

CITY OF FREEPORT
ECONOMIC DEVELOPMENT CORPORATION
200 West 2nd Street, Freeport, Texas 77541

MEETING 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, May 10, 2022 at 6:00 p.m. in the Freeport Police Department Municipal Court Room, located at 430 North Brazosport, Freeport, TX, for the purpose of considering the agenda items.

FEDC BOARD MEMBERS: Quorum Present

Directors:

Mingo Marquez	President	
Josh Mitchell	Vice-President	
David McGinty	Secretary	
Jeff Pena	Treasurer	
Shonda Marshall		
Melanie Oldham		
Sandra Loeza		Absent

Tim Kelty: City Manager
Chris Duncan: Attorney
Jerry Cain: Council Liaison
Kaytee Ellis: EDC Assistant

Visitors in Attendance:

George Matamoros
Sam Reyna
Ken Tyner
Tom Pearson

Viewers via Live Stream:

Octavio Tijerina Jr	Stephen Houston
Jimmy Green	George Gala
Cathy Cox	Larry Stanley
Lou Ann Farmer	Willie Funderburg
Dolores Knox	Amanda Petty

Gail Bailey
Raymond Gore Sr
Marinell Music
Tyler Samuels
Patrick Harbour

Cheyenne Cox
James McDonald
Paul Crow
Sherrie McGinty

I. Call to Order

Mingo Marquez called the meeting to order at 6:04 PM. A quorum was present. Jeff Pena and Sandra Loeza were absent.

II. Invocation and Pledge

Shonda Marshall led the invocation and Melanie Oldham led the pledge.

III. Citizens Comments

Sam Reyna said he is present on behalf of McBride Funeral Home. Sam Reyna asked for an extension on the grant due to problems with the building official and permits. Sam Reyna said the business is also needing a sprinkler system and asked the board for their consideration.

Chris Duncan reminded the room that citizens comments are for speaking but the board cannot take any action. Chris Duncan instructed Sam Reyna to fill out an application for the Sprinkler Grant and request a board member to add him to the next meetings agenda.

George Matamoros stated at the April 12th meeting, board President, Mingo Marquez did not allow public questions. George Matamoros said he is appalled and if this is the mindset, Mingo Marquez should not be on the board. George Matamoros said he did not speak during citizens comments because he wanted to hear the boards response first. George Matamoros said the EDC President, Treasurer, and Attorney have taken Open Meetings Act training and he is not looking into legal charges. George Matamoros asked for the resignation of the President, Treasurer and Attorney for incorrect guidance.

IV. Consent Agenda

- 1. Approve Meeting Minutes for April 12, 2022**
- 2. Approve Invoices**
- 3. Approve April Financial Statement**

David McGinty said a correction for the minutes is under board comments it states “pipes to dock are boke” and it should say “were cut.”

David McGinty made a motion to approve the consent agenda. Melanie Oldham seconded.

Mingo Marquez said they need to continue the entire consent agenda first and instructed the board to review the invoices in the packet.

Cathy Ezelle presented the invoices to the board.

There were no questions.

Cathy Ezelle presented the EDC Financial Statement.

There were no questions.

David McGinty made a motion to approve the consent agenda. Shonda Marshall seconded.
MOTION PASSED UNANIMOUSLY.

V. Discussion & Action Items

1. Discussion and possible action on Invoice Approval Policy Limits

David McGinty said he believes the current cap of \$5,000 is too high; he would like to discuss lowering it to \$1000.

Melanie Oldham agreed with David McGinty and added it is important for the board to make decisions together.

Mingo Marquez said \$1000 was too low and suggested a \$3000 cap. Mingo Marquez said mom and pop shops cannot wait this long and many bills are over \$1000.

Cathy Ezelle added there are a few invoices that are \$1200.

Chris Duncan said the board sets the budget to spend X Amount of money and there should be no need to approve this twice; he used the mowing invoices as an example.

Tim Kelty said the difference is that the mowing was a contract approved prior and invoices come back to the board for approval but the subcommittee invoices do not.

Chris Duncan said the problem would be having general policy and then a specific motion; which one will prevail. Chris Duncan said this would be solved by just having very specific motions.

Cathy Ezelle said there is not an issue when the board votes on a fixed dollar amount; example the grant checks.

Chris Duncan said when motions are made, the board needs to state “go spend the money” or “come back for a vote”

David McGinty said this is fine when it is something the board has already agreed upon but if a committee has a budget of \$20,000 and now, they can spend \$13,000 without any approval or input from the board. David McGinty said the \$5000 cut off now just limits them to a couple different check to do the same thing. David McGinty said this is what he is trying to avoid.

Chris Duncan said the board can say “anything over \$1,000 you need to come back to the board for approval”

Josh Mitchell told David McGinty the issue is the motion needs to be specific.

David McGinty said the board made a mistake by allowing this and he won't allow it to be done again.

Shonda Marshall asked if they could put something in place where the board is required to get 2-3 different bids for a job to keep the EDC honest and protect the board from being overcharged. Shonda Marshall agreed the cap should be lowered to \$3,000.

David McGinty made a motion to amend the policy limit to \$3,000. Josh Mitchell seconded.
MOTION PASSED UNANIMOUSLY.

2. Discussion and possible action on Café Y Pan Dulce/Breakfast with the Board Event

Landis Adams said this event would be held by the Brazoria County Hispanic Chamber of Commerce. The chamber does a coffee and donut/pan networking event for the board and the community. Landis Adams said the chamber would take care of all of the food and the marketing for the \$500 sponsorship.

Melanie Oldham asked if the Clute event was with Council or the EDC.

Landis responded Clute was with the City and Pearland was with council and their police department so each city is different.

Shonda Marshall asked what the typical agenda was on the meeting.

Landis Adams said it is usually a breakfast from 8-9:30 and the board will present a rundown of what they have done throughout the year to market the city.

Melanie Oldham asked if it would be open to the general public and small business owners

Landis Adams responded yes; it is just a networking event for people to get to know the EDC.

Josh Mitchell asked if there was an itemized list as to what the money would be spent on.

Landis said the food is donated. The \$500 is just the chamber's fee to host the event.

Melanie Oldham asked how the event would be advertised.

Landis Adams said it would be recorded and added to YouTube and all of their social media outlets.

Melanie Oldham asked who would moderate the questions.

Landis Adams said there is no moderation, they would be selling the EDC to the public.

Mingo Marquez said this was done by a previous board where people can get together and network very informally with the EDC and to introduce businesses to the community.

Shonda Marshall asked if only three board members could attend.

Landis Adams said Kaytee Ellis could post a quorum notice.

Kaytee Ellis reminded the board that a quorum notice would not allow the board to discuss any EDC matters.

Josh Mitchell asked if it could be posted as a special meeting.

Chris Duncan responded yes.

Josh Mitchell made a motion to approve the sponsorship of \$500 for Cafe y Pan Dulce with the board. Shonda Marshall seconded. **MOTION PASSED UNANIMOUSLY.**

3. Discussion and possible action on 75th Annual Fishin' Fiesta Sponsorship -

Landis Adams encouraged the board to approve the request from the Fishin Fiesta as it is the largest sales tax event for the City.

Ken Tyner introduced himself, Tom Pearson, and the Freeport Lions Club. Ken Tyner said all funds for their organization are provided by the Fishin Fiesta. This tournament is the largest and oldest fishing tournament in the State. Ken Tyner provided costing in the board packet. Ken Tyner explained the grand prizes have previously been \$5000 but they have asked to up the amount to \$7500 in honor of the 75th anniversary of the event. Ken Tyner said on behalf of the Lions Club, he is requesting the EDC sponsor the event in the amount of \$25,000 to cover the cost of both the inshore and off shore grand prizes as well as the fireworks show. In return, the EDC will be featured as a sponsor on all programs and advertisement.

Mingo Marquez has recused himself from the discussion and vote as he is a member of the Lions Club.

Melanie Oldham asked how many members the Lions Club has.

Tom Pearson responded there are only about 8 attending members but 18 in all.

Josh Mitchell asked if the board would need City approval since the amount is over \$10,000

Chris Duncan said the board only needs city approval on projects; they do not need approval for marketing.

Melanie Oldham made a motion to sponsor the Fishin' Fiesta in the amount of \$25,000. David McGinty seconded. **MOTION PASSED.** Mingo Marquez abstained.

4. Discussion and possible action on Barcadia Bike Fest Sponsorship

Shonda Marshall said Mr. Macdonald is asking for a sponsorship of \$5000 for the car and bike show event being held downtown. Shonda Marshall referred the board to his budget provided in the binder. James Macdonald was not able to attend.

Mingo Marquez said he would be including the EDC on all marketing and social media as well as place an EDC banner on the stage.

Mingo Marquez made a motion to approve a \$5,000 sponsorship to Barcadia for the Bike Fest. David McGinty seconded.

Melanie Oldham added the Museum's Market Days will be held downtown this weekend as well so it should be a busy event.

MOTION PASSED UNANIMOUSLY.

5. Discussion and possible action on Cinco De Mayo Golf Tournament Sponsorship

Landis Adams said the Brazoria County Hispanic Chamber of Commerce is hosting their annual Cinco De Mayo Golf Tournament. Landis Adams said in place of trophies they would hand out tumblers engraved for the tournament and is asking the EDC to sponsor in exchange for their logo on one side of the trophy tumblers and a hold sponsorship.

Mingo Marquez asked how many teams are registered.

Landis Adams responded 18

Josh Mitchell made a motion to sponsor the Golf Tournament for \$750. Melanie Oldham seconded. **MOTION PASSED UNANIMOUSLY.**

6. Discussion and possible action on General Wok Grant Request

Josh Mitchell said General Wok has submitted a grant for a new sign. The city has gotten on to General Wok due to their sign. Josh Mitchell said the sign was messed up due to a natural disaster and is now an eye sore when you are coming into the City.

Mingo Marquez made a motion to approve the grant for General Wok for the total amount of \$5499.10 with the EDC paid portion of \$2749.55. Josh seconded. **MOTION PASSED UNANIMOUSLY.**

7. Discussion and possible action on EDC Downtown building

Tabled

8. Discussion and possible action on funding City Projects

Lance Petty said he is asking for additional funding for projects throughout the city. Lance Petty reviewed the budgets provided in the packet with all totals. He included information for the baseball fields, lighting, palm trees, the landing dock, pool sand filters and a beach tractor replacement.

Melanie Oldham asked the total of the projects.

Lance Petty responded a total of \$157,682.10

Tim Kelty said for those that do not know, the City helped the EDC pay off all of their debt a few years ago and as part of that agreement the EDC agreed to budget \$150,000 to City Projects.

Mingo Marquez asked if the EDC was allowed to help with the tractor; did the EDC need to purchase the tractor and donate or lease to the city.

Tim Kelty said if the EDC purchased the tractor, it would be an EDC asset and asked Chris Duncan for clarification.

Chris Duncan responded yes, but he did not recommend doing this.

Shonda Marshall asked if this was money the EDC owed the city.

Chris Duncan responded yes, from way back when the EDC dealt with the Marina. Chris Duncan said since this is to pay off of a debt, it does not have to qualify for anything directly. Once the board approves, Cathy can cut a check.

Shonda Marshall asked how much more needed to be paid.

Chris Duncan responded this is it. The board needs to decide if they will do \$150,000 flat or the full amount Mr. Petty is asking for.

Shonda Marshall asked if the additional seven thousand needed to be an allowable cost.

Chris Duncan responded yes and it would need to follow the process of a public hearing, etc.

Shonda Marshall said she feels the board needs to stick with the \$150,000 to avoid the risk.

Shonda Marshall made a motion to approve the city projects for a total of \$150,000. Melanie Oldham seconded. **MOTION PASSED UNANIMOUSLY.**

9. Discussion and possible action on the duties, responsibilities, roles of the EDC subcommittees with oversight and decision making by the full EDC board

Melanie Oldham asked for clarification on subcommittees and how they should function. Melanie Oldham asked if there should be any guidelines or policies in place or at what point do subcommittees need to bring information back to the full board.

Josh Mitchell said this was discussed earlier and could be done by making more specific motions.

Melanie Oldham asked if the board agrees that updates need to be provided at each and every meeting. Melanie Oldham used the subcommittee for the Fish Market as an example and asked the board their thoughts.

Shonda Marshall said it would be good to have stipulations and guidelines. Shonda Marshall said she thinks the board has so many subcommittees due to the absence of a director and once one is hired, the committees will not be as active. Shonda Marshall said general guidelines would be okay.

Mingo Marquez said subcommittees have been around but were fewer and had 4-5 items per committee. Mingo Marquez said the use of subcommittees is getting things done and once a director is hired, the board should stay just as active. Mingo Marquez said the previous board voted to allocate money to window scaping downtown and nothing has been done even with a director. Mingo Marquez said when the board presents a problem, they should bring solutions as well. Mingo Marquez supports adding general guidelines for subcommittees.

Chris Duncan added past boards did not get work done because they did not have the money.

Melanie Oldham said every single subcommittee should provide updates at each meeting and she has never heard anything on the Hotel committee. Melanie Oldham said everyone has their talents and how is the EDC using those. Melanie Oldham said if people have been on a subcommittee for a year and a half to two years, maybe it is time to add new members.

David McGinty said time always seems to be an issue, but the board volunteers to be there and it is their duty to discuss these items regardless of time. David McGinty said maybe two meetings a month would be necessary.

Tim Kelty suggested the chairman of each committee would add a written report to the packet for each meeting.

10. Discussion and possible action of a fair, appropriate, and evenly distributed assignments of EDC board members to subcommittees as well as evenly distributed chairmanship of subcommittees.

Melanie Oldham said she put this on the agenda because all members of the board have agreed to put in their time and effort. Melanie Oldham said some board members are on 2 committees and some are on 7-8. Melanie Oldham said she also feels the type of subcommittee is important for each member so their talents are used wisely.

Mingo Marquez said a lot were formed 3-4 years ago and he does not want to remove people from a subcommittee they have been putting work in to. Mingo Marquez said the hotel committee was to find an iconic hotel to come to Freeport. Mingo Marquez said he wanted to assign a subcommittee for the window scaping project and a committee to find the vacant city lots to use local builders to build homes. Mingo Marquez said a reason several people chair multiple is that people did not want to be chair.

Melanie Oldham said this is not true because with the new Director Committee, Jeff Pena was named chair.

Josh Mitchell said part of the issue is that committees were established when Melanie Oldham was added to the board and they have not been redistributed. Josh Mitchell asked to not be added to any new committees. Josh Mitchell agrees the distribution could be done more evenly.

David McGinty suggested reevaluating committees when new board appointments are made.

Shonda Marshall suggested the president sit with the appointees and see what committees would suit them the best.

Shonda Marshall asked if the mowing committee was still needed.

David McGinty agreed.

Mingo Marquez agreed this could be put on a hiatus but does not need to be removed.

Mingo Marquez said he would like to create a new website subcommittee to work with Kaytee Ellis.

David McGinty volunteered.

Melanie Oldham reminded the board of the meeting with Mike Barnes when he stressed the importance of improving the EDC website as well as Zoom Prospector Property Locator.

Mingo Marquez asked Melanie Oldham to Chair the committee

Melanie Oldham responded yes.

Mingo Marquez added Shonda Marshall to the Website committee as well.

Shonda Marshall asked if there was a set budget.

Mingo Marquez asked the committee to come back with a budget request for the board.

Mingo Marquez asked for a volunteer to chair the Hotel committee. Mingo Marquez asked Shonda Marshall.

Shonda Marshall responded yes.

David McGinty asked what research has been done.

Mingo Marquez said he and Jeff Pena would share this information with the committee and asked Melanie to be on the committee as well.

Melanie Oldham asked about closing the Visitor Center committee.

Mingo Marquez asked the committee to get information on this board and discuss what they want to do.

Tim Kelty said a couple years ago, Council authorized the transfer of the old visitor center to the EDC for redevelopment and marketing of the property. There was a discussion to move the Visitors Center and the EDC to this location and then it morphed into just the EDC. This is where the discussion is at now.

Mingo Marquez said this is something the committee will need to discuss with each other and Mr. Kelty.

Melanie Oldham said she believes the discussion was that the City would pay for the repairs or if the EDC should but that no one could agree.

Mingo Marquez said something needs to be done with the building before it starts deteriorating.

Mingo Marquez said developers are reaching out all the time and the City is in need of roof tops so he would like to create a fill lot committee to take charge of this.

David McGinty said an issue was a lot of these were only 25 feet and they do not want to build on these small lots.

Mingo Marquez said to then get with the neighbors to see if they wanted to buy the lots to maintain. Mingo Marquez asked David McGinty to chair. Mingo Marquez assigned Sandra Loeza to the committee and asked Melanie Oldham to sit on his committee as well.

Melanie Oldham asked to pass on this committee as she has different beliefs.

Shonda Marshall suggested adding Jeff Pena to the committee.

Mingo Marquez said he feels Jeff Pena is the most qualified with his real estate background.

Jerry Cain suggested adding the same group to multiple subcommittees so they can discuss all items at once.

David McGinty said he would like to get more information and come back to the board before assigning this committee.

Melanie Oldham said she knows the board has decided to wait until June to reevaluate committees but individuals could always step down so that others may have a change to step up.

11. Discussion and possible action on Subcommittee Updates

Grant Committee:

Mingo Marquez made a motion to approve the extension of the grant for McBride Funeral Home.

Chris Duncan said the board cannot discuss this item as it is not on the agenda.

Board training:

Shonda Marshall went over the committee's expense report. Shonda Marshall said the EDC training in Corpus Christi had 62 out of the 65 seats reserved, but Kaytee Ellis was able to reserve the last three for the EDC. The subcommittee felt Kaytee Ellis needs the training as she is in the office and the two remaining seats are for board members. Shonda Marshall said she would like to attend but would suggest adding all board members to the hat and drawing randomly. Shonda Marshall said the training is about \$2000 per person and this would leave \$3000 left in the budget until the end of September.

Melanie Oldham said the last time a training was presented it was to be herself, Jeff Pena, and Sandra Loeza and felt they should be considered first but they budget could be amended to include everyone.

Shonda Marshall said this was for a different training.

Mingo Marquez said the budget is not the issue, there were not enough seats available and he feels like Shonda Marshall should get a seat as she chairs the committee.

David McGinty said he would wait to go until the next class in November.

Shonda Marshall added there is a conference being held at the same location at the same time.

Mingo Marquez said he could wait until November to attend as well.

Shonda Marshall said she met with Mrs. Roman and the Fire Marshall and they are ready to move forward with a training. The class would be 2 hours one evening during the week. Shonda Marshall suggested the week of June 6th.

Mowing:

David McGinty said the mowing committee could be disbanded.

Way Finding:

David McGinty presented photos of the way finding signs that has been updated. David McGinty said he would need to get approval for the electrical work on the other sign in order to proceed.

8.8 Acres:

Josh Mitchell said he is working with Gensler on their plans, they are getting close and the board should be hearing from them soon.

Melanie Oldham asked if Gensler got copies of the previous studies.

Josh Mitchell said Kaytee Ellis had sent everything.

David McGinty said he met with a scrap metal guy and is waiting on the quote from him to buy it all and remove.

Mingo Marquez asked David McGinty to get quotes for removing shrubs and trees from the property.

Marketing:

Mingo Marquez said he is still meeting with BACODA for the mural project and will have more details later. Mingo Marquez said one thing discussed was they would need a lift for the mural and asked if the City had one they could use or if the EDC could help with the cost of this.

Melanie Oldham asked if there was an update on the Bryan Beach sign. Melanie Oldham said she remembers a budget assigned for a sign at the entrance. There was not an update.

Mingo Marquez said there was a budget of \$2000 assigned to window scaping and \$1000 allocated before that.

VI. Board Comments

1. President Mingo Marquez:

Mingo Marquez said just because a citizen makes a comment, does not mean it is true, Mingo Marquez said Mr. Matamoros made a bunch of comments that were true and that not allowing the citizen to make comments was illegal. Mingo Marquez said this was not true. He called the Attorney Generals office and was told as long as the public is afforded a time to speak.

Melanie Oldham asked Chris Duncan if this was accurate.

Chris Duncan said this is correct. Chris Duncan said a bad habit has been formed that the public just stands up and speaks but they really need permission from the mayor or president. Chris Duncan said the City or the EDC has the option allow the public to speak on items, but it is not required.

Mingo Marquez said citizen comments are just that, comments, and the board is not obligated to answer questions or speak on their comment.

Melanie Oldham said she likes the way this is done in council and appreciates the opportunity to speak.

David McGinty said a problem here is that the same person could comment on every item for 4 minutes and that gives him 40 minutes to speak on all 10 items.

Mingo Marquez said he appreciates the work everyone is doing.

2. Vice President Josh Mitchell:

Josh Mitchell said he is looking forward to see what Gensler creates and the end goal is not just to have plans but for the plans to lead to action. Josh Mitchell is looking forward to all of the events and the little steps making progress in the City

3. Secretary David McGinty:

David McGinty said he supports the review of policies and maybe subcommittees. David McGinty said he has received some positive feedback on the City asking for volunteers for boards. David McGinty said he appreciates everyone's hard work especially Kaytee in the office.

4. Treasurer Jeff Pena:

Absent

5. Shonda Marshall:

Shonda Marshall thanked the board for their time. Shonda said the public is not fully aware of how much work is done. Shonda asked if there was an update on the Annual Financial Report that is filed with the state.

Mingo Marquez asked Kaytee Ellis to look into this.

Shonda Marshall asked for an update on TIRZ as well.

Chris Duncan said someone needs to call and get an update.

Shonda Marshall said she thought Jeff would be getting with him.

Mingo Marquez asked Kaytee Ellis to get this information to Mr. Pena.

Kaytee Ellis said this information has been sent and Jeff Pena said he would be getting a subcommittee to meet with Travis James.

6. Melanie Oldham:

Melanie Oldham said it is good to see the support for business and the events Downtown.

7. Sandra Loeza:

Absent

VII. Executive Session- Adjourn into Executive Session

Executive Session Disclosure Statement: The FEDC Board of Directors reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

It is now 8:45 p.m. and I hereby recess the regular session of the Freeport Economic Development Corporation May 10, 2022 meeting and do hereby convene an executive session, said executive session authorized under the following sections of the Texas 551.071 (Consultation with Attorney.)

In Accordance with the Texas Government Code:

Section 551.087 (Economic and Community Development Matters) 551.074 (Personnel Matters),

1. Discussion on Project 2022A pursuant to Texas Government Code Chapter 551, Section 551.087 (Economic and Community Development Matters)
2. Discussion on Project 2022B pursuant to Texas Government Code Chapter 551, Section 551.087 (Economic and Community Development Matters)
3. Discussion on Project 2022C pursuant to Texas Government Code Chapter 551, Section 551.087 (Economic and Community Development Matters)
4. Discussion on hiring of an EDC Executive Director pursuant to Texas Government Code Chapter 551, Section 551.074 (Personnel Matters)

Reconvene into Open Session

Board President's statement:

It is now 10:15 p.m. and I hereby close the executive session of the Freeport Economic Development Corporation and do hereby reconvene the regular open session.

VIII. Discussion and Possible Action

1. Discussion and possible action on Project 2022A
2. Discussion and possible action on Project 2022B
3. Discussion and possible action on Project 2022C
4. Discussion and possible action on EDC Executive Director

Jeff Pena made a motion to hire Mike Barnes Group on retainer and to hire an Executive Director in accordance with menu items 1 and 2. Josh Michell seconded. **MOTION PASSED UNANIMOUSLY.**

IX. Adjourn

Motion to close board meeting made by Jeff Pena and seconded by Shonda Marshall. **Motion passed** unanimously.

It is now 10:20 p.m. and I hereby close the board meeting.