

CITY OF FREEPORT
ECONOMIC DEVELOPMENT CORPORATION
200 West 2nd 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, January 12, 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 (remote)
Lesa Girouard Secretary (absent)
Ed Garcia
Nicole Mireles
Mingo Marquez
Trey Sullivan (remote)

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

Visitors in Attendance:

David McGinty
Sam Reyna
Ruben Renabato
Doug Kirk

I. CALL TO ORDER:

President Jeff Pena opened the meeting at 6:02P.M. A quorum was present: Jeff Pena, Nicole Mireles, Mingo Marquez, Marinell Music (remote), Ed Garcia and Trey Sullivan (remote). Lesa Girouard is absent.

II INVOCATION AND PLEDGE

President Pena led the Pledge of Allegiance.

III CITIZEN COMMENTS

None

Board Comments

President Pena: Jeff stated he wanted to move to Section V-a at the start of the board meeting.

Jeff Pena moved the meeting back from Section V-a and read a statement of board participation that includes goals, volunteerism, maintaining a quorum, rebranding Freeport, making every effort in promoting Freeport, and making us accountable in order to make the best Freeport.

Vice President Marinell Music: No Comments

Director Mingo Marquez: Thanked everyone for support of his father's passing

Director Ed Garcia: No Comments

Director Trey Sullivan: No comments

Director Nicole Mireles: Had a concern that the board or council attending board meeting remotely. Attorney Chris Duncan stated under the Governor's COVID emergency declaration meeting can be attended remotely until rescinded by the Governor.

IV Consent Agenda

- a) Approve Meeting Minutes for December 16 Regular Board Meeting
- b) Approve November Financial Statement

Director Mireles made a motion to approve consent agenda items. Director Marquez seconded the motion. Motion **Passed Unanimous**.

VII. Discussion and Action

- a. **Discussion and Possible Action regarding Minutes and Secretary Duties to be Contracted**

Jeff discussed taking proactive measures to hire someone to take meeting minutes. Last meeting, he asked Jennifer Hawkings to perform the duties then decided that the FEDC Secretary Lesa Girouard would fulfill the role. Mrs. Girouard reached out to Jeff last week stating it is too time intensive during and after the meeting. Jeff wanted to discuss contracting the meeting minutes out.

Marinell Music made a motion to hire Jennifer Hawking and contract her to take the meeting minutes and any other administrative duties as needed.

Ed Garcia just arrived.

Mingo Marquez seconded the Motion.

Jeff Pena asked for any discussion. Mingo Marquez asked if this was going to be done per meeting is it a fee or hourly rate.

Jeff Pena stated it would be \$20 per hour with a minimum of 10 hours to attend the board meeting and take the minutes.

Mingo Marquez stated that would be \$200 per meeting.

Nicole Mireles expressed that was too much.

Jeff Pena stated that our meetings are about four hours and Lesa Girouard had expressed to Jeff it took about 5 hour and more to do the meeting minutes.

Nicole Mireles asked about hiring somebody permanently. Jeff Pena described this is just for taking the meeting minutes for now.

Ed Garcia stated that in the duties that Mr. Holman described in the Job description for the position he wants to hire taking the meeting minutes is part of those duties. Ed stated that we are rushing into a decision and should wait and get the right person with a longer contract instead of two weeks contract and that's it.

Marinell Music stated that we should have someone now until a permanent person is in place.

Nicole Mireles asked if we have a volunteer or if Jennifer Hawking would volunteer her time like the rest of the board?

Marinell Music stated that Jennifer Hawking is not a board member.

Jeff discussed that the minutes by city staff cost the city.

Courtland Holman stated that he can take the meeting minutes if the board want him to as he takes his own notes and has the recording to fall back on until the long-term person is hired.

Ed Garcia stated that Courland Holman can take the meeting minutes as the board has never contracted this out.

Trey Sullivan asked if \$20 per hour was the going rate. Nicole stated she knows for a fact that it is not. Marinell Music believe that is the going rate.

Marinell Music made a motion to contract the meeting minutes. Motion was second by Mingo Marquez. Marinell Music, Mingo Marquez and Jeff Pena voted Aye. Nicole Mireles, Trey Sullivan and Ed Garcia vote Nay. **Motion Failed 3 to 3.**

Nicole Mireles made a motion that Courtland Holman takes the meeting minutes. Motion was seconded by Ed Garcia. Jeff stated that the board still needs to address the administrative roll and description of that job which will be on the next agenda. **Motion Passed 4 to 2** with Jeff Pena and Marinell Music voting Nay. Jeff Pena stated that Courtland Holman will be responsible with Jeff Pena and Marinell Music for taking the meeting minutes.

- b. Discussion and Possible Action regarding Strategy and Mission Re-defined (Jeff)
This agenda item has been tabled.
- c. Update/ Discussion and Possible Action to Roundtable for 192 Lots and EDC Role (Jeff)
Jeff requested an update on the 192 lot reaching out to builder and developers. Mr. Holman responded only one developer Doug Kirk has submitted a draft proposal with the help of Gary Bassinger from The Alliance. The draft proposal was handed out to the board. Jeff stated that in the previous board meeting from citizen comments that others wanted to participate. Mr. Holman stated that other builders did not reach out to him. Jeff thought there was a list of developers that we would reach out to. Mr. Holman stated he does not have a list but understood that Mr. Renabato was going to reach out to certain developers that he has been talking to and bring them to me.

Mr. Renabato stated that he understood that Mr. Holman was to reach out to local builders the he has talked to.

Nicole Mireles asked Mr. Renabato if he had shared his list to Mr. Holman. Mr. Renabato stated no. But he obtained a list from city hall.
Jeff Pena underlined the direction to obtain the list of builders and reach out to the local builders.

The board discussed that they will reach out to local builders to bring back to the board next meeting.

Mr. Holman stated that this is a bit of an issue as there are no streets and the local builders in Freeport build on lots that already have infrastructure.

Mingo Marquez stated we don't know if the builders have the capacity to build the streets until we reach out to them and stated the Board may be able to build the streets.

Marinell Music said that we need some document that the builders have the means and financial stability to build on the lots.

Mr. Renabato asked about the hand out to the board in open session and was given to Mr. Renabato.

Nicole Mireles stated that she will reach out to builders and direct them to Mr. Holman. Jeff discussed determining how many lots are to be develop, who is to build the streets and cost or if it is a shared cost with city for building the streets.

Mr. Holman was worried on what is a local builder and making some upset if he does not contact them all.

Jeff stated that reaching out to the listed developers and a possible workshop to determine strategies.

Mingo Marquez that if we are going to do the infrastructure to start investigating bonding the infrastructure.

Stephanie Russell was asked our bond capacity. She stated that it was presented in previous board meeting and she did not have that in front of her but it can be pursued and identified what it is used for.

Jeff discussed looking at the bonding capacity for this project as a project but if we change the project shift the use of the fund. Not sure if we should use our complete bond capacity on this project

Stephine Russell stated that she believes our bond capacity is around \$6 Million. Mingo Marquez stated \$5.8 Million and if the infrastructure cost is \$2 Million is in the step in the right direction.

Jeff and Stephanie discuss the use of the bond for infrastructure as well as not specifying number of lots.

Mr. Renabato stated that the city gave the 19 acres to the FEDC. Mr. Holman said the property has not been transferred.

Mr. Holman will obtain a list from Billy of builders and call them and try to provide the information.

Chris Duncan said the lots are not owned by the FEDC and that the FEDC will need to create a proposal, work with the City Manager and bring to the City Council.

Jeff said a workshop may or will be necessary.

Doug Kirk stated that he is local as it get and happy that he helped bring this development to this point of discussion.

No Motions

d. Update and Possible Action to FEDC Lights on 8.8 Acre Property (Jeff)

Jeff has tasked Penny's Electric to submit a report to the city to facilitate the repair and powering of the lights. Tim Kelty stated that he will do everything he can to facilitate the repair.

e. Discussion and Possible Action regarding Street Lighting Supplements to City (Jeff)

Jeff talked about the lighting plan with CenterPoint. Much of the lighting is residential but wants to identify that some of the lighting is identified in our retail and Gulf Blvd. Mingo Marquez stated that the downtown is pitch dark and something needs to be done about it and stop talking about it. This is something that the city must be working on. Jeff will bring a map on lighting.

f. Discussion and Possible Action on Lucy Goose and Downtown Properties

This item was moved to executive session.

g. Discussion of Realty Broker Representation (Jeff)

Jeff discussed using a real estate firm on properties owned by the FEDC or other properties that we will have in the future. We have approached this passively in the past. We have been in talks with various developers on these properties and should have representation for all real estate consideration attended to.

Mingo Marquez asked if we have reached out to a broker. Mr. Holman stated earlier last year we already reached out to Patrick Rollins of CBRE for properties in the Downtown but the 8.8 acres we are working on a project that he can't talk on in open session.

This item was moved to executive session.

h. Update/ Discussion and Possible Action to Visitor Center – if available (Courtland)

Mr. Holman said at the last board meeting the board approved the request to have City Council allow the FEDC and Visitor Center move into the Visitor Center. Mr. Holman drafted a letter and handed it out to the board for their review.

Nicole Mireles made a motion to approved the letter and send to city council. Motion was second by Trey Sullivan. **Motion Passed Unanimously.**

i. Discussion and possible action regarding Covid and events and program sponsorships for 2021 (Jeff)

Jeff Pena discussed events that were canceled or sponsored due to COVID rules. Jeff wants to make sure they follow the COVID rules such as the Billfish classic. Nicole Mireles said we should follow the City. Courtland stated that most of the items we sponsored have been canceled or went virtual other then the Billfish classic as that is a separated event on boats. Jeff Pena asked if we are in a freeze but Mr. Holman stated we should be flexible in spending fund

j. Discussion and possible action regarding EDC Networking Mixer

Marinell Music stated since we are at a 50% capacity Bridge Harbor was supposed to be the next mixer. Mingo Marquez stated that it should be postponed but reach out to businesses

so when we can do something it can be started again. Mr. Holman asked if we should reach out to businesses. Mingo Marquez said we need to reach out to local businesses. Mr. Holman said once out of COVID we should host a larger event with businesses and real estate brokers.

k. Discussion regarding Non-EDC Member Meeting Invitation Protocols and Procedures (Jeff)

Move into Executive Session

l. Discussion and Possible Action on Grant Programs Contractors (Jeff)

Jeff discussed possible contracting out Grant Writing out. Mr. Holman had no issues with contracting out but need a specific project and we can go on Grants.gov to see if there is any for us. Mr. Holman helped the city with Main Street program Grant writing but it was not funded.

m. Consideration and possible action for appointment of an FEDC board member to Zoning Ordinance Steering Committee. (Courtland)

Mr. Holman was asked by Tim Kelty to have the FEDC board appoint one person to the Zoning Ordinance Steering Committee to assist them for the entire re-write of our ordinances. Tim Kelty said this is very important to the economic development of the city and has all boards and city council members will appoint one person from their ward. There will be about 4 meeting over the next six months. This steering committee will dissolve one completed. Mingo Marquez was concerned that this supersedes the Zoning Board. Tim Kelty stated this steering committee does not supplant the Zoning Board. Nicole Mireles said our ordinance are all out of date and some of the Zoning Board were going to try to do it themselves but the City decided to contract out the Zoning Ordinance update. Tim discussed that the Steering Committee, facilitated by Kendig Keast, the process provides input up to a certain point which will be placed in a document to be presented to Planning Commission for public hearing then eventually goes to City Council within about 6 months. Tim Kelty's intent is to have a FEDC board member be represented on the committee.

Mr. David McGinty asked if the Steering meeting are open to the public. Tim Kelty stated it is not open to the public as it is a work session with no decision making.

Mingo Marquez made a motion that Ed Garcia be appointed to the Steering Committee. Nicole Mireles second the motion. **Motion Passed Unanimously.**

n. Discussion and Possible Action regarding Councilman / FEDC President Jeff Pena retaining both FEDC President and City Council duties. (Trey)

Trey congratulated Jeff. Trey discussed separation of council vs board member as other have had questions on this. Trey wanted to get it answered so we can move on. Trey wanted to have Jeff's thought on being both on Council and Board due to our history of separation.

Jeff Pena stated that he wants to put Freeport first and the FEDC is no different. The historical push for separation was that there is no conflict of interest on finances, procedural

matters, and legal issues. Jeff said there is no conflict of interest as there is a precedence of other council members being on the board.

Mingo Marquez asked if a city councilman serve on the FEDC board. Chris Duncan stated yes. Chris discussed that it is not a legal question but a perception question on how the board wants to proceed. Mingo said the board could ask the city if Jeff Pena be appointed to Liaison but if legal he has not issue with Jeff being on the board. Nicole Mireles agreed but if Jeff decides he is not being effective then it is up to Jeff to step down.

Ed Garcia said that the only conflict of interest is if there is a financial interest.

Marinell Music said she agrees with the other and Jeff is doing a great job.

Mr. Renabato did research and agrees with the attorney that being on the board and council is legal.

Trey Sullivan said he knew it was legal but wanted to address the elephant in the room and proceed.

VII. Executive Session – Adjourn into Executive Session

Before moving to closed session Jeff Pena wanted to asked the board if Councilman Morea be invited to the entire closed session.

Nicole Mireles made a motion to invite Councilman Morea into entire closed session. Motion was second by Ed Garcia. **Motion Passed** Unanimously.

It is now 8:06 p.m. and I hereby recess the regular session of the Freeport Economic Development Corporation January 12, 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. Realty World contract

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 10:48 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

Ed Garcia made a motion the Executive Director be given a Probation of 6 Months for violation of Rule #1 and item #10 (from the list of complaints as presented by Jeff Pena). A letter of Reprimand will be placed in the File. Motion seconded by Nicole Mireles. Motion Passed 5-0-1 with Trey Sullivan abstaining.

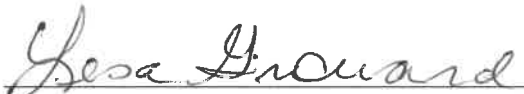
VII. Directors Notes

Not discussed but already in board packet.

IX. Adjourn

Motion to close meeting made by Mingo Marquez and **seconded** by Ed Garcia. Motion **Passed** unanimous.

It is now 10:50 pm and I hereby close the board meeting.


Lesa Girouard - Secretary