

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, November 6, 2023 at 6:00 PM at the Freeport, Police Department, Municipal Court Room, 430 North Brazosport Boulevard Freeport Texas for the purpose of considering the following agenda items:

City Council:

- Mayor Brooks Bass
- Councilman Jeff Pena
- Councilman Jerry Cain
- Councilman George Matamoros
- Councilman Winston Rossow

Staff:

- Tim Kelty, City Manager
- Lance Petty, Assistant City Manager/PWD
- David Olson, Interim City Attorney
- Clarisa Molina, Interim City Secretary/Administrative Assistant
- Cathy Ezell, Finance Director
- Toby Cohen, IT Manager
- Donna Fisher, Human Resource Director
- Ana Silbas, Main Street Coordinator
- Jennifer Howell, Police Chief
- Chris Motley, Fire Chief
- Kacey Roman, Building Official
- Robert Johnson, EDC Director
- Laura Cramer, GIS/Special Events Coordinator

Visitors:	David McGinty	Cathy Cox
	Melanie Oldham	Nicole Mireles
	Con McCleester	Sam Reyna
	Diane McCleester	Kenneth Hayes
	Manning Rollerson	Scot McKay
	Lamar Jordan	Carol Parker
	Margaret Bachman	Mark Parker
	Ron Bachman	Ian Caine

THE MEETING IS BEING HELD FOR THE FOLLOWING PURPOSES:

CALL TO ORDER:

Mayor Bass called the meeting to order at 6:00P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation and Pledge was led by City Manager Tim Kelty.

CITIZENS' COMMENTS:

Nicole Mireles at 2002 North Avenue G said she attended El Dia De los Muertos celebration in Downtown. She said she wanted to give big kudos to the Main Street Coordinator Ana Silbas for doing an excellent job. She said City Hall smells horrible and Council should figure out what is taking so long to for the remediation. She said Council should look into this for the well being of employees.

Manning Rollerson said from October 19th to the 21st he was without water and without a notice for two and a half days. He said when the water got turned on again at 10:00PM that night, he videotaped the water for an hour and the water looked like mud. He said his concern was the water had not been tested. He stated his family and dog got sick by consuming water that did not have a boil notice. He said water pipes have been busted downtown every day. He asked who runs the water department? Is it allowed for citizens to drink water without testing it? He said he wanted to know if the water got tested at 10PM that night when the water was turned back on. He said the City Manager should be at the City of Freeport, he is not being paid to be out of the country. Mr. Rollerson said he wanted to give honor to the Wildcats and thinks the Council should be pushing for a plaque.

PRESENTATIONS/ANNOUNCEMENTS:

Presentation for Employee of the Month, for the month of September 2023.

City Manager Tim Kely presented Employee of the Month for the Month of September 2023 to Lt. Jessica Dyson and LT. Justin Davison.

Presentation by Chief Motley on employee recognition for the Texas Fire Chief Academy Graduate.

Fire Chief Chris Motley recognized Deputy Chief Michael Praslicka for graduating from the Texas Fire Chiefs Association.

Presentation of the Investment Report for the Quarter Ending September 30, 2023 (Fourth Quarter FY2023).

Finance Director Cathy Ezell presented to council the Investment Report for the Quarter Ending September 30, 2023 (Fourth Quarter FY2023).

Annual presentation and update regarding Freeport MUD #1.

Councilman Jeff Pena said he communicated to City Manager Tim Kelty he would be traveling and to postpone this item to the next meeting. He said the Freeport MUD #1 will be having this Thursday, which will be the year-end meeting. He said a more meaningful report and update can be given once the meeting is held. Councilman Pena asked to move this item to the next agenda.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council Meeting Minutes, from October 16, 2023.

A motion was made by Councilman Matamoros, to approve the City Council Meeting Minutes from October 16, 2023, seconded by Councilman Cain with all present voting "Aye" 5-0 council unanimously approved the motion.

Consideration and possible action by City Council approving sale of Trust Property located at 1322 West 7th Street (Freeport, Block 140, Lot 14)

This item was moved to Regular Session by Councilman Pena.

Councilman Jeff Pena asked if there was an appraisal ordered for this property? GIS Laura Cramer replied and

said this is being done through a tax-sale by the county, and she does not think they do that. She said she thinks they take the BID and present it to the taxing entities.

City Manager Tim Kelty said this is a property the county is sending up for tax sale and when that is done they put it up for auction, and before that is done they get an authorization from each of the taxing entities that are impacted by the property.

Councilman Jeff Pena asked if \$9,975 is the surplus for the lot? GIS Laura Cramer said yes and only a portion is received. Councilman Pena said he is wondering if there is a chance to sell on the open market and get a higher value than at the auction. Ms. Cramer said this property is not the City's property to sell. Councilman Pena asked who is allowed to BID on this property? Ms. Cramer replied and said anyone can BID on the property.

A motion was made by Councilman Pena, to approve the sale of Trust Property located at 1322 West 7th Street (Freeport, Block 140, Lot14), seconded by Councilman Cain with all present voting "Aye" 5-0 council unanimously approved the motion.

COUNCIL BUSINESS – REGULAR SESSION:

Public Hearing: Consideration and possible action for plat of Lot 1a, Block 36 of the Velasco Townsite, an addition to The City Of Freeport a Re-Plat Of Lots 1,2,3,4,5,6, Block 36 according to the map of record in Volume 32, Page 14 of the Deed Records Of Brazoria County, Texas

Mayor Bass opened the Public Hearing at 6:17P.M.

Building Official Kacey Roman presented to Council a plat of Lot 1a, Block 36 of the Velasco Townsite, an addition to The City of Freeport a Re-Plat of Lots 1,2,3,4,5,6, Block 36 according to the map of record in Volume 32, Page 14 of the Deed Records of Brazoria County, Texas. She said this is currently zoned R2 and will remain an R2. She said the owner wants to build one single family home on the property. She said this was approved by Planning and Zoning on Tuesday, October 24th.

Mayor Bass closed the Public Hearing at 6:19P.M.

A motion was made by Councilman Matamoros, to approve plat of Lot 1a, Block 36 of the Velasco Townsite, an addition to The City Of Freeport a Re-Plat of lots 1,2,3,4,5,6, Block 36 according to the map of record in Volume 32, Page 14 of the Deed Records of Brazoria County, Texas, seconded by Councilman Rossow with all present voting "Aye" 5-0 council unanimously approved the motion.

Public Hearing: Consideration and possible action for replat of Lots 1 Through 8 & Lots 17 through 20 Block 739 to be renamed Lots 1a, Block 739 (0.5797 Acres) and Lots 17a, Block 739 (0.0721 Acres) Subject Lots being of the Velasco Townsite as Recorded In Volume 32, Page 14 Of The Brazoria County Deed Records in the S.T.Angier Survey Abstrct 8 City Of Freeport Brazoria County, Texas.

Mayor Bass opened the Public Hearing at 6:20P.M.

Building Official Kacey Roman presented to Council a replat of Lots 1 Through 8 & Lots 17 through 20 Block 739 to be renamed Lots 1a, Block 739 (0.5797 Acres) and Lots 17a, Block 739 (0.0721 Acres) Subject Lots being of the Velasco Townsite as Recorded In Volume 32, Page 14 Of The Brazoria County Deed Records in the S.T.Angier Survey Abstrct 8 City Of Freeport Brazoria County, Texas. She said this would be located at 1417 North Brazosport Blvd. She said this will be over an 8,000 square ft. facility which will include a small grocery store and a couple of spaces for rent. She said this was approved by Planning and Zoning on Tuesday, October 24th.

Mayor Bass closed the Public Hearing at 6:21P.M.

A motion was made by Councilman Matamoros, to approve replat of Lots 1 Through 8 & Lots 17 through 20 Block 739 to be renamed Lots 1a, Block 739 (0.5797 Acres) and Lots 17a, Block 739 (0.0721 Acres) Subject Lots being of the Velasco Townsite as Recorded In Volume 32, Page 14 Of The Brazoria County Deed Records in the S.T.Angier Survey Abstract 8 City Of Freeport Brazoria County, Texas, seconded by Councilman Cain with all present voting "Aye" 5-0 council unanimously approved the motion.

Public Hearing: Consideration and possible action regarding Ordinance No. 2023-2712 proposing changes to City of Freeport Zoning Ordinance Ordinance amending section 155.501 Standards for Residential Infill Development to allow single family residences and carports to be built on single 25-foot lots.

Mayor Bass opened the Public Hearing at 6:22P.M.

Melanie Oldham at 1206 West Broad said when she was on the Planning and Zoning board for a year the commission worked with a consultant to rewrite the zoning and subdivision ordinances, there was a lot of conversation about developing on 25 foot lots. She said there were many different opinions from the commission and the public at the time regarding this ordinance. She said there were pros and cons, and at the time she felt there were more cons than pros. She said the current Planning Commission has come out with a compromise that would allow owners to build on some 25-foot lots that have an alley and different specifications, but would require a specific use permit which would have to come before the Planning Commission and City Council. Ms. Oldham said she thinks it is a good compromise but according to what the Planning Commission decided, all the criteria would have to apply before being approved.

Scott McKay said he is the owner of Simple Homes and built two homes on 25-foot lots on North Avenue C. He said he is very supportive of this ordinance. Mr. McKay said it gives people, from a builder's standpoint, as well as the neighbors, the opportunity to speak about their concerns but also, allows him as a builder to show the people what can be done on 25-foot lots. He said the purpose of this is to build more affordable homes within the community.

Lamar Jordan said he is the owner of several 25-foot lots, and as a property owner, he appreciates the consideration of the proposed changes to the ordinance that will allow construction of houses on 25-foot lots. He said he thinks it is only fair for the owners of properties to be allowed to use their property. He said some limitations in town are to be expected, but not a complete prohibition of using property. He said he is glad to hear an agreement on smaller homes that require outside storage changes that will allow for a one-story house that will hold costs down and that will allow a more affordable one-story home that will blend better into existing neighborhoods than a two-story home. Mr. Jordan said one thing he is not certain about was that he thought a one-car carport was suggested with two required parking spaces. He said he is not sure if that is what he is reading with the ordinance, but it seems reversed to him. He said there was discussion between the commissioners that did not favor carports in front. He said the solution was only to allow 25-foot lots where there is an alley, so the carport may be in the back. He asked what about the 25 foot lots that are not on unimproved development alley? He said it was suggested that the building could construct an alleyway for rear access, but one 25-foot lot that may be in the middle of the block is not feasible. He said by Mr. Kelty's comments at the first meeting that more alleys for the city to maintain was not his preferred solution to this problem. Mr. Jordan said there has to be a more reasonable solution to lots with no viable rear access. He said at the end of the Planning and Zoning meeting, the vice chairperson Eric Hayes said these proposals are a step in the right direction and he agreed with what Mr. Hayes said.

Manning Rollerson said he was told he could not build a house on his property because it was two 25-foot lots. He said he was concerned about how the ordinance was going to be changed for Eric Hayes, his friends and builders, when the citizens wanted to do the same thing and council did not agree. He said he was concerned about why this was being done all of a sudden.

Mayor Bass asked what does outdoor storage mean? Building Official Kacey Roman said Planning and Zoning were talking about a closet that is accessible from the exterior as long as there is an area to store outdoor equipment, which could be a shed or an addition to the carport, as long as it provides some type of outdoor storage.

Councilman Cain asked if outdoor storage is mandatory as written? Building Official Kacey Roman said yes.

City Manager Tim Kelty said this allows property owners to build on a single 25-foot lot with certain conditions beyond a developed alley that includes a two-car carports in the rear facing the alley, as well as outdoor storage. Mr. Kelty said there are certain square footage requirements that would potentially allow for a single story. He said there is a reduced front yard setback and most properties currently require a 25 foot yard setback, but this requires a 15 foot front yard setback. Mr. Kelty said it also requires a specific use permit from the Planning Commission.

Councilman Cain said he is curious as some of the feedback was given about only being able to develop when there is an alley and an accessible alley and would like to know what was the reasoning behind that? Building Official Kacey Roman said there were citizens on the other side of town that were uncomfortable with the home that small being built amongst larger homes and were afraid it would lower their property values.

City Manager Tim Kelty said the current ordinance requires a garage and not a carport. He added that a garage would be limited to one car because of the maximum width of the home and a carport would allow up to two. He said there was concern about excess on street parking because many of our streets are narrow and additional on street parking could hinder emergency vehicle access

Councilman Cain asked how many 25-foot lots are in the City? Building Official Kacey Roman replied and said she has heard over fifty but it may be more than that. Councilman Cain asked what percentage of those lots are attached to an alley? Ms. Roman said she would find out this information for him.

Councilman Pena said the common sense approach was to prevent new development from having to go through another layer of bureaucracy, needlessly to putting carports that are cost saving and makes the homes much more affordable. Councilman Pena said he is curious what other variances and other changes that can also be avoided any kind of redundancy. Councilman Pena said he is always a proponent of lowering economic barriers and market barriers to have more development. Councilman Pena said if the alley requirement is eliminated, maybe there will be one or two extra streets of additional housing. Councilman Pena said he wants to look at the alley's condition and possibly consider removing it to help maximize additional rooftops.

City Manager Tim Kelty said he would strongly recommend not taking away the specific use permit from the process which gives neighbors the opportunity to not be surprised to come home from work and find construction in the empty 25-foot lot next to their home.

Councilman Pena asked if all the owners that are adjacent to a 25-foot lot are aware that the Council will be voting on this? Building Official Kacey Roman said this item has gone to Planning and Zoning three or four times and there was a lot of citizen input and they have had the opportunity to speak.

Councilman Matamoros said he was one of the residents that was against this idea when it came to the Board of adjustments several years ago. Councilman Matamoros said the majority of the 25-foot properties are within the Ward C area. Councilman Matamoros said when this came up in front of Planning and Zoning for the first time recently, he spoke to the residents that attended and asked if they could come up with a compromise if they would be in favor of this. Councilman Matamoros said the compromise was alleys in the back because they did not want a carport on a 25-foot lot in an existing subdivision or neighborhood. Councilman Matamoros said if the residents did not receive the alley portion in the back they would be at the meeting right now voicing their

concerns. Councilman Matamoros said this is the compromise the residents were okay with as long as it fit within the setbacks and there would be no carports in the front. Councilman Matamoros said as long as the ordinance stays as is, he is okay with it and is sure the rest of the residents would be too.

Councilman Cain asked if a carport has to be a requirement? Building Official Kacey Roman said no, that is up to you to decide.

Mayor Bass closed the Public Hearing at 6:54P.M.

A motion was made by Councilman Pena, to approve Ordinance No. 2023-2712 proposing changes to City of Freeport Zoning Ordinance amending section 155.501 Standards for Residential Infill Development to allow single family residences and carports to be built on single 25-foot lots with the changes to eliminate the requirement of a carport or garage and if there is no rear parking the front building line setback would be 25 foot and if there is rear parking the front building line setback would be 15 foot, seconded by Councilman Cain with discussion that followed.

Councilman Matamoros said he can not in good conscience go to the residents he represents and tell them this Ordinance has been changed. Councilman Matamoros said he would like to see this motion removed and tabled. Councilman Matamoros said to let all those residents who voiced their concerns come and the council to hear their concerns because this is different than what the residents were looking for.

Interim City Attorney David Olson said he thinks it would be appropriate since there are substantive changes being recommended to at least give staff the opportunity to rework the ordinance to incorporate the changes and take them back to the Council.

Mayor Bass called the motion to a vote, with a 2-3 vote motion failed. Mayor Bass voted "Nay", Councilman Rossow voted "Nay", Councilman Matamoros voted "Nay".

A motion was made by Councilman Matamoros, to table the item, seconded by Mayor Bass. The Item was tabled.

Consideration and possible action on approval of an agreement with University of Texas, San Antonio for development of design guidelines and comprehensive downtown plan for the Freeport Main Street Program.

Main Street Coordinator Ana Silbas said on behalf of the Freeport Historical Commission and Main Street Advisory Board she recommends the approval of the sponsored research agreement with the University of Texas at San Antonio. She said they are currently looking into going into an agreement with UTSA Center for Urban and Regional Planning Research to develop historic design guidelines as well as a comprehensive downtown plan. Ms. Silbas said this is part of the strategic priorities for the Main Street Program. She said they have garnered support from the EDC who have agreed to support this effort in the amount of \$30,000. She said in the memo it states the city share would be \$30,000 however it would actually be \$40,000 because EDC has offered to contribute the \$30,000 for this project.

Director Ian Caine presented to Council a proposal to produce a set of comprehensive guidelines for downtown, including historic design guidelines.

Councilman Jeff Pena asked what other organizations were interviewed and considered? Main Street Coordinator Ana Silbas replied and said she believes Ms. Margaret reached out to five additional firms which she did not have the names of but they did not hear a response from any of those firms.

A motion was made by Councilman Cain, to approve an agreement with University of Texas, San Antonio for development of design guidelines and comprehensive downtown plan for the Freeport Main Street Program, seconded by Councilman Pena with all present voting "Aye" 5-0 council unanimously approved the motion.

Consideration and possible action approving Ordinance No. 2023-2713 for Budget Amendment #1 for Fiscal Year 2024.

Finance Director Cathy Ezell presented Council Ordinance No. 2023-2713 for Budget Amendment #1 for Fiscal Year 2024. She said most of the projects that were not completed in Fiscal Year 2023 are a few new projects that have already been approved by Council that are SuperFeast, FMP Kitchen and the tank removal at the service center. Ms. Ezell said most of the projects are in the capital project funds that need to be rolled out because they have not been completed nor started on.

A motion was made by Councilman Cain , to approve Ordinance No. 2023-2713 for Budget Amendment #1 for Fiscal Year 2024 , seconded by Councilman Matamoros with all present voting "Aye" 5-0 council unanimously approved the motion.

Consideration and possible action awarding BID and approve the City Manager signing a contract to Del Sol Solutions for janitorial services for the City of Freeport offices.

This item was tabled.

Discussion and possible action to award a bid to the apparent low bidder for WWTP.

David Hunt with Freese and Nichols said they have been working with Grant Works and learned that the environmental has not been approved yet, so the authorization for grant funds has not been approved and the contract may not be awarded without that, otherwise the funds are in jeopardy of being lost. Mr. Hunt said the BIDs can be held until December 5th. He said the low bidder immediately agreed to extend it for 45 days. He said he already had a letter from the low bidder and a verbal commitment from the other bidder. He said with Council's permission he will go ahead and get the letters and this will give additional time to get the grant, approval to use the grant funds and to give more time to look at potential cost-saving measures and funding. He said the other thing about the cost-saving measure is that they are looking for a commitment from the grant people that can reduce the non-grant items. Mr. Hunt said they were two main items that were being looked at and one is reducing the scope of the electrical part and the other item is differing the chemical feed improvement portion of the project and rehabilitating the current chemical feed system. He said they are also looking at the miscellaneous improvements and finding cost savings there and how to stage them.

City Manager Tim Kelty said the total BID from the low bidder Wharton Smith was \$13,761,000 and, are are looking at significant cuts from that, it will still be significantly over the original budget but they are for the proposed cuts.

Mayor Bass said this item will be moved to the first meeting in December and would like for David Hunt to come back with a number and specific ideas.

Consideration and possible action of the annual appointment for the ex officio board member for MUD #1.

A motion was made by Councilman Cain , to appoint Melanie Oldham for the ex officio board member for the MUD #1 , seconded by Councilman Matamoros with discussion that followed.

Councilman Pena asked if Ms. Oldham is selected to be the representative, will she be required to provide the update? Mayor Bass said he thinks she will be part of it but would also like to think Councilman Pena will fulfill the end of his duty and have a report since he was there the majority of the year.

Mayor Bass called the motion to a vote, with all present voting "Aye" 5-0 council unanimously approved the motion.

Consideration and possible action approving the Special Interlocal Agreement for streets project between Brazoria County and the City of Freeport Fiscal Year 2023-2024.

Assistant City Manager Lance Petty said last council meeting staff brought the proposal for the 2023 and 2024 roads that were approved. He said in September a letter was received from the County and they had changed

the local agreement that reflected the City would only be allowed up to four roads, two miles but only four roads and only asphalt overlay. Mr. Petty said Mr. Kelty contacted Commissioner Payne and said he agreed to move forward as has done in the past for one more year. Mr. Petty said he submitted the approved roads over to the county and responded back with only being allowed four roads. He said they sent him a special interlocal agreement and as he was reading through the local agreement, it states, in the event the county costs in performing above described work exceeds \$10,000 the city should pay from the point of that time, the county's cost equals the sum of \$10,000 labor and cost. Mr. Petty said there is no way he can guarantee they will not go over that amount with the many roads that there are. He said the cost that was approved is unknown and if they decided to move forward with the original proposal, he would like Council to know at the end of it there will be a budget amendment for the costs that will incur due to their special interlocal agreement verbiage.

Mayor Bass asked when is the deadline for getting this information in? Assistant City Manager Lance Petty said it is due next week.

Assistant City Manager Lance Petty said the County wants to limit to up to two miles but only four roads because they do not want to be mobilized to different areas in the City. He said an option could be to do two miles of alleys and utilize the County for alley work. Mr. Petty said another option will be to not use the county at all this year and use those funds towards bidding out several roads.

Councilman Pena asked what was the cost last year to the City? Assistant City Manager Lance Petty said over \$400,000. Councilman Pena asked with the new special agreement would the \$400,000 be exceeded? Mr. Petty said it would be exceeded.

City Manager Tim Kelty said under the current contract, Council approved back in September, an approximate cost of \$344,000 was for the rental of machines and materials. Mr. Kelty suggested to council he could probably have a conversation with Commissioner Payne to revise the agreement.

Assistant City Manager Lance Petty said there was a proposal that was submitted to Commissioner Payne. He said he could get a hold of Commissioner Payne and try to get an extension but could always withdraw the proposal.

Mayor Bass said his suggestion is to hold until the 20th and reach out to our commissioner.

WORK SESSION:

The City Council may deliberate and make inquiry into any item specifically listed as a Subsection under the itemized Sections A-H below, an item appearing on the City Council agenda for this meeting, on matters related to community events, or on matters that are not within the jurisdiction of the City for consideration by City Council. The City Council may not deliberate on any City matters not specifically disclosed under this Work Session or on this posted City Council Meeting agenda. City Council members and the Mayor always reserve the right to request that a matter be placed on a future agenda for consideration.

Councilman Pena Ward A announcements and comments.

Councilman Pena said he was glad to see the participation from the City at the the trunk or treat, and wanted to applaud City Staff and volunteers for their participation. He said he also wanted to give kudos to the Main Street Board and the Museum for El Dia De los Muertos. Councilman Pena thanked the residents that decorated their homes every year and have the Halloween spirit. He said there will be another house decoration, judging and awarding for Christmas and more information will go out on that. He said this month the Seniors will be having a Bingo and if you are 55 or over, please be sure to attend this event.

Councilman Cain Ward B announcements and comments.

Councilman Cain thanked the City for allowing his group to participate in the Fright Fest event. He said every year this event has grown. He said while at the event he had a couple of people tell him they felt there were more people at Fright Fest than there were at Riverfest. He said it was a shame the Facts did not show up for this event. He said the costumes on the kids this year were simply amazing and the amount of effort and imagination that is put into them is incredible. Councilman Cain said he encourages everyone to come, participate, and experience. He said it was a truly unbelievable experience. He said a month or two ago there was discussion about the new lights that were put up on 10th and 11th streets and Centerpoint was waiting for the repairs on 9th Street to be done. He said the repairs are being wrapped up and that Centerpoint could be contacted to get moving on that.

Councilman Matamoros Ward C announcements and comments.

1. Discuss how the city and code enforcement are handling high weeds/grass throughout the city on both private and public properties.

2. Discuss adding street signage changes to planning and zoning items on the next agenda.

Councilman Matamoros thanked all the residents and visitors who attended in person and viewed online. He thanked the residents who spoke during citizens' comments and agenda items. He said he too wanted to echo the trunk and treat, Fright Night was awesome. He said this event was a great presentation by the City and was the best one yet. He said he does not think the City can be outdone by any other City when this is put on. Councilman Matamoros said he is sure others on the Council are getting reports of high grass throughout the City. He asked how the code deals with these properties and if the residents have received a citation and if the properties can be mowed? Building Official Kacey Roman said the legal process is having to wait to for the grass to get 12 inches high before being able to address that with the owner. By law, at that time, a certified letter is sent to the property owner. We wait for the green card, then give 10 business days after that to be able to take care of it themselves. Ms. Roman said there had been a problem with the contractor. She would contact them and email them, a month would go by and they would not mow. Ms. Roman said the City has a right to go on the property, mow and place a lien on the property after the time frame has expired, which is normally around 45 days from the start to the end of the process. Ms. Roman said we are now using additional contractors and have had about 10 mowings in the last week. Ms. Roman said she directed her staff to put a door hanger on the door so neighbors are aware the property is being dealt with. City Manager Tim Kelty said if a property owner has been notified, and has not taken care of the issue, and we take action, if the problem re-occurs in the same year, these steps can be skipped. Mr. Kelty said the previous contractor has not been performing and there is now a list of seven contractors that can be used. When contacting the contractors, they say if they are able to take care of mowing the property within three business days and if they are not able to, we go to the next contractor. Councilman Matamoros said he has received phone calls and has been tagged on social media. He said he just wants to make sure we are on top of this. Councilman Matamoros said there are easements that need to be taken care of that residents are not taking care of like they should. He said he sees residents trying to help out their neighbors, but it is not their job to mow their neighbors' property.

Councilman Matamoros talked about the no parking signs on both sides of the 1700 block of eighth street, the border between C and B. He said he has received a few phone calls from residents on both sides of the ward asking about the signs and their enforcement. He said the residents have asked if they can be removed because there are no other signs on eighth street. He said he would like to have planning and zoning have this issue taken up at their next meeting. City Manager Tim Kelty said this will be taken to the planning commission for discussion and a recommendation. Councilman Matamoros talked about the 4-way stop sign at Varner and Avenue G. He said the residents have asked if this can also be taken to planning and zoning and have that changed to a two-way stop, stopping traffic on Varner. He requested that the stop signs on Yellowstone at Avenue M and Avenue O to be changed to blinking stop signs. City Manager Tim Kelty said this does not have to be taken to the planning commission, but would take the first two items for their consideration. Councilman Matamoros said if any council member would like to have an item on the agenda to please CC him.

Councilman Rossow Ward D announcements and comments.

Councilman Rossow said Ward D is doing good. He said he wanted to give kudos to the Haunted House. He

said his wife and himself went to it and were impressed especially with the costume contest. He said he also attended the Main Street event in Downtown Freeport and he said it was nice. He said he also attended the Methodist Church Fish Fry for the whole City of Freeport and this was well attended. Councilman Rossow said his wife and him attended the Lanier Festival at the City Park and it went over really well.

Mayor Brooks Bass announcements and comments.

City Manager Tim Kelty announcements and comments.

1. Discussion and update regarding City Hall renovation and asbestos remediation.

Mayor Bass moved discussion and update regarding City Hall renovation and asbestos remediation to executive session.

City Manager Tim Kelty said he was invited by Mr. McGinty to a flag retirement ceremony that was planned for November 18th from 12:00PM to 4:00PM. He said Gina with the Hispanic Chamber of Commerce invited members of the Council to attend a Coca Cola VIP luncheon on November 17th at 11:30AM in Houston.

Updates on current infrastructure.

Update on reports / concerns from Department heads.

1. Response from Cathy Ezell regarding Pena accusations.

Finance Director Cathy Ezell read her response regarding Councilman Pena accusations.

A motion was made by Mayor Bass , to invite Mr. Kelty, Mr. Navarro, Mr. Bowles, Mr. Petty and Ms. Ezell into Executive Session at the appropriate time , seconded by Councilman Matamoros. The motion passed.

A motion was made by Councilman Pena for the police chief to be invited into executive session. Motion died due to lack of a second.

A motion was made by Mayor Bass to allow Attorney Laverne to be in executive session as well, seconded by Councilman Matamoros with all present voting "Aye" 5-0 council unanimously approved the motion.

CLOSED SESSION:

Executive Session regarding a.) (Consultation with Attorney) Attorney consultation pending litigation styled and numbered City of Freeport, Texas vs Braztex Development, LLC, et. al., Cause No. 120329 (149th Jud. Dist. Crt – Brazoria County, Texas), b.) personnel matters regarding complaints filed against Councilman Jeff Pena, in accordance with the Texas Government Code Annotated, Chapter 551, Sections 551.071 and 551.074.

The regular session closed at 8:18PM and Council entered into Executive Session.

COUNCIL BUSINESS – REGULAR SESSION:

Take any action resulting from Executive Session.

Executive Session ended at 10:05PM and Council entered back into regular session.

A motion was made by Mayor Bass to hire David Luther to do an investigation into the two complaints from one Cathy Ezell and one from Kacey Roman alleging a hostile work environment against Councilman Pena, and per the motion Mayor Bass gave Mr. Kelty the authority to sign said agreement , seconded by Councilman Cain, with discussion that followed.

Councilman Pena said he hopes there is an investigation because what he has said is true. He said he invites the investigation. He said City staff had tried to accuse him of slander yet all he has done is expose the hidden

truths and abusive actions by City Hall. He said truth is a defense of slander. He said the allegation that he is doing this for retaliation is simply not true but the opposite, but an attempt to discredit him. He said his job is to simply share that employees, citizens and businesses have told him and what he has seen himself. He said he is being accused of doing something illegal and he has several examples he will be sharing on Facebook.

Mayor Bass called the motion to a vote, with all present and voting 4-1, motion passed. Councilman Pena voted "Nay".

ADJOURNMENT:

Adjourn

A motion was made by Councilman Matamoros to adjourn the meeting, seconded by Councilman Cain. Mayor Bass adjourned the meeting at 10:08PM.



Brooks Bass, Mayor



Clarisa Molina, Interim City Secretary