

**CITY OF FREEPORT**  
**ECONOMIC DEVELOPMENT CORPORATION**  
200 West 2<sup>nd</sup> Street, Freeport, Texas 77541

**MINUTES**

STATE OF TEXAS            )  
                                          )  
COUNTY OF BRAZORIA    )  
                                          )  
CITY OF FREEPORT        )

BE IT REMEMBERED that the Economic Development Corporation of the City of Freeport met on Tuesday, February 9, 2021 at 6:00 p.m. in the Freeport Police Department Municipal Court Room, located at 430 North Brazosport Boulevard, Freeport, TX, for the purpose of considering the agenda items.

**FEDC BOARD MEMBERS**    Quorum Present

Jeff Pena                    President  
Marinell Music            Vice President  
Lesa Girouard             Secretary  
Ed Garcia  
Nicole Mireles  
Mingo Marquez  
Trey Sullivan             (remote at 6:37 PM)

Courtland Holman: Executive Director  
Tim Kelty: City Manager  
Christopher Duncan: Attorney  
Stephanie Russell: Finance Director

Visitors in Attendance:

David McGinty  
Sam Reyna  
Ruben Renabato  
Melanie Oldham  
Jerry Cain

**I. CALL TO ORDER:**

President Jeff Pena opened the meeting at 6:05P.M. A quorum was present: Jeff Pena, Lisa Girourd, Nicole Mireles, Mingo Marquez, Marinell Music, Ed Garcia and Trey Sullivan (remote starting at 6:37PM).

**II INVOCATION AND PLEDGE**

President Pena led the Pledge of Allegiance.

**III CITIZEN COMMENTS**

Unknown citizen(s) as name not recorded: Downtown looks good. EDC working in Collaboration with City.

Board Comments:

President Jeff Pena:

Jeff mentioned that the fountain is running 24/7. Jeff wants the public to know he takes his EDC and City Council duties seriously. Jeff wants to open communications, greater transparency, and stresses collaboration with board members and the community.

Vice President Marinell Music:

None

Director Nicole Mireles:

Nicole asked who will take responsibility of the fountain maintenance? Answer was City Parks Department. Nicole stated that she, Ed and Mingo want to put something on the next agenda and handed out a flyer.

Director Mingo Marquez:

Said he is glad to see the fountain painted and operational and hope the city will try to keep and maintained. He thanked everyone for making it happen.

Director Ed Garcia: None

Director Trey Sullivan: None

**IV Consent Agenda**

- a) Approve Meeting Minutes for January 12, 2021 Regular Board Meeting and January 14 Special Board Meeting.

Jeff Pena asked if Lesa Girouard took minutes and Lesa stated she did. Courtland Holman puts his, Chris Duncan (if any) and hers together.

b) Approve December Financial Statement

Pulled from Agenda due to clarity of print and will be reviewed at the March regular board meeting.

Director Mingo Marquez made a motion to approve consent Meeting Minutes. Director Nicole Mireles seconded the motion. Motion **Passed Unanimous**.

**V Discussion and Action**

**(Administrative)**

a. Discuss and take possible action to hire or contract additional personnel.

i. Discuss and take possible action to contract a person to take meeting minutes.

Jeff opened the discussion that he desired to have someone hired to take the meeting minutes as it takes time from Courtland Holman to do the minutes and want to contract this out. Jeff had a discussion with Director Marinell Music and wanted to make a motion to have Director Music contract this out.

Director Ed Garcia stated that this item has already been discussed in prior meetings.

**Director Ed Garcia made a motion that Courtland Holman would continue to take the meeting minutes until the assistant to Mr. Holman was hired. Director Nicole Mireles second.**

Director Marinell Music stated that she did not feel it was effective for Courtland Holman to be taking the notes and that it is hard for him to stay engaged in the meeting as well as time to type up the minutes. Jeff stated the same and desires the minutes be typed up the same week. Mingo Marquez asked if this would be a responsibility of the new hire. Both Nicole Mireles and Mr. Holman stated yes, it is part of the job description. Nicole Mireles commented that she has an issue that Jeff appointing Marinell to hire the person to take the minutes as Jeff has tried two or three times to hire Jennifer Hawkings and Jennifer used to work for Marinell and stated that will happen again and disagrees with this.

Motion **Passed** 4 Aye, 2 Ney. Trey Sullivan not on line yet.

- f. Discuss and take possible action per existing contract with Gardner Campbell the deeding of two FEDC lots upon Building permit for 606 W 1<sup>st</sup> Street is issued.

This item was moved up before "b"

Courtland Holman presented and attached in the board packet the signed Original Agreement and Amendment Number One. Mr. Holman stated that the Second Amendment was never signed by either the FEDC nor Gardner Campbell. We are going off of Amendment Number One of which Mr. Campbell has pulled the permit as required and Mr. Campbell is requesting the two lots be sold to him per the agreement.

Jeff Pena requested Attorney Chris Duncan to verify the signed current amended contracts and understood there was some discrepancy other contracts.

Chris Duncan stated that only the original contract was in the packet and not the subsequent amendment. Jeff Pena stated there is two signed contracts in the packet.

Nicole Mireles asked how many contracts are there where Courtland Holman responded there are only two as the third one was never signed. Chris Duncan recommended that this item be discussed in executive session as we have items of property in executive session to be discussed already.

Ed Garcia made a motion to move this item into executive session. Mingo Marquez seconded the motion. Jeff Pena asked for comments.

Gardner Campbell state the reason for the first supplement agreement was remodel 614 W First Street and deed the property which would co-exist with the other properties. At that time, it was hard to get a quorum of the FEDC to deed the property to Mr. Campbell after 5 months. So, Mr. Campbell came back to the board asking for a change in the agreement before he build the next \$175,000 project can the waterfront property be deeded to him as he builds the house, he can get a buyer. The last waterfront deed that was issued was from the First Supplemental Agreement. The (Third) Second Supplement Agreement is the same agreement with a different timeline. Material prices are rising where it is getting closer to a break even in development cost as cost have increased \$30,000. He has ordered all the material and pulled the permit. Mr. Campbell state he has spent over \$1 Million and want to spend another \$175,000 to build the house. He also needs to replat all of the properties that

was not expected. He plans on pulling permits and start to build the next house 30 days after starting this house.

Mr. Sam Reyna stated that building material are rising. Estimates are only good for ten days it used to be 30.

Melanie Oldham asked that in our executive session in our master plat there was discussion to have a walking trail or public access on the levy waterfront.

Courtland Holman stated that precedence has already been set as one lot has been sold to Gardner Campbell so placing a walking trail is not possible on property we no longer own. A precedence has already been set per the First Supplemental agreement where we sold the property to Mr. Campbell per the agreement.

Mr. Campbell said the master plan is wonderful but not a reality in the financial world. He would like to see trail but his land connects to private property adjacent to his. The Master Plan did not take that into consideration.

Jeff Pena asked for a vote to move to executive session. Motion **Passed** Unanimously.

Trey Sullivan is on line after this vote at 6:38 PM.

b. Discuss and take possible action regarding Bylaws.

i. Prevent board members from abstaining from vote.

Jeff Pena made a motion amend the By-Laws do disallow abstention requiring board members to vote Yes or Nay on items presented to the board on a vote. Marinell Music second the motion.

Nicole Mireles asked what By-Laws are to be amended. Jeff Pena responded the abstention on one motion at a time in order for all changes to the by-laws to be discussed.

Mingo Marquez stated that there should be language that you can abstain if there is a conflict of interest. Chris Duncan state there is already a provision in the law that you don't have to abstain from the vote as you should not be a participant.

Motion **Passed** 6 Aye to 1 Ney.

- ii. Board members shall be required to attend a special meeting if they request a special meeting.

Jeff Pena discussed that a person requesting a special board meet must attend the board meeting and made the request to the president and vice president. Nicole Mireles suggested in person attendance.

Jeff Pena made a Motion to amend the By-Laws that board members attend in person a special meeting if that board member request the special board meeting. Further all special meeting must be made to the president and vice president who shall be responsible to make the agenda. Nicole Mireles second the motion.

Mingo Marquez asked for wording that be included that you can attend via call-in or online as the Governor is allowing this right now due to the issues we live in right now.

Chris Duncan stated council are allowed in person meeting and that the on-line is just a curtesy but not a legal requirement.

Tim Kelty stated that you can still participate remotely. Chris Duncan said that the current Governor's order does not prohibit in person only if the board desires.

Jeff Pena discussed that there has been some issue in notifying the president and vice president when special meeting is called and wanted to make sure that they are informed for clarity and transparency.

Jeff Pena amended his motion that all request for special meetings must be made to both the President and Vice President.

Trey Sullivan said he does not see the second part on the agenda regarding the request to be to the president and vice president.

Jeff left the language broad but does not disqualify the motion.

Ed Garcia said that what is on the agenda regarding attending the special meeting is the only item to be discussed and moved to vote only what is on the agenda.

Trey Sullivan agreed with Ed Garcia this is on transparency.

Jeff Pena said he is trying to allow the flexibility of the discussion based upon the subject heading and not to just the motion in the subject heading.

Jeff Pena asked Chris Duncan if what he is recommending is a fair discussion based upon the agenda heading. Chris Duncan said this agenda heading is a bit more restrictive and not broad enough so the board should only vote on the item listed in the agenda. If the board wants to have a broader discussion at a later meeting the board can vote on the additional request at that time.

Jeff Pena amended his motion that the board member attend, in person, the special board meeting if that board member requested the special meeting.

Ed Garcia stated that the motion should reflect what is on the agenda. Chris Duncan stated the motion is close enough in the description on the agenda.

Motion was second by Nicole Mireles.

Trey Sullivan asked attendance in person is required even in a pandemic. Chris Duncan said this is the motion. Jeff Pena said required attendance in person.

Mr. Sam Reyna asked to Chris Duncan on the process of placing an item on the agenda but was informed that can't be discussed as that is not an item on the agenda for discussion.

Motion that the board member attend, in person, the special board meeting if that board member requested the special meeting. Motion **Passed** 6 Aye, 1 Ney.

### iii. Bi-monthly Meetings

Jeff Pena stated that the FEDC has a lot of work ahead of us with many big projects, discussions with corporations, bonding, and others where having a meeting a month is not practical to have meaningful conversations, progress or decisions. He would like to have bi-monthly meeting set at a regular time on a Tuesday at 6PM so everyone can plan accordingly and work forward together on all the items as we move ahead.

Jeff Pena made a motion to have Bi-Monthly meetings for the FEDC board. Marinell Music seconded the motion.

Trey Sullivan asked do these meeting need to be attended in person. Chris Duncan was asked if they need to be in person and Chris stated that it is not part of the motion and is a separate issue and separate motion.

This is a regular meeting and will need to be on a separate agenda as the board already attends remotely for regular meetings.

Jeff had a question if these Bi-Monthly meeting would count to attendance. Chris Duncan stated yes as these would be regular board meetings. Discussed was current number of absences per year of 3 in a row and 4 in a calendar year. Jeff Pena stated he is open to increase the number of absences. Mingo Marquez said that this would need to be on a separate meeting.

Discussion on length of meetings were brought up to 11 PM which no one desired so possible of having additional meetings would reduce the length of the meetings.

Ed Garcia stated that the projects we are working on should last two hours per meeting.

Jeff Pena discussed that we have growing opportunities that Courtland Holman and the board have brought to be worked on.

**Motion Failed 4 Ney, 3 Aye.**

- c. Discuss and take possible action approving a Resolution listing authorized persons for the Corporation's bank accounts and to reflect the new officers and removing Stephanie Russell (Finance Director) from signing authority of the FEDC.

Ed Garcia asked what is the Resolution number. Chris Duncan said as this is the first resolution it would be 2021-1.

Stephanie Russell stated that there are four people on the bank account which are the President (Trey Sullivan), Vice President (Marinell Music), Treasure, Stephanie, Courtland. This resolution is to replace Trey Sullivan with Jeff Pena, Mingo Marquez and remove Stephanie.

Ed Garcia made a motion to pass Resolution 2021-001. Nicole Mireles second the motion. **Motion Passed Unanimously.**

**(Economic Development Projects and Realty)**

- d. Discussion and Possible Action regarding adopting updated Strategy and Mission Statement to align with Updated Economic Conditions and Retail Landscape

This item has been tabled.



e. Discussion and Possible Action regarding Marketing of EDC Property with Realty Broker Representation

Jeff would like to offer his services to market the FEDC 8 acre property on Loop Net, MLS, and other services pro bono.

Trey Sullivan ask if this is a conflict. Chris Duncan said it is not a conflict as he is not being paid.

Lesa Girourd said she has lots of experience on conflict of interest as there can still be a gain even though there is zero dollars. Chris gave a hypothetical of a conflict.

Jeff Duncan rescinded his offer but would like to have the board having the sign on the property.

Chris Duncan said there are two questions. 1.Can the FEDC list the property on the MLS or broker website without a real estate or broker site? Jeff stated not effectively if we leave the FEDC to negotiate transaction and contract we will be at a disadvantage. 2. If the FEDC allows Jeff to list the property who would list the property, who is the contact person. Jeff said Courtland. Jeff would not be able to negotiate but any items would be to the board. Chris asked that if Jeff was listed as the agent selling the property without taking any fee would that anyway benefit the FEDC. Would that reduce the fee. Jeff Pena described the fee structure and the agent that brought a client would get 3% but is negotiable.

Chris Duncan stated then the motion should be that the board would authorize Jeff Pena to use his real estate license to the site listed on web sites and other places effectively marketed without any fee and the contact person is on the advertisement would be Courtland Holman. Any negotiations would be with the board. Chris thinks this would eliminate any conflicts.

Lesa Girourd asked about the sign, who would be on the sign. Jeff Pena responded that it would be an FEDC sign with FEDC information without Pena Real Estate.

Ed Garcia made a motion to have Jeff Pena duly authorize by the FEDC to list the 8.8 acres, that the FEDC owns, on any and all listings, websites, advertisement normally used by real estate professionals to advertise and market the site no compensation. All advertisement will direct potential buyers to contact the FEDC at the FEDC number at city hall and signage will be paid by the FEDC and only have the FEDC name and contact information. Nicole Mireles second the motion. Motion **Passed** 6 Aye, 1 Recusal by Jeff Pena.

- g. Discussion and Possible Action regarding Signage - 3 types : Branding, Way - Finding, TXDOT - Retail

Jeff discussed the three types of signage and various landmarks in Freeport. Txdot has signs at various locations with business names and restaurants for the upcoming exists. It was previously discussed that we should have signs on the road identifying businesses to promote them. A list of businesses was stated. Jeff sees the value as you drive the various roads. Mingo Marquez asked if we have fund set aside for this. Jeff Pena said yes.

Marinell Music said Mr. Ruben on research he has done on signage as you drive into Lake Jackson and would like to present to the board on his research on the highways.

Nicole Mireles asked Tim Kelty if the city has a person that works on signage.

Tim Kelty told the board that LeAnn Strahan our Destination Director has taken on the tourism role and could assist on Wayfinding signage.

Jeff Pena will reach out to LeAnn to determine scope of what she is working on and if it includes Txdot roads.

Tim Kelty will be meeting with the area engineer with Txdot and will try to bring it up with them.

No Action taken.

- VI. It is now 7:26 p.m. and I hereby recess the regular session of the Freeport Economic Development Corporation February 9, 2021 meeting and do hereby convene an executive session, said executive session authorized under the following sections of the Texas Government Code: (1) Government Code, Section 551.087 (Economic and Community Development Matters), 551.072 (Deliberations about Real Property), 551.074 (Personnel Matters).

**In Accordance with the Texas Government Code:**

- A. Section 551.087 (Economic and Community Development Matters)
  - a. Project Sky High
  - b. Discussion on acquisition and disposal of Real Property (Jeff)

B. Section 551.074 (authorizes certain deliberations about officers and employees of the governmental body to be held in executive session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee

1. Executive Director
2. Administrative Assistant

**Reconvene into Open Session**

**Board President's statement:**

It is now 8:35 p.m. and I hereby close the executive session of the Freeport Economic Development Corporation and do hereby reconvene the regular open session.

**Discussion and Action**

Discussion and possible action with Project Sky High  
Discussion and possible action regarding acquisition and disposal Real Properties  
Discussion and possible action regarding Executive Director  
Discussion and possible action regarding Analyst – Admin Position

Nicole Mireles made a motion to table discussion on 606 West First street until more information is given at the next meeting on March 9, 2021 or a special board meeting. Ed Garcia second the motion. Motion **Passed** Unanimously.

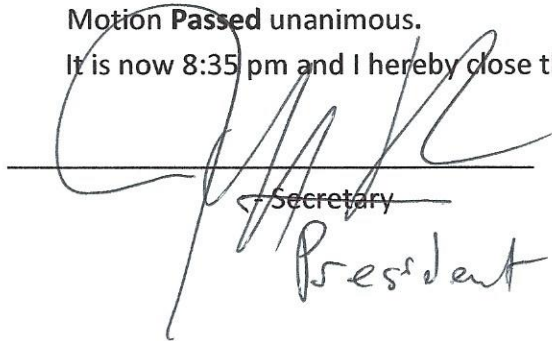
**VII. Directors Notes**

Not discussed but already in board packet.

**VIII. Adjourn**

**Motion** to close meeting made by Ed Garcia and **seconded** by Nicole Mireles. Motion **Passed** unanimous.

It is now 8:35 pm and I hereby close the board meeting.



Secretary  
President