

CITY OF FREEPORT
ECONOMIC DEVELOPMENT CORPORATION
430 North Brazosport Blvd., Freeport, Texas 77541

STATE OF TEXAS
COUNTY OF BRAZORIA
CITY OF FREEPORT

BE IT REMEMBERED that the Economic Development Corporation of the City of Freeport met in regular session Tuesday, November 18, 2014, at the Freeport Freeport Police Department Conference Room, 430 North Brazosport Blvd., for the purpose of considering the agenda items.

MEMBERS OF THE BOARD PRESENT:

Troy Brimage, President,
Brooks Bass, Vice President,
Trent D Allen,
Mark A Friudenberg,
Drew Ryder,
Jason Travis,
Roy Yates,

STAFF PRESENT:

N C Hickey, Administrator
Jennifer Hawkins, Director
Chris Duncan, Attorney

VISITORS IN ATTENDANCE:

Karen Jewel, Attorney, Schiffer Odom Hicks & Johnson
R C Busch
M Berlanga
Sandra Leavy

OPEN PUBLIC MEETING:

President Brimage called the meeting to order at 6:00 o'clock p.m. Quorum present.

VISITORS COMMENTS:

Mr. Berlanga requested information as to the status of the docking lease for his and Mr. Busch vessels.

The President advised that he and Mr. Busch would be given ample time to make provisions for other docking space pending any action taken tonight.

APPROVAL OF MINUES:

Upon motion by Director Travis, econd by Director Drew, it was VOTED:
Minutes of the October 2013 FEDC meeting be approved as presented.

Vote: Yea: 7 No: 0 Motion Prevailed

PAYMENT OF BILLS:

Payment of the following bills;

Olson & Olson	\$ 58.00
Schiffer Odom Hicks & Johnson	4,775.40
Texas Wide Open for Business	3,500.00

Vote: Yea 7 No: 0 Motion prevailed

DOWNTOWN CHRISTMAN LIGHTING:

Director Jennifer Hawkins presented a proposed partnering with the City for a downtown Christmas Lighting program with each providing one half the cost, approximatly \$100,000 each. The lighting would be installed and removed by the vendor each year at a declining cost to the EDC or City of approximately, \$38,000 or less each succeeding year. Installation of the decorations would be completed with the target date of December 6, 2014, for the first program. The Chair requested an opinion of the Board as to whether or not they thought the program was viable, with the Board being in geneal agreement. However, it was felt the time-frame was possibly too short this year.

The question was raised as to whether or not it was legal, and since the cost was of such a magnitude would competative bidding be required? Also, it would depend upon action taken by the City Council in their meeting tonight. The Attorney advised that in his opinion there were certain questions regarding the bid process and other questions he would need to check with our auditors.

After further general discussion the Chair tabled the project pending the decision of the Council and further advice of the attorney. If necessary to proceed, will call a special meeting to take necessary action.

RESOLUTION NO. 2014-16 - FIRST STATE BANK, CLUTE, TEXAS

Upon motion by Director Bass, second by Director Travis, it was VOTED:

The Board approve the repayment of a current loan and the refinancing of a new loan for the outstanding balance due, and authorize all necessary actions and documents relating to the effectuating of same with the First State Bank, Clute, Texas.

Yea: 7 No: 0 Motion Prevailed.

LOAN AGREEMENT, FIRST STATE BANK, CLUTE, TEXAS

Upon motion by Director Bass, second by Director Travis, it was VOTED:

Upon motion by Director Bass, second by Director Travis, it was VOTED:

The President and other members of the Board, so indicated, be authorized to execute the refinance loan agreement with the First State Bank, Clute, Texas

Vote: Yea: 7 No: 0 Motion Prevailed.

APPROVAL OF FREEPORT EDC LOGO:

No action taken. After general discussion, the Director was requested to revise same and present to the next regular Board Meeting.

CONSIDER APPROVING RESOLUTION 2014-17 OF FREEPORT ECONOMIC DEVELOPMENT CORPORATION

The Chair deferred this item to the Executive Session

CONSIDER APPROVING RESOLUTION 2014-18 OF FREEPORT ECONOMIC DEVELOPMENT CORPORATION

The Chair deferred this item to the Executive Session

The Board retired into Executive Session at 7:27 o'clock p.m., November 18, 2014.

EXECUTIVE SESSION

A. Consultation with FEDC attorney to receive advice on pending or contemplated litigation or settlement offer to-wit: Freeport Economic Development Corporation v. Hiram Walker Royall, Freport Waterfront Properties, L.P., Freeport Marina GP, LLC, Briarwood Holdings, LLC, and Briarwood Capital Corporation; Cause No. 55780 in the 239th Brazoria County District Court; Consolidated with Briarwood Holdings, LLC v. City of Freeport Economic Development Corporation and City of Freeport; Cause No. 54864 in the 239th Brazoria County District Court.

B. Consultation with FEDC's attorney to receive legal advice regarding the following, to-wit: Bid Packet titled "Sale of Real Property City of Freport 9-Tract Package and award thereof.

The Board returned to Open Session at 7:40 o'clock p.m., November 18, 2014.

OPEN SESSION

Action taken as a result of Executive Session, as follows:

Upon advice of attorney, pending litigation regarding the following be abandoned and concluded:

A. Freeport Economic Development Corporation v. Hiram Walker Royall, Freeport Waterfront Properties, L.P., Freeport Marina, L.P., Freeport Marina, GP, LLC., Briarwood Holdings, LLC., and Briarwood Capital Corporation Cause No. 55780 in the 239th Brazoria County District Court; Consolidated with Briarwood Holdings, LLC v. City of Freeport Economic Development Corporation and City of Freeport; Cause No. 54864 in the 239th Brazoria County District Court.

Upon motion by Director Bass, second by Director Travis, it was VOTED:

Cause No. 55780, Freeport Economic Development Corporation v. Hiram Walker Royall, Freeport Waterfront Properties, L.P., Freeport Marina, L.P., Freeport Marina GP, LLC, Briarwood Holdings, LLC, and Briarwood Capital Corporation, in Brazoria County District Court, be closed and settled.

Vote: Yea: 7 No: 0 **Motion Prevailed**

Upon motion by Director Bass, second by Director Travis, it was VOTED:

Cause 54864, Briarwood Holdings, LLC v. Freeport Economic Development Corporation and City of Freeport, in the 239th Brazoria County District Court, be closed and settled.

Vote: Yea: 7 No: 0 **Motion Prevailed**

B. Upon motion by Director Bass, second by Director Travis, it was VOTED:

Approve the sale of properties listed in "Sale of Real Property City of Freeport 9-tract Package", to-wit:

City Owned:

1. Property ID 157300, Geo ID 0087-0010-000, A0087, Thos McKinney, Tract 1-C, 0.38 acres
2. Property ID 209075, Geo ID 4200-0233-000, Freeport, Block 17, lot 8
3. East Brazos Street ROW located north of 2nd Street, adjacent to and between lots 1-G and 1J
4. Property ID 208904, Geo 4200-0066-111, Freeport Block 3, lots 20-31
5. Property ID 208905, Geo 4200-0066-112, Freeport Block 4, lots 1-19

EDC Owned:

1. Property ID 210505, Geo 4200-1653-111, Freeport, Block 163B, lot 4A, Tarpon Inn Village, 0.86 acres
- 2A. Property ID 157295, Geo 0087-0004-000, A0087 Thos McKinney, Tract 1J1, 0.328 acres
- 2B. Property ID 157295, Geo 0087-0004-000, A0087 Thos McKinney, Tract 1J2, 0.142 acres
- 3A. Property ID 157299, Geo 0087-0009-000, A0087, Thos McKinney, Tract 1-G, 0.352 acres

3B. Property ID 157299, Geo 0087-0009-000, A0087 Thos McKinney,
0.351 acres

4A, B, C, & D, Property ID 151521, Geo 0028-0007-000, A-0028,
S F Austin, Tract B1, 0.8416 acres.

Vote: Yea: 7 No: 0 **Motion Prevailed**

Director Bass, on behalf of the Board, expressed his appreciation and thanks to President Brimage for the many hours of hard work, frustrations, and dealings with the principals in the lawsuits, to bring these lawsuits to a successful and agreeable conclusion.

The President distributed a copy of Press Release, for immediate release, on the resolution of the Freeport Marina litigation..

There being no further business to come before the Board, the President declared the meeting adjourned.

Adjourned 7:04 p.m.

Respectfully submitted:



N C Hickey
Acting Secretary

EXHIBIT A

DESCRIPTION OF THE 9 TRACTS OF LAND

The following comprise the 9 tract package. Acreage, where shown, are rough approximations without representation regarding accuracy, and are not based upon a formal survey. Conveyance shall be by Special Warranty Deed except where otherwise indicated:

CITY-OWNED PROPERTY

1. Property ID: 157300, Geo ID: 0087-0010-000, A0087, THOS MCKINNEY, TRACT 1C, ACRES 0.38.
2. Property ID: 209075, Geo ID: 4200-0233-000, FREEPORT, BLOCK 17, LOT 8.
3. East Brazos Street Right of Way located north of Second Street, adjacent to and between Lots 1G and 1J. (Abandonment of City right of way – Quitclaim Deed)
4. Property ID: 208904, Geo ID: 4200-0066-111, FREEPORT, BLOCK 3, LOTS 20 TO 31.
5. Property ID: 208905, Geo ID: 4200-0066-112, FREEPORT, BLOCK 4, LOTS 1 TO 19.

FREEPORT ECONOMIC DEVELOPMENT CORPORATION-OWNED PROPERTY

1. Prop ID: 210505, Geo ID: 4200-1653-111, FREEPORT, BLOCK 163B, LOT 4A, TARPON INN VILLAGE, ACRES .86.
- 2A. Prop ID: 157295, Geo ID: 0087-0004-000, A0087 THOS MCKINNEY, TRACT 1J1, ARCREES 0.328.
- 2B. Prop ID: 157295, Geo ID: 0087-0004-000, A0087 THOS MCKINNEY, TRACT 1J2, ACRES 0.142.
- 3A. Prop ID: 157299, Geo ID: 0087-0009-000, A0087 THOS MCKINNEY, TRACT 1G, ACRES 0.352.
- 3B. Prop ID: 157299, Geo ID: 0087-0009-000, A0087 THOS MCKINNEY, TRACT 1J, ACRES 0.351.
- 4A,B,C, & D. Prop ID: 151521, Geo ID: 0028-0007-000, A0028 S F AUSTIN, TRACT B1, FREEPORT, ACRES 0.8416.