

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the Freeport City Council met on Tuesday, November 18, 2014 at 6:10 p.m., at the Municipal Court Room, Freeport Police Department, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

City Council: Mayor Norma Moreno Garcia
Councilman Larry McDonald
Councilman Fred Bolton
Councilwoman Sandra Loeza
Councilwoman Sandra Barbee

Staff: Jeff Pynes, City Manager
Gilbert Arispe, Assistant City Manager
Delia Munoz, City Secretary
Wallace Shaw, City Attorney
Nat Hickey, Property Manager
Bob Welch, Finance Director
Kola, Olayiwola, Building Inspector
Brian Davis, Fire Chief
Dan Pennington, Police Chief
Larry Fansher, Park Director

Visitors: Annette Sanford Thomas Zirlott
Lance Reaves Melanie Oldham
Moby Burrige Evelyn Burrige
Eric Hayes Loren Hayes
Jerry Meeks Ronald Theriot Sr.
James Barnett Scott Bounds
Dorothy Smith Juanita Crane
Mario Muraira

Call to order.

Mayor Norma M. Garcia called the meeting to order at 6:10 p.m.

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Norma M. Garcia led the Pledge of Allegiance.

Consideration of approving the November 6, 2014 Council Minutes.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved the November 6, 2014 Council Minutes.

Attending citizens and their business.

There were none.

Consideration of approving and signing a replat for Thomas and Charlene Zirlott on Lots 1 through 7, Block 802, Velasco Townsite, Recorded in Volume 32, Page 14 of the Brazoria County Deed Records in the J. F. Fields Survey Abstract 62 and the S.T. Angier Survey Abstract 8, City of Freeport, Brazoria County, Texas, dated October 2014.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved signing a replat for Thomas and Charlene Zirlott on Lots 1 through 7, Block 802, Velasco Townsite, Recorded in Volume 32, Page 14 of the Brazoria County Deed Records in the J. F. Fields Survey Abstract 62 and the S.T. Angier Survey Abstract 8, City of Freeport, Brazoria County, Texas, dated October 2014.

Consideration of approving and authorizing the City Manager to pay portion of Oyster Creek attorney bill for Freeport LNG Industrial District Agreement.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved and authorized the City Manager to to pay \$10,031.00 of Oyster Creek attorney bill for Freeport LNG Industrial District Agreement.

Consideration of approving the bid(s) and awarding the surface and surface only of Lots 13 through 21, Block 6, Velasco Townsite, City of Freeport, Brazoria County, known as 119 S. Gulf Boulevard.

On a motion by Councilman McDonald, seconded by Councilwoman Loeza, with all present voting "aye", Council approved the bids and awarded the surface and surface only of Lots 13 through 21, Block 6, Velasco Townsite, City of Freeport, Brazoria County, known as 119 S. Gulf Boulevard to the only bidder Gardner Campbell.

Consideration of approving the bid(s) and awarding the sale of a nine noncontiguous (9) tract package of property located in and around the City of Freeport as further described in Exhibit A .

Mayor Norma Garcia opened the Work Session at 6:15 p.m.

Regarding Freeport Golf Course Irrigation Ponds.

City Manager Jeff Pynes advised Council that Texas Commission on Environmental Quality (TCEQ) is requiring that the irrigation ponds lining at the Freeport Golf Course get tested. Mr. Nat Hickey has done extensive research and has not been able to find certification. Councilman Bolton as for the projected cost of the testing of the lining of the ponds. Mr. Pynes estimated a cost of \$40,000.00. TCEQ has given the City 60 days for certification.

Regarding the City of Freeport – Police Department was recently awarded a FEMA, Grant FY 2014 Port Security Grant Program (PSGP) EMW-2014-PU-00458.

Chief Dan Pennington was notified that the grant application was selected for funding. These funds will be used to expand the number of license plates recognition (LPR) cameras to cover all outbound and inbound points to the City and adding cameras on SH 1495 near the bridge. The current cameras are placed on Ave. J & Skinner, Entrance to the City, Dow Bridge Hwy. 36 and 523 Bridge. Council Bolton said it would benefit the Port and FLNG and asked if they had been approached for contributing. Chief Dan Pennington said he would inquire.

Mayor Garcia closed the Work Session at 6:20 p.m.

At 6:20 p.m., this time, Mayor Norma Garcia announced:

I hereby advise you that we are going into Executive Session pursuant to section 551.071 of the Texas Open Meeting Act, to seek advice of our attorney about pending or contemplated litigation or a settlement offer or other matters about which legal advice is sought.

Executive Session :

Section 551.071, Government Code

Consultation with City Attorney concerning pending or contemplated litigation, settlement offers or other matters in which his duty to the City Council under the Texas Disciplinary Rules of professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Government Code, to wit:

- a. Consultation with City's attorney to receive advice on pending or contemplated litigation or a settlement offer to wit: 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.
- b. Consultation with City's attorney to receive legal advice regarding the following to wit: Bid Packet titled "Sale of Real Property of Freeport 9-Tract Package" and award thereof.
- c. Consultation with City's Attorney to receive legal advice regarding the following to wit: Declaring certain personal property as surplusage to sell, including certain assets relating to the marina and including a hoist marina forklift.

At 6:40 p.m. this time, Mayor Norma Garcia closed the Executive Session and Reconvene in Open Session and stated that no vote or action was taken in the Executive Session. Council now will take action on the following agenda items No. 9, 10, 11, 12 and 13.

Councilman McDonald was not present for agenda items 9 through 13.

Agenda Item No. 9: Consideration of approving the bid(s) and awarding the sale of a nine noncontiguous (9) tract package of property located in and around the City of Freeport as further described in Exhibit A .

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved the bid(s) and awarding the sale of a nine noncontiguous (9) tract package of property located in and around the City of Freeport as further described in Exhibit A, contingent upon receiving an original signed agreement by Briarwood Holds LP.

Agenda Item No. 10: Consideration of approving Resolution No. 2014-2455 of the City of Freeport, Texas authorizing execution and approval of a settlement agreement and mutual release for civil lawsuit Cause Numbers 55780 and 54864 filed in the 239th Judicial District Court in Brazoria County, Texas involving the City, the Freeport Economic Development Corporation, Hiram Walker Royall, Freeport Waterfront Properties Et Al; and containing other provisions relating to the subject matter.

On a motion by Councilwoman Loeza, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved Resolution No. 2014-2455 of the City of Freeport, Texas authorizing execution and approval of a settlement agreement and mutual release for civil lawsuit Cause Numbers 55780 and 54864 filed in the 239th Judicial District Court in Brazoria County, Texas involving the City, the Freeport Economic Development Corporation, Hiram Walker Royall, Freeport Waterfront Properties Et Al; and containing other provisions relating to the subject matter.

Agenda No. 11: Consideration of approving Ordinance No. 2014-2077 awarding the bid for the sale of nine noncontiguous tracts of land located within the City of Freeport, Brazoria County; authorizing the City Manager to execute for and on behalf of the City such Special Warranty Deeds and Quitclaim Deed to the purchaser of five of such nine tracts of land; authorizing the City Manager to coordinate the execution of such Special Warrant Deed and other documentation necessary from the Freeport Economic Development Corporation to the purchaser of four of such tracts of land; find and determining that public convenience and necessity no longer require the continued existence of a portion of East Brazos Street right of way that said portion of East Brazos street right of way be vacated, abandoned and closed; and containing other provisions relating to the subject.

On a motion by Councilwoman Barbree, seconded by Councilman Bolton, with all present voting "Aye", Council unanimously approved Ordinance No. 2014-2077 awarding the bid to Briarwood Holding LP, for the sale of nine noncontiguous tracts of land located within the City of Freeport, Brazoria County; authorizing the City Manager to execute for and on behalf of the City such Special Warranty Deeds and Quitclaim Deed to the purchaser of five of such nine tracts of land; authorizing the City Manager to coordinate the execution of such Special Warrant Deed and other documentation necessary from the Freeport Economic Development Corporation to the purchaser of four of such tracts of land; find and determining that public convenience and necessity no longer require the continued existence of a portion of East Brazos Street right of way that said portion of East Brazos street right of way be vacated, abandoned and closed; and containing other provisions relating to the subject.

Agenda No. 12: Consideration of approving Resolution No. 2014-2456 declaring certain personal property as surplusage; providing for disposition of same by the City Manager; and containing other provisions relating to the subject matter.

On a motion by Councilman Bolton, seconded by Councilwoman Leoza, with all present voting "Aye", Council unanimously approved Resolution No. 2014-2456 declaring certain personal property as surplusage; providing for disposition of same by the City Manager; and containing other provisions relating to the subject matter.

Agenda No. 13: Consideration of approving Resolution No. 2014-2457 forgiving any and all indebtedness to the City of Freeport, Texas by the Freeport Economic Development Corporation listed in Exhibit A attached hereto and made part hereof.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved Resolution No. 2014-2457 forgiving any and all indebtedness to the City of Freeport, Texas by the Freeport Economic Development Corporation listed in Exhibit A attached hereto and made part hereof.

Consideration of taken action on any items discussed in Executive Session.

No vote or action was taken in the Executive Session.

Adjourn

On a motion by Councilwoman Loeza, seconded by Councilwoman Barbree, with all present voting "Aye", Mayor Norma M. Garcia adjourned the meeting at 6:50 p.m.

Mayor Norma M. Garcia
City of Freeport, Texas

City Secretary – Delia Munoz
City of Freeport, Texas

