



LIBERTY HILL EDC BOARD OF DIRECTORS  
MEETING MINUTES

Wednesday, April 19, 2023, 5:00 PM  
Municipal Courtroom / City Council Chamber  
2801 Ranch Road 1869, Liberty Hill, TX 78642

Board Directors:

Amy Gandy  
Demetrice Gonzalez, Secretary  
Tiffany Stillwell, President  
Steven Schiff, Vice-President  
Robert Baughn  
Greg Parma

Absent:

Landon Smith

City Staff:

Paul Brandenburg, City Administrator  
Mary Poche, Executive Director LHEDC  
Elaine Simpson, City Secretary  
Sidney Smith, Director of Finance  
Mayor Liz Branigan

1. CALL TO ORDER

Tiffany Stillwell called the meeting to order at 5:01 PM. Demetrice Gonzalez gave the invocation, and Tiffany Stillwell led the pledges.

2. PUBLIC COMMENTS

*Public comments related to posted agenda items are welcomed by the LHEDC Board. Individuals who wish to speak must complete a Public Comment Form and present the form to the City Secretary before the meeting is called to order. Individuals will be allowed to speak for up to three (3) minutes on a posted agenda item. Alternatively, Public Comments related to posted agenda items may be submitted by email to [esimpson@libertyhilltx.gov](mailto:esimpson@libertyhilltx.gov) before 3:00 PM the day of the meeting, for comments to be read at the 5:00 PM meeting by the City Secretary.*

There were no Citizen Comments.

### 3) EXECUTIVE DIRECTOR'S UPDATE

#### a) Executive Director's Report.

Mary Poche provided a report regarding the activities of the Corporation, including updating the group on the work that has been done toward getting a new LHEDC website. Mary Poche reached out to ten different websites recommended by Lori Vincent that consults on EDC websites. Mary Poche heard back from nine. Those nine will be reviewed with Lori Vincent and narrowed down to two with Lori Vincent by the end of the month.

The YMCA will be presenting on the 26th of April to the Council regarding possibility private partnering and having programs in Liberty Hill.

#### 4) Monthly report from and/or Discussion with Liberty Hill Chamber of Commerce.

There were no representatives from the Chamber of Commerce to speak. At the Chamber of Commerce Luncheon on April 27, 2023, City Administrator Brandenburg and Mayor Branigan will be the speakers.

Steven Schiff, Vice-President spoke on a luncheon on Thursday (April 27<sup>th</sup>) with the Chamber of Commerce. Paul Brandenburg and Mary Poche speaking.

### 5) TREASURER'S REPORT

The treasurer will provide a financial update for the corporation.

#### a) Treasurers Report / Financials for LHEDC Board of Directors 04-19-2023. (S. Smith)

There was a brief discussion that although the Sales Tax revenue is up, there was one significant business that apparently believed that it had been annexed and had not been. An adjustment was made to move more than \$106,000 from the City's Sales Tax. The city staff are collaborating with the Comptroller to find out the details of this issue. Those records were requested to the Comptroller office from the finance department to ensure that business was not a part of the city.

Finance Director Smith was asked if she could provide more information in this report in the future, including 'year over year' numbers. She will work on this report formatting and stated she could add the prior budget if needed. She will need to review previous years' records. There was also a request to see if the software is able to provide a report regarding 'trends' in the Sales Tax receipts.

There was no motion on this report.

6) REGULAR AGENDA

- a) Discussion, consideration, and possible action related to the LHEDC meeting minutes from the meeting held March 21, 2023. (D. Gonzalez)

Motion by Director Schiff, seconded by Director Gandy, to approve the meeting minutes from March 21, 2023, as presented. Motion carried unanimously by a vote of 6-0. Ayes: Parma, Gandy, Gonzalez, Stillwell, Schiff and Baughn. Nays: None. Director Landon Smith was absent.

- b) Discussion, consideration and possible action regarding Special Joint Meeting April 12, 2023, meeting minutes. (E. Simpson)

Motion by Director Baughn, seconded by Director Schiff, to approve the meeting minutes from April 12, 2023, as presented. Motion carried unanimously by a vote of 5-1. Ayes: Parma, Gandy, Gonzalez, Stillwell, Schiff and Baughn. Nays: Gonzalez. Director Landon Smith was absent.

- c) Discuss, consideration and possible action to engage the ESD #4 (Emergency Services District) attorney and the City of Liberty Hill attorney to draft an agreement to negotiate the Sales Tax generated by any future development from the Henrietta & Gunnar project. (P. Brandenburg, M. Poche')

Executive Director Poche introduced the agenda item and provided the staff report. This is the Pohl project. The issue is that some of this Pohl property is outside the City Limits. There is not a problem with the area that is inside the City Limits. The issue is that the area that is OUTSIDE the city limits had the voters grant the Sales Tax proceeds to the Williamson County Emergency Services District (ESD) #4 in 2016. It is unusual that an ESD would get Sales Tax. It was noted that they usually get only ad valorem taxes. At this point, there is no capacity left for the voters to grant any of this Sales Tax to the City, even should this portion of the property apply be annexed.

Because the ESD will get no Sales Tax if the area is not developed, they have an incentive to work with the city to share some of the Sales Tax in order for the city to use Sales Tax revenue as part of incentives for development.

This agreement that is proposed in item c.) is to retain a third party to calculate the estimated Sales Tax that will be earned by this development. This will allow the City and ESD to deal with reliable numbers as they negotiate a sharing agreement.

Motion. Motion from Robert Baughn, seconded by Greg Parma, to authorize the engagement of the ESD Attorney with the City's attorney (Ms. Joseph), to work out the negotiation of an agreement, as discussed. Motion carried unanimously by a vote of 6-0. Ayes: Parma, Gandy, Gonzalez, Stillwell, Schiff and Baughn. Nays: None. Director Landon Smith was absent.

- d) Discuss, consideration and possible action on selecting different legal to represent Liberty Hill Economic Development Corporation in matters needing legal counsel as well as assisting in the creating and writing of Performance Agreements. (P. Brandenburg, M. Poche')

City Administrator Brandenburg introduced this item and presented the city staff report. Currently the LHEDC has the Biggerstaff firm retained for legal counsel. The next agenda item is to negotiate with Mr. Moore from Brown & Hofmeister for legal counsel for the LHEDC. The recommendation would be to begin negotiations with Mr. Moore, then when these are arranged, provide notice to Biggerstaff that the EDC will be terminating the current agreement.

Motion: by Director Gandy, seconded by Director Schiff, to approve the termination of the current EDC legal contract contingent upon signing contact new legal counsel. Motion carried unanimously by a vote of 6-0. Ayes: Parma, Gandy, Gonzalez, Stillwell, Schiff and Baughn. Nays: None. Director Landon Smith was absent.

- e) Discussion and action to direct the Economic Development Director to negotiate a contract for professional legal services with Jeff Moore with Brown & Hofmeister, LLP for the Liberty Hill Economic Development Corporation. (M. Poche')

Motion: Motion by Director Schiff, seconded by Director Gandy, to direct Ms. Poche to negotiate a contract for professional legal services with Jeff Moore with Brown and Hofmeister, LLP, for legal counsel for the LHEDC. Motion carried unanimously by a vote of 6-0. Ayes: Parma, Gandy, Gonzalez, Stillwell, Schiff and Baughn. Nays: None. Director Landon Smith was absent.

- f) Approve Administrative Operational Services Contract as revised by LH EDC attorney at the direction of the LH EDC Board to end on September 30, 2023. (M. Poche')

It was briefly discussed that the only change made was to the expiration date.

Motion by Director Baughn, seconded by Secretary Gonzalez, to approve the proposed Administrative Operational Services Contract, as presented tonight. Motion carried unanimously by a vote of 6-0. Ayes: Parma, Gandy, Gonzalez, Stillwell, Schiff and Baughn. Nays: None. Director Landon Smith was absent.

- g) Discuss and take action on directing EDC Director or legal counsel to prepare a draft application form for incentive programs. (Incentive Subcommittee)

There was no formal action taken on items g.), h.) and i.), which were opened simultaneously. There was a discussion that the EDC Directors would like to see samples of incentives, of 380 agreements of grants and 313 agreements from all over Texas. They requested that they be provided with these

sample agreements and 'case studies' regarding the outcomes of the projects. Exec. Director Poche took action to provide this information. The incentive subcommittee also discussed possible plans to create a 'checklist' for the intake of applications for incentives.

- h) Discuss and take action on directing EDC Director or legal counsel to prepare or provide the EDC with a draft or example 380 agreement in order for EDC members to understand the content of such an agreement. (Incentive Subcommittee)

There was no formal action taken on items g.), h.) and i.), which were opened simultaneously.

- i) Discuss and take action on directing EDC Director or legal counsel to prepare or provide the EDC with a draft or example loan or grant program contract in order for EDC members to understand the content of such an agreement. (Incentive Subcommittee)

There was no formal action taken on items g.), h.) and i.), which were opened simultaneously.

- j) Discussion, consideration and possible action to direct LH EDC Attorney to prepare a resolution that allows City Administrator Paul Brandenburg, and/or LH EDC director Mary Poche', to enter into contracts to purchase any real property, buildings or other real estate holdings that directly support the LH EDC Three Year Strategic Action Plan provided such contracts contain stipulations that they are contingent upon final approval by the LH EDC Board and the LH City Council, and that closing on the property cannot occur before such approvals are granted. (M. Poche', P. Brandenburg)

Motion: Motion by Director Schiff, seconded by Director Baughn to direct LHEDC Attorney to prepare a resolution that allows City Administrator (or Acting City Administrator) and/or LH EDC Executive Director (or Acting LH EDC Executive Director), to enter into contracts to purchase any real property, buildings or other real estate holdings that directly support the LH EDC Three year Strategic Action Plan provided such contracts contain stipulations that they are contingent upon final approval by the LH EDC Board and the LH City Council, and that closing on the property cannot occur before such approvals are granted. Motion carried unanimously by a vote of 6-0. Ayes: Parma, Gandy, Gonzalez, Stillwell, Schiff and Baughn. Nays: None. Director Landon Smith was absent.

- k) Discussion and Action on recommending an Economic Development Corporation Board Member to Participate in the Contract Negotiations for the Downtown Master plan. (P. Brandenburg)

There was consensus on the Board that Executive Director Poche would serve as the representative of the LH EDC in the negotiations for the Downtown Master plan. Motion by President Stillwell,

seconded by Director Parma. Motion carried unanimously by a vote of 6-0. Ayes: Parma, Gandy, Gonzalez, Stillwell, Schiff and Baughn. Nays: None. Director Landon Smith was absent.

## 7) CONVENE TO EXECUTIVE SESSION

The LHEDC Board President will convene the EDC Board to Executive Session pursuant to Texas Government Code §551.071 - Consultation with Legal Counsel and Texas Government Code §551.087 - Economic Development Negotiations. No action will be taken in the Executive Session.

- a) Discuss, consideration and possible action on revised Performance Agreement for Project Hammer.
- b) Discuss and consideration for Project DTP.

City Secretary Simpson read the legal exceptions into the record at 6:03 PM.

President Stillwell recessed the Regular Open meeting at 6:03 PM.

President Stillwell convened the Executive / Closed Session at 6:04 PM.

President Stillwell adjourned the Exec Session at 7:10 PM.

President Stillwell reconvened the Regular Open Meeting at 7:11 PM.

Announced that no action had been taken during the Executive Session.

## 8) RECONVENE TO REGULAR SESSION

The LHEDC Board President will reconvene the EDC Board to Regular Session following Consultation with Legal Counsel pursuant to Texas Government Code §551.071 and Texas Government Code §551.087 – Economic Development Negotiations. The council will entertain discussion related to the matters outlined below.

- a) Discuss, consideration and possible action on revised Performance Agreement for Project Hammer.
- b) Discuss and consider Project DTP.

There was no motion resulting from item 8.b.

Resulting from item 7/8. a.),

Director Gandy moved, and Director Baughn seconded, to director Executive Dir. Poche to accept, as discussed in the Executive Session, the amended performance agreement related to Project Hammer. Motion carried unanimously by a vote of 6-0. Ayes: Parma, Gandy, Gonzalez, Stillwell, Schiff and Baughn. Nays: None. Director Landon Smith was absent.

### 3. ADJOURNMENT

With no further business on the agenda, and no objections from the Board, Director (President) Stillwell adjourned the meeting at 7:12 PM.

PASSED AND APPROVED on May 17, 2023 by the Liberty Hill Economic Development Corporation Board of Director on vote of 4 AYES, \_\_\_\_\_ NAYS, and \_\_\_\_\_ ABSTENTIONS.

Tiffany Stillwell  
LHEDC Board President / Presiding Officer

Raine Simpson  
Board or City Secretary

