block 24, the Southwest corner of Outer Lot 2, Outer Block 24, the Southwest corner of the Garrett Subdivision, the Northwest corner of Outer Lot 4, Outer Lot 24 and the Northeast corner of Outer Lot 3, Outer Block 24, a total distance of 1020.34 feet to a point for a corner of this tract;

THENCE, North $89^{\circ} 25'00''$ East 722.75 feet to a point in the East line of Outer Block 24 and the West right-of-way line of Navigation Street for a corner of this tract;

THENCE South $00^{\circ} 35'00''$ East along the East line of Outer Block 24, and the West right-of-way line of Navigation Street passing at 425.16 feet the Southeast corner of Outer Block 24 passing at 452.91 feet the Northeast corner of Outer Block 29, a total distance of 1,175.66 feet to a point for the Southeast corner of Outer Lot 2, Outer Block 29 and the Northeast corner of Outer Lot 3, Outer Block 29;

THENCE North $89^{\circ} 25'00''$ East passing at 27.75 feet the East right-of-way line of Navigation Street, the Southeast corner of Outer Lot 1, Outer Block 40, and the Northwest corner of Outer Lot 4, Outer Block 40 passing at 1.473.28 feet the Southeast corner of Outer Lot 2, Outer Block 40 the Northeast corner of Outer Lot 3, Outer Block 40, and the West right-of-way line of a 10 vara street, passing 1501.06 feet the East right-of-way line of a 10 vara street, the Northwest corner of Outer Lot 4, Outer Block 39, and the Southwest corner of Outer Lot 1, Outer Block 39, a total distance of 2,946.56 feet to a point in the West line of a 10 vara street for the Southeast corner of Outer Lot 2, Outer Block 39, and the Northeast corner of Outer Lot 3, Outer Block 39;

THENCE North $00^{\circ} 35'00''$ West along the West right-of-way line of a 10 vara street and the East line of Outer Block 39, a distance of 111.11 feet to a point for a corner of this tract;

THENCE North $89^{\circ} 25'00''$ East 27.78 feet to a point in the East line of a 10 vara street and the West line of Outer Block 38 for a corner of this tract;

THENCE South $00^{\circ} 35'00''$ East along the West right-of-way line of a 10 vara street the West line of Outer Block 38, a distance of 111.11 feet to a point for the Southwest corner of Outer Lot 1, Outer Block 38 and the Northwest corner of Outer Lot 4, Outer Block 38;

THENCE North $89^{\circ} 25'00''$ East passing at 1,445.50 feet the Southeast corner of Outer Lot 2, Outer Block 38, the Northeast corner of Outer Lot 3, Outer Block 38 and the West right-of-way line of a 10 vara street passing at 1,473.28 feet the East right-of-way of a 10 vara street, the Southwest corner of Outer Lot 1, Outer Block 37, and the Northwest corner of Outer Lot 4, Outer Block 37 passing at 2,196.03 feet the Southeast corner of Outer Lot 1, Outer Lot 37, the Northeast corner of Outer Lot 4, Outer Block 37, the Southwest corner of Outer Lot 2, Outer Block 37, and the Northwest corner of Outer Lot 3, Outer Block 37, a total distance of 2,351.03 feet to the PLACE OF BEGINNING.

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 07/14/08 06:00 PM

Department: Administration
Category: Abatements

COUNCIL ACTION 2008-36

DOC ID: 1143

Consider Approval of the Terms of a Proposed Tax Abatement Agreement with Boomerang Tube, LLC.