

**CITY OF FREEPORT  
ECONOMIC DEVELOPMENT CORPORATION**

**STATE OF TEXAS**

**COUNTY OF BRAZORIA**

**CITY OF FREEPORT**

**BE IT REMEMBERED** that the Economic Development Corporation of the City of Freeport met in a scheduled meeting Thursday, April 1, 2010 at the Freeport City Council chambers at 403 N. Brazosport Boulevard, for the purpose of considering the following agenda items.

Dan Tarver (President)  
Lila Diehl (Secretary)  
Jack Taylor (absent)  
William Rains (left early)

Clan Cameron (Vice-President) (left early)  
Sandra Wood-Wicke  
Larry Shaefer

Visitors in attendance: Annette Sanford, Nicole Mireles, Sam Reyna, Elsie Rae Christenson, Eric Hayes, Larry and Rosa McDonald, George Beaman Sr., Rex Maugens, Wright Gore III.

**OPEN MEETING**

Meeting was called to order by Dan Tarver at 7:08 pm, with all members in attendance except Mr. Taylor. Both Mr. Cameron and Mr. Rains had to leave early.

**CONSIDERATION APPROVAL OF MINUTES OF THE 3/4/2010, 3/11/2010  
3/18/2010 AND 3/25/2010.**

Only the minutes of March 11, 2010 were available. Mr. Cameron made a motion to approve the minutes of March 11, 2010, the motion was seconded by Ms. Wood-Wicke and passed unanimously.

**CITIZENS COMMENTS**

Wright Gore III was pleased to see that the board was making progress on hiring a EDC director, and wondered if there were any plans to publish something about all of the progress that has been made not only in the last 2-3 weeks but all of the progress that has been made by this board on the Marina project, he feels that the public needs to be made aware of everything that this board has done and what a great job they have done.

Mr. Rains stated that he feels that the majority of the citizens have no idea how hard the board has worked or of the accomplishments they have made. Annette Sanford feels that Wright had a good idea and that when something was published it should also be done in Spanish.

#### PROJECT ENGINEER'S REPORT

Baker & Lawson, Mr. Herbert Smith.

1 Received and have forwarded to Larry S. a copy of the letter from Ms. Mary Shine of the DA's office concerning TxDOT's requirements concerning the building location. We have reviewed this document with TxDOT and can report to you:

- A. TxDOT is most interested in a Liability Waiver from you. They simply want to be held harmless should they damage your building. Since the building was placed in a TxDOT right of way without permit. This he felt was reasonable.
  - B. TxDOT is agreeable to a Joint Use Agreement for the facilities. Once the liability issue is resolved. Baker & Lawson will prepare the exhibits and obtain the JUA. They do not see an issue in being ready for the Blessing of the Fleet.
2. TxDOT is offering either that we acquire new right of way for them or remove that part of the building that is on their easement.
- A. Right of way acquisition must have surveys done to their standards, right of way drawings, legal descriptions and parcel sketches must also be done to their standards.
  - B. All improvements must be removed and the real property must be free of contamination.  
They do not recommend the purchase of right of way at this time  
If you elect to proceed with right of way purchase, you must obtain a Phase 1 Review (at least) – they would assist with procuring this service.
  - C. All real estate must be purchased in fee  
It is a very common error for the owners of real estate that have an easement for a State Highway to assume that they have some sort of legal rights to the real estate within the easement. They do not.  
To avoid this problem, TxDOT no longer accepts “road easements”.
3. If the board elects to remove the building the following steps will be involved.
- A. Remove existing steel members, salvage all possible.
  - B. Remove concrete to within 3' or 4' from the next interior span
  - C. Remove existing retaining wall within the limits of TxDOT ROW
  - D. Reconstruct retaining wall, footings and beams and slab as required.
  - E. Reconstruct building with salvaged wall columns, cross braces, girders and perhaps wall panels. New purlins may also be required.
4. TxDOT wants a decision on the choice of remedy sooner rather than later.

5. There is a proposed layout for Phase 1. This layout is detailed on the Existing Condition Drawing. They did not find errors in the pins locating the property corners.
  - A. This will be acceptable to TxDOT and they will obtain a JUA
  - B. If approved by the Board, the City needs to be informed so they can re-start water line construction.
  - C. Note the configuration of the ramps. They did not see an issue with the installation. They have not at this time identified a method to make them conform to Texas Accessibility Standards.
  - D. Note that they propose crushed concrete or other similar material for this phase. this should be replaced with concrete pavement.
  - E. Both this design and the permanent design do not allow a live load (the weight of parked cars) within 20 feet of the sheet piling.
6. They have not been able to obtain the cooperation of Forbes Construction, Inc. Forbes installed the sheet pile and Baker & Lawson need to see the as-built drawings and the design calculations. Dan or Nat are to get this.
7. They have confirmed that the power line across the channel is at an elevation of 74'+. Mr. Smith showed a "blow up" of a chart from the NOAA website. While it appears to show the power line in the incorrect location, they agree with the elevation shown of 74.0'.
8. Next week Baker & Lawson will:
  - A. Provide TxDOT with a JUA permit application. Please remember the liability issues must be completed before they will sign it.
  - B. Prepare (or at least start) the final parking layout on the west side. This will be the ultimate concrete parking lot.
  - C. If they can obtain the cooperation of Forbes, they will incorporate their as-built drawings into their Existing Condition Drawing.

#### ACTING MANAGER'S REPORT – Nat Hickey

The brochures have all been mailed out. There have been calls coming in all week, just today there were 6 calls and one written request.

#### BOARD OF DIRECTORS REPORT

Sandra – Blessing of the Fleet has been given permission to use Walker Royal's land so there will be a carnival for the kids. They will probably have a bus to haul people in. They will be having DJ's and Bands playing. There will be contest and all of the contests will be free to enter. They will do the Blessing from one of the Docks.

Dan – was to have a meeting with Renew Blue but was postponed at the last minute and will have to be rescheduled.

Larry – talked with Shoremasters etc. but will discuss on later agenda items.

DISCUSS/CONSIDER PURCHASING GUIDELINES FOR FREEPORT EDC

Larry showed a copy of State Purchasing guidelines that are different then the City guidelines. Also since Freeport has no Municipal Newspaper, City Hall can be used for posting. A motion was made by Ms. Wood-Wicke to accept the State Guidelines it was seconded by Mr. Shaefer, and passed unanimously.

DISCUSS/CONSIDER \$25,000 FEE FOR WATER DISTRIBUTION AT MARINA

The cost is \$50,000 and will be split with the City. The EDC will be responsible for \$25,000. A motion was made to approve by Ms. Wood-Wicke, seconded by Ms. Diehl and carried unanimously.

DISCUSS/CONSIDER SHOREMASTER ELECTRICAL CHANGE ORDER

Mr. Shaefer explained the change order and felt the board should accept. Ms. Wood-Wicke made the motion to accept the change order, Mr. Shaefer seconded, and the motion passed unanimously.

DISCUSS/CONSIDER INTER-LOCAL AGREEMENT WITH BRAZORIA COUNTY FOR PURCHASING

A motion was made by Mr. Rains to accept the inter-local agreement, seconded by Ms. Wood-Wicke and the motion passed unanimously.

DISCUSS/CONSIDER APPLICATION TO TEXAS FACILITIES COMMISSION FEDERAL SURPLUS PROPERTY FOR STATE AND FEDERAL SURPLUS ITEMS

Mr. Shaefer had checked into this and found that there were quite a few things that could be used from there. A motion was made by Ms. Wood-Wicke to apply, seconded by Mr. Rains and passed unanimously.

DISCUSS/CONSIDER AUTHORIZING FREEPORT EDC PRESIDENT TO APPROVE PURCHASE ORDERS BY EMAIL.

Mr. Tarver travels a lot with his job and doesn't want to hold up progress. He will approve by email and upon returning to Freeport, sign in person. A motion to approve was made by Mr. Rains, seconded by Ms. Wood-Wicke and carried unanimously.

DISCUSS/CONSIDER SELECTION OF ELECTRICAL SERVICE PROVIDER FOR MARINA

A motion to table this item until a later date was made by Mr. Shaefer, seconded by Ms. Diehl, and passed unanimously.

DISCUSS/CONSIDER FREEPORT MUNICIPAL MARINA WET SLIP RENTAL RATES, RULES AND REGULATIONS, AND WET SLIP RENTAL CONTRACT

After discussion a decision was made on Rental Rates to be published with a 10% discount being given if leased for a year at a time.

35'-\$275 per mo. or \$7.86 per foot leased annual 10% discount = \$7.07 per foot-\$247.50 per mo.  
40'-\$330 per mo. or \$8.25 per foot leased annual 10% discount = \$7.42 per foot-\$296.80 per mo.  
50'-\$415 per mo. or \$8.30 per foot leased annual 10% discount = \$7.47 per foot-\$373.50 per mo.  
60'-\$575 per mo. or \$9.58 per foot leased annual 10% discount = \$8.62 per foot-\$517.20 per mo.  
Transient rate being \$1.50 per foot per night, per boat.

These rates were compared to other Marinas in the area and are comparable to the other rates. No other Marina in the area is protected by a Flood gate.

A motion to accept these rates was made by Ms. Wood-Wicke, seconded by Ms. Diehl and passed unanimously.

Discussed Rules and Regulations, The name needs to be corrected to Freeport Municipal Marina along with a few other corrections and modifications. A motion to accept the Rules and Regulations, after corrections are made, was made by Ms. Wood-Wicke, seconded by Mr. Shaefer and passed unanimously.

Discussed the Contract also needs the name corrected. A motion to accept after corrections were made, was made by Ms. Wood-Wicke, seconded by Mr. Shaefer and carried unanimously.

#### DISCUSS/CONSIDER HIRING A FREEPORT EDC DIRECTOR

Mr. Tarver to talk with Mr. Worley again about finding a new Director, wage to be determined later, will not pay as much as previous director was making. A motion was made by Mr. Shafer for Dan to speak with Mr. Worley seconded by Ms. Wood-Wicke and passed unanimously.

#### DISCUSS/CONSIDER FREEPORT EDC WEBSITE DESIGN AND MAINTENANCE

A motion to table until more research could be done was made by Ms. Wood-Wicke, seconded by Ms. Diehl and passed unanimously.

#### DISCUSS/CONSIDER APPROVAL OF EXPENDITURES

Sea Breeze Landfill – \$1,230.80 – Disposal of Spoils

A motion to approve was made by Ms. Wood-Wicke, seconded by Ms. Diehl and passed unanimously.

Larry Shaefer - \$165.03 – Out of pocket expenses for Construction Trailer Locks etc.

A motion to approve was made by Ms. Wood-Wicke, seconded by Ms. Diehl and passed unanimously.

#### EXECUTIVE SESSION – SECTION 551.072

Deliberations concerning the purchase, exchange, lease or value of real property when deliberations in an open meeting might have a detrimental affect on the position of the Board of Directors in negotiations with a third party, to-wit: D&F Valve Company

#### ACTION AS A RESULT OF EXECUTIVE SESSION

A motion was made by Mr. Shaefer to with draw the offer to purchase D&F Valve Company due to easement will not be needed if Building is to be shortened. The motion was seconded by Ms. Wood-Wicke, and passed unanimously.

ADJOURN

A motion to adjourn was made by Mr. Shaefer, seconded by Ms. Wood-Wicke and passed unanimously. Meeting was adjourned at 9:52 pm.

These minutes were read and approved this \_\_\_\_\_ day of April, 2010.

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Dan Tarver, President

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Attested to by Lila Diehl, Secretary