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**CELINA COMMUNITY DEVELOPMENT CORPORATION REGULAR MEETING
CELINA COUNCIL CHAMBERS
112 N. COLORADO ST.
WEDNESDAY, FEBRUARY 1, 2023
5:30 PM
AGENDA**

I. CALL TO ORDER:

II. MINUTES APPROVAL:

A. Celina Community Development Corporation - Regular Meeting - Oct 5, 2022 5:30 PM

III. ACTION:

A. Consider and act upon a resolution authorizing the use of sales tax funds to support the acquisition of park land and approving a related Project Contract and other matters incident and related thereto. (Brawner)

IV. DISCUSSION AND UPDATES:

A. Discuss and provide input for the Library Master Plan

V. ADJOURN:

City Council Chambers is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf, or hearing impaired, or readers of large print, are requested to contact the City Secretary's Office at 972-382-2682, or fax 972-382-3736 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

The Board reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Chapter 551. "I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board at City Hall of the City of Celina, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: _____ at ____ p.m. and remained so posted continuously for at least 72 hours prior to the scheduled time of said meeting."

Lauren Field, TRMC
City Secretary

Date Notice Removed



Parks and Recreation
City of Celina, Texas

Memorandum

To: **Celina Community Development Corporation**
From: Cody Webb, Parks Director
CC: Kim Brawner, Assistant City Manager
Date: February 1, 2023
Re: CDC Support for park land purchase with CO Bonds

Action Requested:

Consider and act upon a resolution authorizing the use of sales tax funds to support the acquisition of park land and approving a related Project Contract and other matters incident and related thereto. (Brawner)

Background Information:

The City is in the process of completing the issuance of certificates of obligation bonds of \$98 million. The issuance has allocated \$10 million of the \$58 million general project bonds for the purchase of park land property to be secured by the Corporation. The financial impact to the CDC has been reviewed and verified that there is sufficient funding within the Corporation from Sales Tax revenue to cover the principle and interest cost. It was determined this is the best and most cost-effective manner to finance the costs of said improvements.

Supporting Documents:

Resolution

Staff Recommendation: Approval

RESOLUTION NO. _____

A RESOLUTION OF THE CELINA COMMUNITY DEVELOPMENT CORPORATION AUTHORIZING THE USE OF SALES TAX FUNDS TO SUPPORT THE ACQUISITION OF PARK LAND AND APPROVING AND AUTHORIZING THE EXECUTION OF A PROJECT CONTRACT WITH THE CITY OF CELINA, TEXAS AND OTHER MATTERS INCIDENT AND RELATED THERETO.

WHEREAS, the City Council of the City of Celina, Texas (the "City"), has determined that certificates of obligation should be issued under and pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 271, as amended, for the purpose of paying contractual obligations to be incurred for, among other things, the acquisition of park land (the "Earthman Park"); and

WHEREAS, the Board of Directors of the Celina Community Development Corporation (the "Corporation") has agreed to pay a portion of the costs of Earthman Park by remitting to the City from the receipts from the local sales and use taxes received by the Corporation; and

WHEREAS, a Project Contract by and between the Corporation and the City (substantially in the form and content attached hereto as **Exhibit A** and hereinafter referenced to as "Earthman Park Contract") has been submitted to the Board of Directors for approval and execution; now, therefore,

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CELINA COMMUNITY DEVELOPMENT CORPORATION: The Earthman Park Contract (substantially in the form and content of **Exhibit A** attached hereto and incorporated herein by reference as a part hereof for all purposes) is hereby approved, and the President or Vice President and Secretary of the Corporation are hereby authorized and directed to execute such Project Contract for and on behalf of the Corporation and as the act and deed of this Board of Directors.

PASSED AND ADOPTED, this February 1, 2023.

ATTEST:

Lauren Field, City Secretary

(Seal)

APPROVED:

President, Celina CDC

EXHIBIT A

CONTRACT

PROJECT CONTRACT

THIS PROJECT CONTRACT ("Contract") is executed by and between the City of Celina, Texas ("City"), a home rule municipality created, existing and organized under the laws of the State of Texas and the City's home rule charter and the Celina Community Development Corporation ("Corporation"), a nonprofit corporation created and organized under the laws of the State of Texas, particularly the Development Corporation Act, Title 12, Subtitle C1 of the Local Government Code, as amended (formerly Section 4B of the Development Corporation Act of 1979, Article 5190.6, Vernon's Texas Civil Statutes and referred to herein as the "Act").

WITNESSETH

WHEREAS, in accordance with the provisions of the Act an election was duly held and conducted in the City to submit a proposition to the voters of the City on the question of the adoption of a sales and use tax within the City at a rate of one-half of one percent to be used for purposes permitted by the Act; and

WHEREAS, the proposition submitted to the voters of the City at said election was duly approved, and thereafter the City created the Corporation as authorized by the Act; and a certificate of incorporation for the Corporation was issued by the Secretary of State of Texas; and

WHEREAS, the Act provides that the receipts received from the collection of the local sales and use tax of one-half cent ("Sales Tax") for the benefit of the Corporation may be used to pay the costs of "projects" described in Chapter 505 of the Act which include land, buildings, equipment, facilities and improvements found by the Board of Directors of the Corporation to "be required or suitable for use for professional and amateur sports, including children's sports, athletic, entertainment, tourist, convention and public park purposes and events, including stadiums, ballparks, auditoriums, amphitheaters, concert halls, parks and park facilities, open space improvements, museums, exhibition facilities, and related store, restaurant, concession, and automobile parking facilities; related area transportation facilities and related roads, streets, and water and sewer facilities and other related improvements that enhance any such items"; and

WHEREAS, City Council of the City and Board of Directors of the Corporation have determined to undertake a project to include, among other things, constructing, improving and equipping public parks facilities (the "Project"); and

WHEREAS, after considering the options available to finance the costs of the Project, the City and Corporation have further determined that the best and most cost effective manner to finance the costs of said improvements would be for the City to issue certificates of obligation secured in part from the City's ad valorem taxing authority and with the understanding and agreement of the Corporation to pay the costs of such Project by remitting to the City receipts from the Sales Tax in an amount sufficient to provide payment not to exceed \$10,000,000 of the principal of the certificates of obligation to be issued by the City to finance the Project and the additional amount to provide for the interest and financing costs related thereto, as the same shall become due and payable and as specified in the annual budget of the Corporation approved by the City Council of the City each year;

NOW, THEREFORE, in consideration of the covenants and agreements herein made, and subject to the conditions herein set forth, the City and the Corporation agree as follows:

Section 1. DEFINITIONS AND INCORPORATION OF PREAMBLES. The terms and expressions used in this Contract, unless the context shows clearly otherwise, shall have meanings set forth herein, including terms defined in the preambles hereto, which preambles are incorporated herein and made a part hereof for all purposes.

Section 2. FINANCING OF PROJECT. The parties agree and understand the costs of Project, including all construction costs, equipment costs and related improvements, are to be paid from a portion of the proceeds received from the sale of certificates of obligation to be issued by the City ("Obligations").

Section 3. OBLIGATION OF THE CORPORATION. Following the issuance and sale of the Obligations, the City shall furnish the Corporation a debt retirement schedule for such Obligations. On or about 45 days prior to the next succeeding interest payment date for the Obligations, the City will notify the Corporation of the amount due from the Corporation on such interest payment date, taking into account any funds which the City has allocated to the payment of such debt retirement, including any funds from payments received in connection with the development of the Project. Upon being furnished with such notice, the Corporation agrees to pay to the City on or before the 30th day preceding such interest payment date, the amount so indicated in the notice from the City representing the principal of and interest on the portion of the Obligations coming due on the next interest payment date associated with the Project. Notwithstanding the foregoing, the Corporation obligation set forth herein shall not exceed an amount equal to \$10,000,000 in principal amount of the Obligations and the additional amount to provide for the interest and financing costs of the related portion of the Obligations.

The Corporation further agrees the payments due hereunder to the City for the payment of the debt service on the Obligations will be incorporated and included the Corporation's annual budget, as adopted or amended.

Section 4. OBLIGATION OF THE CITY. The Corporation shall have no liability with respect to the operation or maintenance of the Project other than to make the payments to the City herein contemplated from the Corporation's receipts from the Sales Tax levied and allocated for the Corporation's benefit.

Section 5. PROJECT OWNERSHIP, OPERATION AND MAINTENANCE. The City shall own the Project and have sole responsibility for its operation and maintenance.

Section 6. REGULATORY BODIES. This Contract shall be subject to all valid rules, regulations, and laws applicable thereto passed or promulgated by the United States of America, the State of Texas, or any governmental body or agency having lawful jurisdiction or any authorized representative or agency of any of them.

Section 7. TERM OF CONTRACT. The term of this Contract shall be for the period during which the Obligations, including any obligations issued to refund the Obligations, are Outstanding.

IN WITNESS WHEREOF, the Corporation and the City, acting under authority of their respective governing bodies have caused this Contract to be duly executed in several counterparts, each of which shall constitute an original, all as of the ____ day of _____, 20__, which is the date of this Contract.

CELINA COMMUNITY
DEVELOPMENT CORPORATION

CITY OF CELINA, TEXAS

By _____
President

Mayor

ATTEST:

Secretary

City Secretary

(Corporate Seal)

(City Seal)