



**AGENDA
REGULAR MEETING
FREEPORT CITY COUNCIL
MONDAY, DECEMBER 4, 2023 AT 6:00 PM**

Mayor:

Brooks Bass

Council Members:

Jeff Pena

Jerry Cain

George Matamoros

Winston Rossow

Interim City

Manager:

Lance Petty

THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, WILL MEET ON MONDAY, DECEMBER 4, 2023 AT 6:00 PM, AT THE FREEPORT, POLICE DEPARTMENT, MUNICIPAL COURT ROOM, 430 NORTH BRAZOSPORT BOULEVARD FREEPORT TEXAS

This meeting will be live streamed via YouTube Live and may be accessed on the City of Freeport Facebook page: <https://www.facebook.com/freeporttexas> or by visiting <https://www.youtube.com/@cityoffreeporttx8375/streams>

THE MEETING IS BEING HELD FOR THE FOLLOWING PURPOSES:

CALL TO ORDER: The Mayor will call the meeting to order, declare a quorum if present, and declare notices legally posted pursuant to Open Meetings Act.

INVOCATION AND PLEDGE OF ALLEGIANCE: (Council Member)

CITIZENS' COMMENTS:

Members of the public are allowed to address the City Council at this time, and must include name and address. Note, specific factual information or a recitation of existing policy may be furnished in response to an inquiry made, but any deliberation, discussion, or decision with respect to any subject about which the inquiry was made shall be limited to a proposal to place such subject on the agenda for a subsequent meeting for which notice is provided in compliance with the Texas Open meetings Act unless said notice appears herein. The public is reminded that there is a (4) minute time limit as approved by City Council on June 21, 2010.

PRESENTATIONS/ANNOUNCEMENTS: Announcements by Mayor, City Council and/or Staff.

1. Presentation for Employee for the Month, for the month of October 2023. **(Lance Petty)**

CONSENT AGENDA:

Consent Agenda items are considered to be routine in nature and may be acted upon in one motion. Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and acted upon separately.

2. Consideration and possible action on the approval of City Council meeting minutes from November 20, 2023 and November 21, 2023. **(Clarisa Molina)**
3. Consideration and possible action approving date change for the first and second City Council Meetings in January 2024 to January 8, 2024 and January 22, 2024, due to the News Years and Martin Luther King, Jr. Holidays . **(Lance Petty)**

COUNCIL BUSINESS – REGULAR SESSION:

4. Consideration and possible action amending Resolution No. 2023-2826 of the City of Freeport Policy Handbook revising supplemental policy and procedures for a Drug-Free workplace. **(Donna Fisher)**
5. Consideration and possible action on Second Reading and approval of Resolution No. 2023- 2824 of the support of developing downtown master plan and historic district design guidelines. **(Robert Johnson)**
6. Consideration and possible action on Second Reading and approval of Resolution No. 2023- 2825 of renovations to FMP kitchen. **(Robert Johnson)**
7. Consideration and possible action to rezone from C-1 (Retail Business) to MF (Multiple Family), a part of the 1100 Block of N Ave J, and a part of the 1100 Block of N Ave I, including properties noted in the Brazoria County Appraisal District as Property ID #'s: 261265, 261271, 261269, 261264, 259610,259608. **(Kacey Roman)**
8. Consideration and possible action approving the agreement for a consent to encroachment between property owner Pamela Dancy and the City of Freeport. **(Lance Petty, Kacey Roman)**
9. Consideration and possible action on approval of the sale of property located in the 200 Block of South Avenue I, (Velasco Townsite, Block 70, Lot 11) **(Laura Cramer)**

WORK SESSION:

10. 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.

- A. Mayor Brooks Bass announcements and comments.
- B. Councilman Pena Ward A announcements and comments.
- C. Councilman Cain Ward B announcements and comments.
- D. Councilman Matamoros Ward C announcements and comments.
- E. Councilman Rossow Ward D announcements and comments.
- F. Interim City Manager Lance Petty announcements and comments.
- G. Updates on current infrastructure.
- H. Update on reports / concerns from Department heads.
 - Report from Chief Howell on:
 - Park Hours
 - Alarm registration program

CLOSED SESSION:

- 11. Executive Session regarding; (Consultation with Attorney) Potential Litigation
 - a. City Hall RemodelIn accordance with Texas Government Code Annotated, Chapter 551, Sections 551.071.

COUNCIL BUSINESS – REGULAR SESSION:

- 12. Take any action resulting from Executive Session.

ADJOURNMENT:

- 13. Adjourn

Items not necessarily discussed in the order they appear on the agenda. The Council at its discretion may take action on any or all of the items as listed. This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code).

The City Council 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 Texas Government Code Sections 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).

ACCESSIBILITY STATEMENT This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (979) 233-3526.

CERTIFICATE I certify the foregoing notice was posted in the official glass case at the rear door of the City Hall, with 24 hours a day public access, 200 West 2nd Street, Freeport Texas, before 6:00 p.m. in accordance with Open Meetings Act.

Clarisa Molina

Clarisa, Molina

Interim City Secretary, City of Freeport, Texas



State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, November 20, 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 Mary Ann Powell , Interim City Attorney Clarisa Molina, Interim City Secretary/Administrative Assistant Toby Cohen, IT Manager Laura Cramer, GIS Ana Silbas, Main Street Coordinator Jennifer Howell, Police Chief Kacey Roman, Building Official Robert Johnson, EDC Director	
Visitors:	David McGinty Esther Williams Manning Rollerson Pamela Dancy Terry Montgomery Shonda Marshall Melanie Oldham	Nicole Mireles Sam Reyna Bob Casale Kenny Hayes Tom Pearson Desiree Pearson

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:

Terry Montgomery is with Drymala Construction and said he has no complaints or gripes. He said a year ago

he requested the Council's permission to break the noise ordinance and pour concrete early in the morning. He said it was granted and thanked the Council for doing this. He said he has been with his company for 35 years and has built all over the state. Mr. Montgomery said he has worked with a lot of construction departments and wanted to tell the Council that Freeport has one of the finest construction departments he has ever worked for or been associated with. He said he had failed a few inspections, but the construction department had worked with him to be able to get re-inspected with no major issues.

Manning Rollerson said he wanted to thank all the veterans. He said he came to the Council today because of the social media posts that are out about what is going on with the City. He said there is an issue with transparency and an issue with governance. He said this has been happening for eight or nine decades for every administration that governs the City of Freeport. He said not turning over contracts, dropping contracts and lawsuits is always a mistake somewhere. He said in the long run the mistakes will come to be deliberate and intentional. Mr. Rollerson said as a citizen of Freeport and all the investigations going on in the past four years, the City should go on an independent outside investigation into what allegedly is happening in the City government. He said people have lost trust in the Council. He said the attacks and pointing fingers at one another show a dysfunctional city and a dysfunctional government.

Sam Reyna resides at 2002 North Avenue G said he went to City Hall and noticed our Stars and Stripes were not flying properly. He said it was torn up and tangled on the flagpole. Mr. Reyna said he mentioned to Mr. McGinty the flag at City Hall, and Mr. McGinty said he had already approached the City Manager about the problem several weeks back. Mr. Reyna said the City Manager knew about the flag, yet he did not correct the problem. He said he called Mr. Petty that day to explain his concern and mention the flag size was the wrong one for the pole. He said later on that day he drove by City Hall and saw the flag had been changed. Mr. Reyna said to Mr. Petty the Veterans and him thanked him for doing that. He said the City Manager disrespected the Stars and Stripes and, for that reason and other reasons, should not be allowed to manage the City and should be terminated immediately. Mr. Reyna said the Building Official should also be terminated. He said these two City employees have caused a lot of problems for the city, have abused their power and have wasted a lot of taxpayers' money. He said the Building Official had been attending the Texas Environmental Health Association conventions. He said she is the president of the association. Mr. Reyna said the taxpayers of Freeport are paying for this, including hotel rooms, meals, all expenses reimbursed and transportation. He said the City Manager is approving all invoices. He said this was a misappropriation of City assets. He said TEHA is not beneficial for the City of Freeport but for her career. He said the Building Official should reimburse the City of Freeport for all the money spent attending the conventions, for wear and tear on the city vehicle, and gas mileage. Mr. Reyna said she is not authorized to drive city-owned vehicles home. He said the only City employees granted that right are the ones with the names on the emergency list.

Pamela Dancy showed the council a folder. She said it is a history of things she has to do to protect herself. She said Mr. Bass, Mr. Cain and Mr. Rossow had failed her. She said the Council knows about her issues that she has been dealing with for years. She said Mr. Kelty allowed Mr. Brimage's stepdad put a pipe underneath their properties to go into her mother's ditch. She said this takes the water off them and puts it on her. She said a permit was never pulled for this. She said the wrong people are being protected. Ms. Dancy said the only person that had helped her was Mr. Petty but his hands are tied because of Mr. Kelty.

Tom Pearson resides at 110 South Front Street said Mr. Kelty was not there when the pipe was put in. He said he went to David, the previous Public Works Director when the pipe was put in. He said a bigger pipe was put in than what he had suggested putting in. He said the pipe does not stop any water anywhere. He said the problem with the flooding was the pumps were not working. Mr. Pearson said Ms. Dancy is bringing this up and Mr. Kelty did not have anything to do with that and was not City Manager at the time.

Shonda Marshall resides at 135 Brazos Landing Court. She said she wanted to thank the IT Department for making reasonable accommodations for her to be able to hear the EDC meetings and City Council meetings.

She said she made a comment at the EDC meeting regarding local businesses. She wants to encourage the residents of the city to support our local businesses this holiday season. She said not only does this bring business for small businesses, but it also brings sales tax revenue to the city. She said she encourages everyone to shop locally this holiday and every day of the year.

PRESENTATIONS/ANNOUNCEMENTS:

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

City Manager Tim Kelty presented Employee of the Month for the month of October 2023 to Corporal Chuck Willard and Corporal Joaquin Torres.

Annual presentation and update regarding Freeport MUD #1.

Melanie Oldham said she attended the meeting for the Freeport MUD #1 and gave an update of the meeting. She said the meeting was short but tried to get a lot of questions in. She said they meet quarterly and had attended three meetings in the past, but just as a member of the public. She said she had tried to reach Mr. Wong and had left messages for him, and she had not heard back from him, but she would try to get in contact with him. She said she was hoping Mr. Wong would share some of his plans or ideas for this industrial MUD.

Councilman Pena thanked Ms. Oldham for going to the meeting and asking questions. He said her asking questions is awesome and that it is citizens in action. He said he had never seen Mr. Wong at these meetings to ask him questions directly.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council Meeting Minutes, from November 6, 2023.

Consideration and possible action for road closures for the MLK, Jr. Parade on January 15, 2024.

Consideration and possible action for road closures for the St. Mary Star of the Sea.

Consideration and possible action for road closures for Christmas on the Coast Market- December 2, 2023.

Consideration and possible action approving the Mayor to sign the annual Brazoria County MS4 Stormwater Coalition Annual Report.

A motion was made by Councilman Matamoros to approve the Consent Agenda, seconded by Councilman Rossow with all present voting "Aye" 5-0 council unanimously approved the Consent Agenda.

COUNCIL BUSINESS – REGULAR SESSION:

Consideration and possible action approving Resolution No. 2023-2823 (Casting votes for Brazoria County Appraisal District Ballot)

City Manager Tim Kelty said annually the county, cities, ISDs, and all taxing units within Brazoria County cast votes for nominees appearing on a ballot to serve on the Board of Directors for the Brazoria County Appraisal District. He said the Freeport City Council has 18 votes to cast. He said, in comparison, the Brazosport ISD by itself has over 1000 votes to cast. Mr. Kelty said on October 2, 2023 the Council nominated Karla Clark and Eric Hayes to appear on the ballot.

A motion was made by Mayor Bass to approve Resolution No. 2023-2823 (Casting votes for Brazoria County Appraisal District Ballot) and split votes, 9 for Karla Clark and 9 for Eric Hayes, seconded by Councilman Cain 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 M&R's Elite Janitorial Solutions for janitorial services for the City of Freeport offices.

Councilman Pena said he would like this item to be tabled until tomorrow's discussion as it relates to city hall's handling of various third party contracts.

A motion was made by Councilman Pena to table this item. Motion died due to lack of a second.

City Manager Tim Kelty said the request for proposal number 2022-05 for Janitorial Services was released on Thursday, September 21, 2023. He said the proposals were received on October 24, 2023. He said the City received four proposals and staff recommended going with M&R's Elite Janitorial Services. Mr. Kelty said the lowest bidder was disqualified due to unsatisfactory service provided previously. He said this contract is not only for City Hall but also for the police department, library, and service center. He said this will provide daily cleaning Monday through Friday of all the facilities. He said this money that is available in the general fund is budgeted for this amount. Mr. Kelty said M&R's Elite are out of Houston but are also both a minority and women's business enterprise.

Councilman Cain asked whether typically the City is required to go with the lowest BID and is wondering what the difference is with this particular contract? Interim City Attorney Mary Ann Powell replied and said legally it is required to award the lowest responsible BID. City Manager Tim Kelty said under normal circumstances the lowest bid would be recommended, but not in this case because of the past history of performance.

A motion was made by Councilman Cain to approve awarding BID and approve the City Manager signing a contract to M&R's Elite Janitorial Solutions for janitorial services for the City of Freeport offices, seconded by Councilman Matamoros with discussion that followed.

Councilman Matamoros asked Mr. Kelty if the local vendors were reached out to give a quote on this? Councilman Matamoros asked if any other cities had been reached to see if they had an outside vendor and asked for a quote from them? City Manager Tim Kelty replied and said he did not know the answer to that, but the request for proposal was legally advertised. Mr. Kelty said Finance Director Cathy Ezell reached out to the references provided.

Councilman Pena asked Mr. Kelty who is the one that did the procurement, headed up all the reviews of the various bidders? City Manager Tim Kelty replied and said Finance Director Cathy Ezell organized this. Councilman Pena asked if it was Ms. Ezell particular role in organizing BIDs? Mr. Kelty said she handled this primarily because the biggest component is City Hall. Councilman Pena asked if there are any reviews or any documented failures that can be referenced to determine that they were in fact not delivering their level of service? Mr. Kelty said Ms. Ezell has a list of all the issues, and she has met with them. Councilman Pena asked if all the candidates were insured and bonded? Mr. Kelty said it is in the requirements. Councilman Pena said he is just wondering to what degree the diligence of following up with the insurance policies to verify what in fact it is covering that the City is requiring. Mr. Kelty said all the diligence had taken place.

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

First reading of the EDC in support of developing downtown master plan and historic district design guidelines.

EDC Director Robert Johnson said on October 19th the Main Street board approved design guidelines being done by the University of Texas at San Antonio Center for Urban and Regional Planning Research. He said the EDC was approached to help defray some of the costs for the \$70,000 item. Mr. Robert said the EDC voted unanimously to support that project to the tune of \$30,000.

City Manager Tim Kelty said this is the project the Council approved to move forward with. He said the EDC

wants to help share the cost.

Mayor Bass read the first reading of the EDC in support of developing downtown master plan and historic district design guidelines.

First reading of an EDC project in support of renovations to FMP Kitchen.

EDC Director Robert Johnson said in October 2023, the City Council approved the renovation of the Freeport Municipal Park Kitchen. He said improvements needed are identified as followed: type 1 hood vent with fire suppression, commercial grade kitchen appliances, prep tables, handwashing sink, under-sink grease trap, mop sink, solid ceiling in the kitchen area, new gas lines that run to the new gas appliances and upgrade electrical service. Mr. Johnson said the EDC voted unanimously to participate in this project to the tune of up to \$20,000.

Mayor Bass read the first reading of an EDC project in support of renovations to FMP Kitchen.

Councilman Pena asked if these kitchen appliances are allowed for any other of the businesses that have gone to the EDC for grants and, if not, why are we doing this with this one? EDC Director Robert Johnson said he is not sure these commercial grade appliances were allowed, but he looks at this as being a parks project tied to corporations around the State of Texas that can participate in making improvements to parks. Councilman Pena asked why are we pulling park renovation money from the EDC when there is a parks department with a budget for that? Mr. Johnson said at one of the meetings Mr. Marquez brought up that fact and is sure the board was aware of that. Councilman Pena asked if this was legal? Interim City Attorney Mary Ann Powell said it is legal, and it is one of the EDC items that is enumerated in the statute that you can spend EDC funds on. Councilman Pena asked if this is going to be a tipping point to allow other businesses in Freeport to take advantage of a grant like this or these kinds of monies? Mr. Johnson replied and said this is a parks project to support the park and its operations.

Consideration and possible action on ratification of Change order #5 and approval of change order #6 to Lucas Construction phase 2 concrete construction contract.

Councilman Pena said he would like this item to also be tabled until the issues regarding the City Hall handling of contracts and change orders with any third part contracts.

A motion was made by Councilman Pena to table this item. Motion died due to lack of a second.

City Manager Tim Kelty said Change Order #5 to this contract allowed for Lucas Construction to lower 17 sanitary sewer laterals that were in the way on Avenue G that needed to be lowered to allow for reconstruction of the roadway. He said most of the cost for this additional work was covered by excess unused funds in the contract previously approved. Mr. Kelty said the total cost of Change order #5 is \$6,802.50. He said he went ahead and approved this and is asking for ratification of it. Mr. Kelty said this was a situation where residents in Avenue G had half their streets torn up and Lucas could not proceed without these being lowered. He said Change Order #6 increases the contract amount by \$48,775 and includes the replacement of sidewalk on both sides of Cedar Street between 10th and 12th Streets, extending part of the way north of 10th Street, lowering of six additional sewer laterals on the North side of Avenue G, additional asphalt transitions and shoulders on Avenue A, and 21 additional calendar days to complete the work.

A motion was made by Councilman Cain to approve ratification of Change order #5 and approval of change order #6 to Lucas Construction phase 2 concrete construction contract, seconded by Councilman Matamoros, with discussion that followed.

Councilman Pena asked what inspections would be done during and after this work is completed, and who will be doing those inspections? City Manager Tim Kelty said for this entire concrete construction job the inspections have been done by a combination of Mr. Petty and his staff, as well as Freese and Nichols inspectors. Councilman Pena asked if those inspections are just visual or documented? Mr. Kelty said they are

documented. Councilman Pena asked if this would also be documented? Mr. Kelty said he would get this information for Councilman Pena.

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

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 at the last Council meeting a special interlocal agreement from Brazoria County was presented to be able to utilize them for an additional year for two miles of roads. He said he was not comfortable at the time because the special interlocal contract stated the City would be responsible for everything over \$10,000 in labor and equipment. He said the county assured them they built the contracts including the \$10,000 in labor and materials for up to two miles of road, and they, do not see the contract will go over that amount. He said there would not be any change in the price. He said it would be exactly \$344,663.24 that the council approved in October.

Mayor Bass asked if the \$10,000 would cover all the different placements and roads they have to do because they have to move the equipment and so forth? Assistant City Manager Lance Petty said he questioned that and got a response in writing, and they do not anticipate that that will exceed the \$10,000 for the roads that were proposed and approved by them.

City Manager Tim Kelty said the same number of roads are being done as in the past and the cost has not exceeded \$10,000 in the last several years.

A motion was made by Councilman George Matamoros to approve the Special Interlocal Agreement for streets project between Brazoria County and the City of Freeport Fiscal Year 2023-2024, seconded by Councilman Cain with discussion that followed.

Manning Rollerson said he saw in the local newspaper not too long ago that the Port of Freeport received \$40,000,000. He asked why Freeport has not gotten any infrastructure money? He said Freeport is a poverty city that should qualify for those same dollars President Biden and Democrats voted on.

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

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 thanked everyone that attended the meeting and spoke on behalf of their interest and concerns. He said he is hoping there will be some movement on those concerns for everybody. Councilman Pena wished everyone a Happy Thanksgiving and wanted to make sure everybody was invited to the SuperFeast on Thursday. He asked when the lights downtown were going to go live in Freeport and if there would be a Christmas tree? He asked if all the lights and light posts would be repaired with replacement bulbs? Assistant City Manager Lance Petty said the Christmas lights will be turned on on Wednesday. Mr. Petty said

to Councilman Pena to send him a list of any lights that were out, and he would get them taken care of. Councilman Pena said he was curious why the complaint received against the building official was in executive session versus open session. City Manager Tim Kelty said it is in executive session on the advice of the Council. Councilman Pena asked if any work has been done on City Hall from Covarrubias since July or the last meeting? Councilman Pena asked if any additional money had been paid to Covarrubias since July or since the last council meeting? City Manager Tim Kelty said nothing else had happened from what he explained to the Council in the executive session last meeting.

Councilman Cain Ward B announcements and comments.

Councilman Cain thanked all the residents that attended the meeting and those who viewed online. He said he wanted to remind everybody of the SuperFeast coming up on Thanksgiving. He said there are a lot of volunteers that have worked hard to put this event together, and he would like to see a great success again. Councilman Cain wished everyone a Happy Thanksgiving.

Councilman Matamoros Ward C announcements and comments.

Councilman Matamoros thanked all the residents and visitors who viewed online and attended in person. He thanked every person who gave a citizen's comment or spoke on an agenda item. He said he would like to congratulate the CCF on a wonderful flag retirement ceremony. He said he was honored to have been able to participate. He wished all residents of Freeport a Happy Thanksgiving. He said he hopes every resident has the opportunity to spend time with the ones they love or value and state to them how thankful they are for them. Councilman Matamoros said he looks forward to all the City events that will be taking place on December 2nd Breakfast with Santa from 9:00AM-11:00AM at the Riverplace, Crafts with Ms. Claus from 11:00AM-12:00PM at the Freeport Library, Christmas on the Coast Market from 12:00PM-4:00PM, and Breakfast with Santa at Saint Mary's from 9:00AM-11:00AM. He said for everyone to shop Freeport first.

Councilman Rossow Ward D announcements and comments.

Councilman Rossow said Happy Thanksgiving to all. He said he got the chance to go to the flag burning for the first time, and he really enjoyed it. He said he also had the opportunity to go to the Houston Galveston Area Council meeting. He said the Houston Galveston Area Council has an Elder Justice Program for seniors over the age of 65 or disabled who qualify for this program free of charge. Councilman Rossow said this meeting was informative. He said Ward D was doing good in his eyes and opinion. He said he never sees the City workers standing around leaning on a shovel or equipment, they are always doing their job. He said he does ride around looking for stuff like stop signs and city lights and every time he reports them, it gets taken care of in a timely manner.

Mayor Brooks Bass announcements and comments.

City Manager Tim Kelty announcements and comments.

1. TXDOT sidewalk grant application
2. Brownfields grant application

City Manager Tim Kelty said at the last meeting he recognized veterans that are employed by the City of Freeport and did not mention two. He thanked Toby Cohen and Councilman Rossow for their service. He said the large sidewalk grant for almost \$8 million that had been applied for through TXDOT was unsuccessful. He said when he talked to TXDOT they indicated the HGAC has a call for projects in January that will be pursued on a smaller square through that venue. City Manager Tim Kelty said late last month a brownfields grant application was submitted through the state and the grant is up to \$500,000. He said this will allow phase one, phase two, phase three environmental review of some sites. He said this funding can be used anywhere in town to help mitigate known or suspected environmental issues on sites. He said Terracon was very helpful in putting the application together. He said EDC Director Robert Johnson and himself worked with Terracon and staff provided data for the application. Councilman Jeff Pena asked City Manager Tim Kelty if residents are still able to comment like they were able to on the Facebook live? City Manager Tim Kelty said the comments have been turned off at the request of the Council on Facebook live.

Updates on current infrastructure.

Update on reports / concerns from Department heads.

1. Report from Chief Howell on issue with stray cats

Chief of Police Jennifer Howell said they have been trying to work on different avenues looking at trap neuter release programs and trying to see some grants as far as that is connected. She said they are trying to work with the local vet office and the SPCA as well. She said they had just brought back an animal control officer that was previously with the City. She said the animal control officer has been with the City for a month and to date has already caught 78 cats and taken them to the shelter. Chief Howell said there was discussion about possibly updating the ordinance to have it where it was about not feeding stray cats. She said there are many citizens that complain about stray cats but are feeding the cats on a regular basis. She said she was curious about the Council's thought process on this. City Manager Tim Kelty said there is an ordinance that prohibits allowing pets to run at large for dogs and cats. Mayor Bass said the ordinance would have to be drafted carefully to make it enforceable and where it would stick. Councilman Pena said he likes the idea of spay and neuter and is concerned about waisting police time and money for herding cats. Chief Howell said this is the purpose of an animal control officer right now, and none of the officers are doing it. Chief Howell said they are working on getting a DEA license back, if the officer runs across an injured or severely ill animal, the officer would be able to humanely euthanize it if needed. Councilman Pena said he is also really concerned about walking the streets and having loose dogs and said it is a larger problem. Chief Howell said the animal control officer was able to catch 48 dogs last week. Councilman Cain said he would like to get a larger sample size and to see at that point before putting more laws on the books. Councilman Matamoros said he too would like to see a larger sample size but is aware this is an issue and is also worried about the inbreeding of those feral cats. Councilman Rossow asked if the officer went all the way to Jones Creek? Chief Howell said as far as to Slaughter Road. Councilman Rossow said there are a lot of stray cats being fed every day at the root beer stand and behind the library.

David McGinty said if there are any shut-ins in the City, they would like a meal from SuperFeast to contact the Police Department, and they will get a hold of him to be able to deliver.

A motion was made by Councilman Pena to allow Chief Howell in executive session to add for additional security. Motion died due to lack of a second.

A motion was made by Mayor Bass to allow Mr. Kelty in executive session as well as Kacey Roman as needed, seconded by Councilman Cain with all present voting 4-1, motion passed. Councilman Pena voted "Nay".

Desiree Pearson at 110 South Front Street said she has lived here for 68 years and did not know loose cats and dogs were not allowed. She said maybe adding this to the water bill in English and Spanish.

CLOSED SESSION:

Executive Session regarding a.) attorney consultation and b.) personnel, (complaint received against the Building Official regarding 1323 W. 4th Street) in accordance with the Texas Government Code Annotated, Chapter 551, Sections 551.071 and 551.074.

The regular session closed at 7:18PM and Council entered into Executive Session.

COUNCIL BUSINESS – REGULAR SESSION:

Take any action resulting from Executive Session.

Executive Session ended at 7:37PM and Council entered back into regular session.

ADJOURNMENT:

Adjourn

A motion was made by Councilman Cain to adjourn the meeting, seconded by Councilman Matamoros with all present and voting "Aye" 5-0. Mayor Bass adjourned the meeting at 7:37PM.

Brooks Bass, Mayor

Clarisa Molina, Assistant City Secretary

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Tuesday, November 21, 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-Absent
Councilman Jeff Pena
Councilman Jerry Cain
Councilman George Matamoros
Councilman Winston Rossow

Staff: Tim Kelty, City Manager
Lance Petty, Assistant City Manager/PWD
Tommy Ramsey, Interim City Attorney
Clarisa Molina, Interim City Secretary
Cathy Ezell, Finance Director
Toby Cohen, IT Manager
Jennifer Howell, Police Chief

Visitors:	David McGinty	Con McCleester
	Bob Casale	Diane McCleester
	Stella Casale	Gary Guerrero
	Manning Rollerson	John Garza
	Nicole Mireles	Sandra Wood-Wicke
	Sam Reyna	Sandra Leavey
	Melanie Oldham	Tom Pearson
	Kenny Hayes	Desiree Pearson
	Pamela Dancy	

THE MEETING IS BEING HELD FOR THE FOLLOWING PURPOSES:

CALL TO ORDER:

Mayor Pro Tem Cain called the meeting to order at 6:00PM.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation and Pledge was led by Councilman Rossow.

CITIZENS' COMMENTS:

Kenny Hayes at 414 Mystery Harbor said the Council should not have this meeting without the Mayor. He said he gets tired of listening to Facebook posts criminalizing everything and everybody in the City. He said

Councilman Pena talks about Councilman Rossow on Facebook and calls him names. Mr. Hayes said he has never heard a bad thing about Councilman Rossow just like he has never heard a bad thing about Councilman Matamoros. He said Councilman Pena criminalizes everybody and is doing the same to Tim Kelty. He said Tim Kelty had done so much better as a City Manager than there has been in many years. Mr. Hayes said he does not see a criminal act in what City Manager Tim Kelty has done and thinks he has been great for the City and can continue to be great for the City.

Sam Reyna resides at 2002 North Avenue G said he does not know why it has been said Mr. Kelty is a good City Manager. He said, as far as he is concerned, he has not done anything for the City of Freeport. He said about four months ago, Mr. Kelty went to apply for a job in Nacogdoches and there were 50 candidates for the job, and he came in a close second. Mr. Reyna said Mr. Kelty almost got the job and knew about the \$345,000. He said if Mr. Kelty would have been picked as the candidate for the City Manager in Nacogdoches. He said he would have been history and been in Nacogdoches. He said Mr. Kelty has already admitted it was his problem, and he is not getting it fixed and nor is he getting the money from Covarrubias. He said Covarrubias already has a lawyer and the money is gone already and there is nothing the City Manager can do about it. He said how much money would be paid to the attorneys to try to get the money back. Mr. Reyna said Mr. Kelty has been under investigation by the Department of Justice for violation of anti-trust laws.

Manning Rollerson said this is a systematic thing that has been happening in the City of Freeport for decades. He said every City Manager that the City had, had always been caught up in a scandal. He said the Council is the voice of the people. He said when the Council is not doing their due diligence, things like this happen. He said he read in the newspaper the statement Mr. Matamoros and commends him for that, because transparency and truth is needed. Mr. Rollerson said he disagrees with Councilman Winston's statement because he has not been Councilman long enough to know what has been going on in the City of Freeport or been active. He said if the accusation is correct, then no attorneys are needed to investigate these issues. Mr. Rollerson said an outside independent investigation is needed because the City has been investigating these problems for the last 5 years, and it always turns out the culprits get away with them. He said the Council needs to fix it and be held accountable. He said his opinion is the Justice Department needs to come and do a deep audit into this City. He said his ethics complaint needs to be answered, the statement that was made was racial, and he will sue the City based on race discrimination and everything else that happens to black people in this community.

Bob Casale said he does not know what kind of testimony the Council wants to hear. He said he had a problem that was created by the City Manager. He said his land at Bridge Harbor and the street going in had been blocked off for 60 years at a certain point and the City pavement ended at the 30th point. He said the developers told him to keep a rope across the driveway because people would go on the property and hunt fish. He said he put a gate up seven years ago and the Code Department took the gate without calling him. He said he received a letter before Thanksgiving telling him he had 10 days to remove the gate, or he would be prosecuted. He said this was stimulated by the City Manager who gave the directions to the Code Department. Mr. Casale said Robert Cramer and Chris Motley approved the last gate and had no problem for at least a year. He said he wanted the letter to be resent. He said he was supposed to be meeting with his Council person to show him documentation.

Pamela Dancy said the bank account that is being talked about belongs to everyone. She said money is put in there every month for the water bill and so forth. She said this was a slight move. Ms. Dancy said when there is a move that is made and the City is now aware of it or the citizens, this is a Sly. She said she finds this to be very distrustworthy. She said the Council took an oath, and they are supposed to shed the friend that is sitting next to them and are supposed to put principles before anything else. She said the Council has a responsibility. She said she read over the contract and there was not a security bond and was not able to get a permit. She said he is a little guy that does not do big jobs. Ms. Dancy said the money was given to him, and he was not able to get it back and said that was a bad deal.

Mayor Pro Tem read an online comment from Karla Clark. Ms. Clark said she wanted to comment on the ethics of the present City Manager Tim Kelty and voice the fact that she has experienced while working with Tim Kelty in the position of the City Manager of the City of Freeport. She said negligent action taken by Tim Kelty are the following: 1. Cover up of Braztex aka Troy Brimage concerning the 380 agreement for development of Bridge Point Subdivision. He allowed money to be illegally allocated to Brimage, as well as others who purchased properties on the old river levy who he closely worked with or had ties with in City projects. 2. Failure to address industrial businesses that have come to Freeport for financial income by their companies be allocated to increase the Cities overall budget. Specifically, ME GLOBAL, NUE AG, FREEPORT LNG. No effort by Kelty on Cities' behalf to procure funds in lieu of taxation, while taking advantage of City of Freeport services. 3. Allowing documents to be taken from City offices that would incriminate him as well as others preventing public information requested to be answered as "no information available". 4. Initiating a contract with Kisuma to place a magnesium plant near a residential area without notifying the residents. The location would be the only way into a subdivision where any plant release of gases or explosions would be detrimental to residents. 5. Illegal actions during the special election to replace Troy Brimage who resigned after the uncovering of payments to the City, were never made. Stealing political signs of that candidate who uncovered that 250k was still owed to City. 6. Working in conjunction with Kayce Roman, (who he hired after becoming City Manager) to be the Code Enforcement Department Head. The two targeted residents who disagreed with their aggressive tactics to empower the select group they followed. Their intent to silence does not benefit our City. 7. The budget set for 2023-24, had specific funds allocated for use in the City, which is in desperate need of serious infrastructure for roads, water and sewer lines. Since passage of the budget, numerous amendments have been made for unneeded projects through water bill increases for residents. She said these are our tax dollars that are being spent on senseless lawsuits stemming from leadership that does not benefit all residents. She said the past history of misappropriation of funds starting with Pynes/Brimage, Garivey, and now Kelty is no mistake, it is strategic planning to fund selective City projects to individuals who are closely aligned with, the City Manager Tim Kelty. Ms. Clark said his leadership in our City needs to end now, and City Hall needs to start anew, and the bad press for the City of Freeport needs to end now.

COUNCIL BUSINESS – REGULAR SESSION:

Discussion and possible action regarding the job performance of time Kelty and possible termination of his employment as City Manager

Sandra Leavey resides at 311 West Broad Street said she came to the meeting as a fact-finding mission to find out what had actually happened and does not know if any information is going to be given about what happened. She said she believes the Code Department has been used to influence people who have spoken up against Mr. Kelty, the Code Department or anybody else. She said this is why she does not come to the City Council meetings anymore. She said to the Council it behooves them to look out at all the citizens that are elected to serve to decide whether they owe those people an explanation for what has happened and, more than that, a result of what has happened. She said if she owed the City \$300,000, action would be taken. She said she applied for a fence permit two years ago, and she has not received it. Ms. Leavey said she has not been to City Hall since they moved to the third floor. She said she put hundreds of hours of volunteerism for the City before this Administration. She said right now she does not feel comfortable being a citizen of this town.

Mayor Pro Tem Cain asked, since this is a performance of an employee, can it be held in open session, or should it be moved to executive session? Interim City Attorney Tommy Ramsey said, given pending litigation, he recommends executive session, but additionally, it involves a City Employee and it is permitted to be discussed in executive session.

Mayor Pro Tem Cain said out of the advice of the City attorney agenda item one would be moved into executive session.

Desiree Pearson resides at Front Street said she does not know the facts of what happened. She said she wanted to clarify Mr. Kelty was not there during Braztex.

A motion was made by Councilman Matamoros to invite Mr. Petty in as needed, seconded by Councilman Pena with all present voting "Aye" 4-0 council unanimously approved the motion.

CLOSED SESSION:

Executive Session regarding a.) Personnel, and b.) Consultation with attorney (regarding City Manager terms of employment and potential litigation, and regarding Covarubias contract and potential litigation, in accordance with the Texas Government Code annotated, Chapter 551 Sections 551.071 and 551.074

The regular session closed at 6:33PM and Council entered into Executive Session.

COUNCIL BUSINESS – REGULAR SESSION:

Take any action resulting from Executive Session.

Executive session ended at 8:30PM and Council entered back into regular session.

A motion was made by Mayor Pro Tem Cain to suspend Tim Kelty with pay pending a resolution by full Council effective immediately, seconded by Councilman Matamoros with all present and voting 4-1, motion passed. Councilman Rossow voted "Nay".

A motion was made by Mayor Pro Tem Cain to appoint Lance Petty as the Interim City Manager, seconded by Councilman Matamoros with all present and voting "Aye" 4-0 council unanimously approved the motion.

ADJOURNMENT:

Adjourn

A motion was made by Councilman Matamoros to adjourn the meeting seconded by Mayor Pro Tem Cain. Mayor Pro Tem adjourned the meeting at 8:32PM.

Brooks Bass, Mayor

Clarisa Molina, Interim City Secretary



City Council Agenda Item #3.

Title: Consideration and possible action approving date change for the first and second City Council Meetings in January 2024 to January 8, 2024 and January 22, 2024, due to the New Years and Martin Luther King, Jr. Holidays .

Date: December 4, 2023

From: Lance Petty, Assistant City Manager

Staff Recommendation: Staff recommends rescheduling the first and second regular City Council Meeting in January, to Monday, January 8, 2024 and Monday, January 22, 2024. Due to the New Year and Martin Luther King, Jr. Holidays.

Item Summary: The first regular City Council meeting in January falls on January 1st, 2024 which is New Year Day Holiday. Many staff members take additional vacation during this time of year. The second regular meeting falls on January 15th, 2024, Martin Luther King, Jr. Holiday and City Offices are closed and regular meetings suspended.

It is recommended that the meetings be rescheduled to Monday, January 8, 2024 and Monday, January 22, 2024 at 6:00 P.M.

Background Information: None

Special Considerations: None

Financial Impact: None

Board or 3rd Party Recommendation: None

Supporting Documentation:
None



City Council Agenda Item #4.

Title: Consideration and possible action amending Resolution No. 2023-2826 of the City of Freeport Policy Handbook revising supplemental policy and procedures for a Drug-Free workplace.

Date: December 4, 2023

From: Donna Fisher, HR Director

Staff Recommendation: Staff recommends approval of the Resolution.

Item Summary: The Policy and Procedures for a Drug-Free Workplace that are a supplement to the City's Personnel Policy Handbook was adopted effective 10/01/2002. This amendment would bring the City in line with the search and seizure provisions of the Fourth Amendment to the United States Constitution.

Background Information: While a private employer may often have the ability to randomly drug test its employee, governmental entities, such as cities, are more restricted by the search and seizure provisions of the Fourth Amendment to the United States Constitution. The primary reason a city might be able to "randomly" drug test an employee, is when the employee performs safety-sensitive or security-sensitive duties.

Special Considerations:

Financial Impact: N/A

Board or 3rd Party Recommendation:

Supporting Documentation:

1. Resolution - Drug-Free Workplace 2023-2826
2. Drug testing policy Exhibit A

RESOLUTION 2023-2826

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, REVISING SUPPLEMENTAL POLICY AND PROCEDURES FOR A DRUG-FREE WORKPLACE AND APPROVING THIS REVISION TO THE PERSONNEL POLICY HANDBOOK.

WHEREAS, the City of Freeport values all employees working to provide services to the citizens; and

WHEREAS, the City of Freeport seeks to revise the Policy and Procedures for a Drug-Free Workplace for the benefit of our employees; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS;

SECTION 1. POLICY AND PROCEDURES FOR A DRUG-FREE WORKPLACE. The City Council of the City of Freeport hereby approves and adopts the revision to the Policy and Procedures for a Drug-Free Workplace attached hereto as Exhibit “A” and approves its addition to the Personnel Policy Handbook.

SECTION 2. PROPER NOTICE AND MEETING. It is hereby found and determined that the meeting at which this resolution was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

Read, passed and adopted the _____ day of _____, 2023.

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST:

APPROVED AS TO FORM:

Clarisa Molina, Interim City Secretary
City of Freeport

David Olson, City Attorney
City of Freeport

**CITY OF FREEPORT
POLICY AND PROCEDURES
FOR A DRUG-FREE WORKPLACE
REVISED 12/4/2023**

PURPOSE:

The City of Freeport is committed to maintaining a safe workplace free from the influence of alcohol and drugs. It is the policy of this City to prohibit the use, sale, distribution, dispensing, possession, and manufacture of all controlled substances in the workplace.

PROCEDURES:

DEFINITIONS:

UNDER THE INFLUENCE:

Employees who are considered unable to perform their work in a safe and productive manner, or whose physical or mental condition creates a risk to the safety or well being of the employee, other co-workers, the public, or City property, will be deemed to be under the influence.

PROCEDURES:

Employee's infractions of this policy are defined as misconduct. Any employee who is taking a drug or other medication, whether or not prescribed by a physician for a medical condition, which is known or advertised as possibly affecting or impairing judgement, coordination, or senses, or which may adversely affect the employee's ability to perform work in a safe manner or may prevent the employee from performing the essential functions of his or her position, is required to notify his or her supervisor prior to starting work. The supervisor is required to decide if the employee can remain at work or on the City's premises or what work restrictions or reasonable accommodations, if any, are deemed necessary.

ASSISTANCE IN OVERCOMING ALCOHOL OR DRUG ABUSE:

Early recognition and treatment of alcohol or drug abuse is important for successful rehabilitation, return to employment, and reduced personal, family, and social disruption. The City of Freeport encourages the earliest possible diagnosis and treatment of alcohol and drug abuse. The City supports sound treatment efforts. Whenever feasible, the City of Freeport will assist employees in overcoming drug or alcohol abuse. However, the decision to seek diagnosis and accept treatment for alcohol or drug abuse is the employee's responsibility. Employees with personal alcohol or drug abuse problems should request assistance from management.

Management is to refer the employee, on a confidential basis, to any agency able to provide appropriate treatment and counseling or the City's Health Insurance provider. Management is also required to report the employee's status to the City Manager and the Human Resource Department.

IMPORTANT: IF AN EMPLOYEE HAS AN ALCOHOL OR DRUG ABUSE PROBLEM, THE EMPLOYEE MUST NOTIFY MANAGEMENT AND SEEK TREATMENT BEFORE THEY ARE SELECTED FOR MANDATORY DRUG TESTING. IF THIS PROCEDURE IS NOT FOLLOWED, THE EMPLOYEE WILL BE TERMINATED.

PROHIBITIONS:

The City of Freeport prohibits the following:

1. Use, possession, manufacture, distribution, dispensation, or sale of illegal drugs, controlled substances whose use is unauthorized, or alcohol on City property, in City vehicles, or during working hours.
2. Storing in desks, automobiles, or other property on the City's premises any illegal drug, any controlled substance whose use is unauthorized, or any alcohol.
3. Being under the influence of a controlled substance whose use is unauthorized or illegal drug or alcohol on the City's premises, in the City's vehicles, or during working hours.
4. Use of alcohol off the City's premises that adversely affects the employee's work performance and his or her own or other's safety at work.
5. Possession, use, manufacture, distribution, dispensation or sale of illegal drugs off the City's premises that adversely affects the individuals work performance and his or her or other's safety at work.
6. Refusing to submit to a search based on a reasonable suspicion of possession of improper contraband, when requested by a manager during working hours.
7. Failing to adhere to the requirements of any drug or alcohol treatment or counseling program in which the employee is enrolled.
8. Conviction under any criminal drug statute for violation occurring in the workplace.
9. Failure to notify the City of any arrest or conviction under any criminal drug statute for a violation within five days of the arrest or conviction.
10. Failure to report to management the use of any prescribed drug which may alter the employee's ability to safely perform his or her duties.

SEARCHES:

If the City of Freeport reasonably suspects the employee possesses alcohol or drugs on City premises, City representatives may search the employee's work area, including desks and storage areas, or any City property under the control of the employee, as well as the employee's personal effects or automobile on City property.

CONSEQUENCES FOR VIOLATION:

The City of Freeport has zero tolerance drug and alcohol policy. Violations of this policy will result in termination. The City may, in its sole discretion, refer the employee to treatment and counseling program; however, the employee must notify management and seek treatment before he or she is required to submit to a mandatory test. An employee will be terminated if the employee does not notify management of an existing problem before he or she is tested, and the results of the test are positive. Employees referred to a treatment program by the City must immediately cease any alcohol or drug abuse and are required to comply with all conditions of the treatment and counseling program.

Any employee referred to such a program will not be permitted to return to work until certification is presented to the City Manager and the Human Resource Department and the employee is capable of performing his or her job. Failure to cooperate with the agreed treatment plan will result in termination. The City Manager will determine whether any employee the City has referred for drug or alcohol treatment and counseling shall be temporarily or permanently reassigned to another position. Management is required to consult with the City Manager and notify the Human Resource Department.

CITY OF FREEPORT
MANDATORY DRUG TESTING PROGRAM
EFFECTIVE 12/4/2023

The City of Freeport will require a drug test for the following reason:

1. Reasonable suspicion or probable cause: To confirm reasonable suspicion or find probable cause that an employee is consuming drugs and/or alcohol or is dealing in drugs.
2. Pre-employment: To screen all job applicants after a conditional offer of employment is made and prior to the newly hired employee beginning work.
3. Post-accident: To test immediately after an accident caused by the employee or where fault cannot promptly be determined, that has caused injury or property damage.
4. Return-to-duty: To ensure the absence of drugs following an employee's return to work from rehabilitation for drug or alcohol abuse.
5. Random: To deter drug and alcohol use through unannounced drug and alcohol testing.

For all testing, except pre-employment, the employee will be required to report to the testing agency within four hours of notification or immediately following an incident. If an employee fails to report within the appropriate time period, the employee will be subject to termination.

**ALL EMPLOYEES WHO PERFORM SAFETY OR SECURITY SENSITIVE JOB DUTIES ARE
SUBJECT TO RANDOM DRUG TESTING**

JOBS THAT ARE SUBJECT TO RANDOM DRUG TESTING

This list includes examples, but is not a conclusive list, of safety or security sensitive positions.

Commissioned peace officers, including commissioned officers working in departments other than Police (Fire, Code Enforcement, etc.)

Firefighters

Emergency Medical Technicians

Chain of custody employees

Jailers

Any employee who is required to have a CDL (DOT testing rules apply)

Any position for which the City finds a compelling need for testing because of the “safety-sensitive” or “security sensitive” nature of the position. These are positions those that are fraught with such risks of injury to others that even a momentary lapse of attention could have disastrous consequences such as, but not limited to; operators of heavy machinery, large vehicles or hazardous substances; employees working in high-risk areas such as highway medians; and wastewater treatment employees who handle hazardous chemicals.



City Council Agenda Item #5.

Title: Consideration and possible action on Second Reading and approval of Resolution No. 2023- 2824 of the support of developing downtown master plan and historic district design guidelines.

Date: December 4, 2023

From: Robert Johnson, Economic Development Director

Staff Recommendation: Staff recommends City Council Discuss for future consideration the Resolution for the requested EDC Economic Development project for the Design Guidelines Project.

Item Summary: The EDC has identified the Design Guidelines Project as an economic development project it would like to consider for funding in the 2023-2024 fiscal year. Because of its nature, it is required to have City Council approval following two readings. This is the second of the two required readings.

Background Information: 1. DESIGN GUIDELINES PROJECT

The University of Texas at San Antonio (UTSA) Center for Urban and Regional Planning Research (CURPR) will present the City of Freeport, Texas, with Historic District Design Guidelines and a Comprehensive Downtown Plan.

Design Guidelines establish a shared idea of how alterations to properties and new development fit in with the existing and desired appearance and character of the community. Real estate studies reveal that the design of Main Street districts is a major component of their success. Many features contribute to a Main Street district's identity. Individual buildings, storefronts, signs, window displays and façades, building scale and placement and streetscape as a whole all establish the character of a street. These features are what make each place unique. Maintaining a design scheme for any business district can enhance its existing physical assets and minimize its detractors. Design can serve to improve the district's appearance and unify diverse elements and strengthen its image as a cohesive area, providing balance between variation and consistency. The FEDC is requesting council approval for expenditure of \$30,000 in the 2023-2024 fiscal year for this program.

The purpose of this program is to promote the development and expansion of new and existing

business enterprises within the city of Freeport. This will enhance the economic welfare of the citizens of the City by securing and retaining business enterprises and maintaining a higher level of employment, economic activity, and stability.

Special Considerations: The EDC conducted a required public hearing with no opposition to this proposed project. The FEDC Board voted unanimously to approve this project.

Financial Impact: Funding for this project would come out of the \$907,220 Special Project line included in the EDC fiscal year budget for projects.

Board or 3rd Party Recommendation: Following a public hearing on the issue, EDC voted to recommend approval of this project at the mentioned dollar limits.

Supporting Documentation:

1. Resolution No. 2023-2824 EDC Project Design Guidelines(1)

RESOLUTION NO. 2023-2824

A RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; APPROVING AN ECONOMIC DEVELOPMENT PROJECT TO BE ENACTED BY THE FREEPORT ECONOMIC DEVELOPMENT CORPORATION; AND PROVIDING THAT THIS RESOLUTION SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the City of Freeport, Texas is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,

WHEREAS, the Freeport Economic Development Corporation (the "EDC") is a "type B" nonprofit economic development corporation, authorized under Texas Development Corporations Act, Title 12, Section 501.001 et. seq. specifically Chapter 505 of said Act; and,

WHEREAS, the EDC's specific purpose is to sustain economic development efforts and promote business development in the City; and,

WHEREAS, the City and the EDC have made the specific findings that the EDC may pursue the development project set forth below, that said project is authorized by the Texas Development Corporation Act, and that the project promotes economic development within the City of Freeport and satisfies the requirement of serving a public purpose; and,

WHEREAS, prior to passage of this resolution, the City Council conducted two (2) public readings of this resolution, in open session of duly noticed and posted council meetings, and further finds that a duly noticed and posted public hearing was previously held by the EDC on the projects contained herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

FIRST, the City Council of the City of Freeport finds that the facts recited in the preamble hereof are true.

SECOND, the City Council of the City of Freeport hereby approves the following economic development project: \$30,000 in funding for development of Downtown Master Plan and Historic District Design guidelines;

THIRD, the funds to fund the above project have been budgeted and no further authorization is required from the City Council for the EDC to implement the above project.

FOURTH, this resolution shall take effect and be in force from and after its passage and adoption.

READ, PASSED AND ADOPTED this _____ day of _____ 2023.

APPROVED:

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST:

Clarisa Molina, Interim City Secretary
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

David Olson, City Attorney
City of Freeport, Texas



City Council Agenda Item #6.

Title: Consideration and possible action on Second Reading and approval of Resolution No. 2023- 2825 of renovations to FMP kitchen.

Date: December 4, 2023

From: Robert Johnson, Economic Development Director

Staff Recommendation: Staff recommends City Council Discuss for future consideration the Resolution for the requested EDC Economic Development project for the Freeport Municipal Park, Kitchen Improvements project.

Item Summary: The EDC has identified the Freeport Municipal Park, Kitchen Improvements project as an economic development and quality of life project it would like to consider for funding in the 2023-2024 fiscal year. Because of its nature, it is required to have City Council approval following two readings. This is the second of the two required readings. The estimated cost of the renovations is \$40,000 at its meeting on November 14th, the EDC voted to support the city's effort by contributing 50% of the cost, up to \$20,000.

Background Information: 1. FREEPORT MUNICIPAL PARK KITCHEN IMPROVEMENT PROJECT

In October of 2023, the City Council approved the renovation of the Freeport Municipal Park Kitchen. Improvements needed are identified as follows:

1. Type 1 Hood Vent with a Fire Suppression System.
2. Commercial Grade Kitchen Appliances
3. Prep Tables
4. Handwashing Sink
5. Under-Sink Grease Trap
6. Mop Sink
7. Solid ceiling in the kitchen area
8. New gas lines that run to the new gas appliances
9. Upgraded Electrical Service

The FEDC is requesting council approval of this EDC project in the amount up to \$20,000 in the 2023-2024 fiscal year for this park improvement program.

The purpose of this program is to promote quality of life within the city of Freeport, and enhance the welfare of the citizens of the City by providing park amenities and resources that improve conditions at the park.

Special Considerations: The EDC conducted a required public hearing with no opposition to this proposed project. The FEDC Board voted unanimously to approve this project.

Financial Impact: Funding for this project would come out of the \$907,220 Special Project line included in the EDC fiscal year budget for projects.

Board or 3rd Party Recommendation: Following a public hearing on the issue, the FEDC voted to recommend approval of this project at the mentioned dollar limits.

Supporting Documentation:

1. Resolution No. 2023-2825 FMP Kitchen

RESOLUTION NO. 2023-2825

A RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; APPROVING AN ECONOMIC DEVELOPMENT PROJECT TO BE ENACTED BY THE FREEPORT ECONOMIC DEVELOPMENT CORPORATION; AND PROVIDING THAT THIS RESOLUTION SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the City of Freeport, Texas is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,

WHEREAS, the Freeport Economic Development Corporation (the "EDC") is a "type B" nonprofit economic development corporation, authorized under Texas Development Corporations Act, Title 12, Section 501.001 et. seq. specifically Chapter 505 of said Act; and,

WHEREAS, the EDC's specific purpose is to sustain economic development efforts and promote business development in the City; and,

WHEREAS, the City and the EDC have made the specific findings that the EDC may pursue the development project set forth below, that said project is authorized by the Texas Development Corporation Act, and that the project promotes economic development within the City of Freeport and satisfies the requirement of serving a public purpose; and,

WHEREAS, prior to passage of this resolution, the City Council conducted two (2) public readings of this resolution, in open session of duly noticed and posted council meetings, and further finds that a duly noticed and posted public hearing was previously held by the EDC on the projects contained herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

FIRST, the City Council of the City of Freeport finds that the facts recited in the preamble hereof are true.

SECOND, the City Council of the City of Freeport hereby approves the following economic development project: Fifty percent share, up to \$20,000 for improvements to FMP Kitchen;

THIRD, the funds to fund the above project have been budgeted and no further authorization is required from the City Council for the EDC to implement the above project.

FOURTH, this resolution shall take effect and be in force from and after its passage and adoption.

READ, PASSED AND ADOPTED this _____ day of _____ 2023.

APPROVED:

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST:

Clarisa Molina, Interim City Secretary
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

David Olson, City Attorney
City of Freeport, Texas



City Council Agenda Item #7.

Title: Consideration and possible action to rezone from C-1 (Retail Business) to MF (Multiple Family), a part of the 1100 Block of N Ave J, and a part of the 1100 Block of N Ave I, including properties noted in the Brazoria County Appraisal District as Property ID #'s: 261265, 261271, 261269, 261264, 259610, 259608.

Date: December 4, 2023

From: Kacey Roman, Building and Code Director

Staff Recommendation: Recommendation to approve Re-Zone of Property.

Item Summary: There has been a request made to rezone the property in question to allow for the construction of a new Apartment Complex.

Background Information: Mike Morgan is purchasing the properties at this location to build a new Apartment Complex. He is requesting the zone be changed from C-1 (Retail Business) to MF (Multiple Family). There is already a MF Zone immediately to the side, and this would be a continuation of that zone.

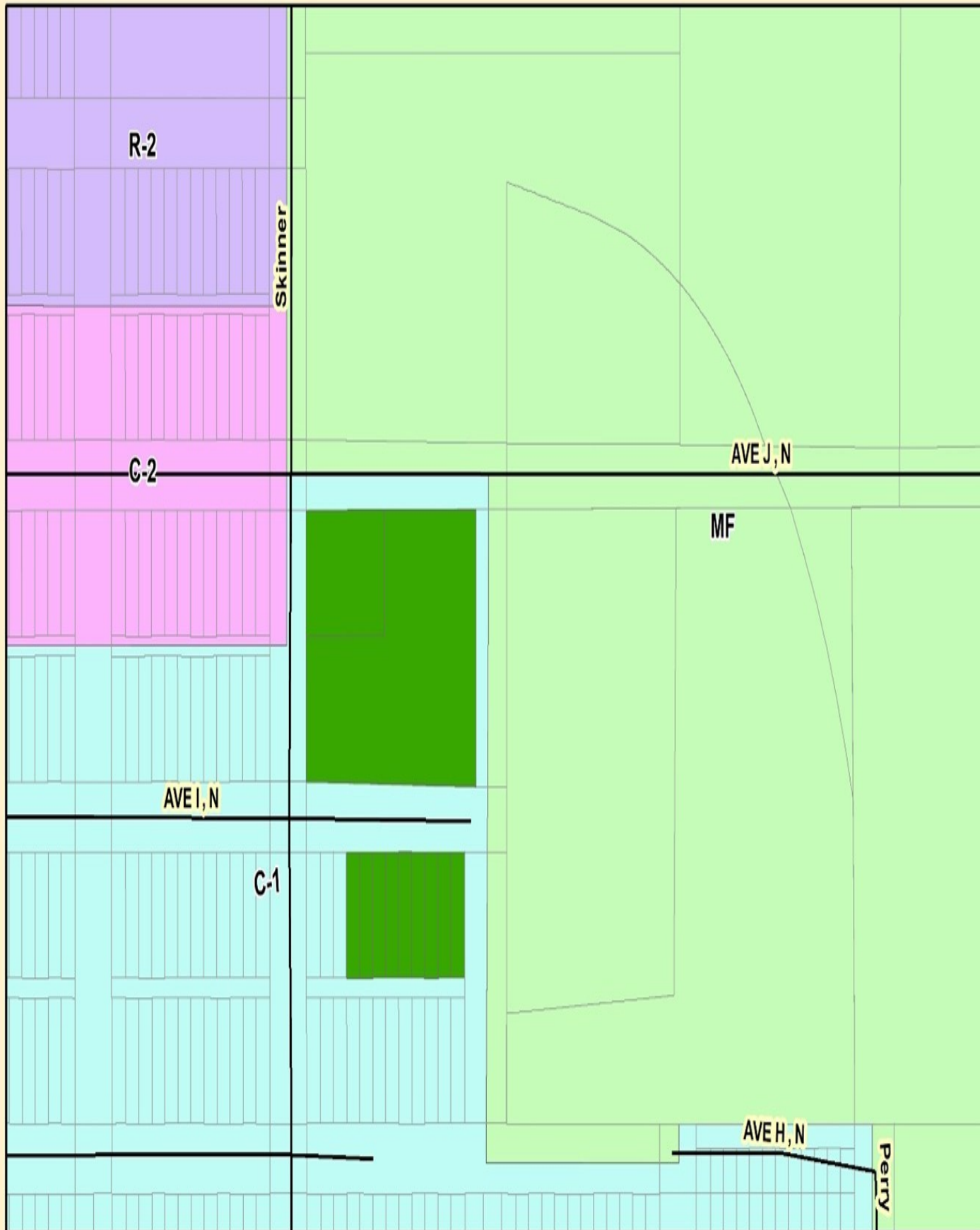
Special Considerations: At a later date, Mr. Morgan will be requesting to purchase the street right-of-way known as Ave I that bisects these properties. He is also working with an engineer to identify any possible drainage requirements and considerations for the area.

Financial Impact: n/a

Board or 3rd Party Recommendation: On Tuesday, November 28, 2023, the Planning and Zoning Commission voted to approve the rezone of the property from C-1 to MF.

Supporting Documentation:

1. ReZone
2. Aerial View



Legend

261265 261271
261269 261264
259610 259608

— Roads

Water

Parcels

ReZone Property Location Map

Property ID: 261265 261271 261269

261264 259610 259608

0 25 50 100 150 200 250
Feet

Author: Laura Cramer

Document Path: S:\GIS Data\261265
261271 261269 261264 259610 259608







City Council Agenda Item #8.

Title: Consideration and possible action approving the agreement for a consent to encroachment between property owner Pamela Dancy and the City of Freeport.

Date: December 4, 2023

From: Lance Petty, Assistant City Manager
Kacey Roman, Building and Code Director

Staff Recommendation: Staff recommends that Ms. Dancy seek a written agreement with the City of Freeport to allow the Carport to remain on City Property, with certain requirements.

Item Summary: There is a carport that was built on City property without permits at 313 S. Front Street.

Background Information: Code Enforcement was notified of a possible violation; a carport across a property line. Upon further investigation and a survey, the carport is approximately 2.6 feet over the property line onto City Property. A Code Enforcement Violation notice was sent to Pam Dancy. Ms. Dancy is now seeking a written agreement with the City of Freeport to allow the Carport to remain on City Property.

Special Considerations: The agreement would allow the carport to remain, with the allowance that if the City needs to remove it in the future, it will be done without liability to the City.

Financial Impact: n/a

Board or 3rd Party Recommendation: n/a

Supporting Documentation:

1. Pam Dancy Encroachment Document updated

CONSENT TO ENCROACHMENT

THE STATE OF TEXAS
COUNTY OF BRAZORIA

§
§
§

KNOW ALL BY THESE PRESENTS:

WHEREAS, Pam Dancy (the "Owner") is the owner of certain property located in Freeport, Texas, as more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes (the "Property"); and

WHEREAS, the Owner and the City of Freeport (the "City") agree to enter into an encroachment agreement ("Consent to Encroachment") to address a portion of a carport located on the Property that overhangs into the City's right-of-way (the "Improvements"), as further identified and highlighted in Exhibit "A"; and

WHEREAS, Owner further requests that the City Council approve this Consent to Encroachment allowing such encroachment in said right-of-way knowing that such Consent to Encroachment will be recorded in the Official Public Records of Brazoria County, Texas; and

WHEREAS, the Owner agrees to the conditions set out herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

Section 1. That after review and consideration of the above agreement from the Owner and the above recitals which are found to be true and correct, adopted and incorporated herein, and for and in consideration of such agreement and recitals, permission is hereby granted for the Improvements to be located in the above described City right-of-way, said encroachment into such right-of-way being in highlighted and identified in a copy of a plat attached as Exhibit "A," with the full understanding that such permission do not constitute an abandonment of any City rights or interest. Should any maintenance and or repairs to the Improvements become necessary at any time for any reason whatsoever, such repairs will be at the sole expense of the Owner, or any subsequent owner, of the Property.

Section 2. That as a condition of and in consideration thereof, the City retains a general right-of-way easement for the benefit of the City and other utilities which have or will have facilities located therein. It is specifically provided that should it be determined at any time in the

future that ingress and/or egress access is necessary by the City, other public utilities or their respective agents for necessary maintenance, replacement, relocation, repair and all other rights incidental to and necessary in connection with said retained rights, the City or respective utility will not be responsible for damages of any kind or nature to the Improvements by reason of said maintenance or repairs. It is particularly understood that as a condition of the approving of any encroachment that there will not be created any burden or liability of any kind or nature with regard to the use made of the right-of-way. Owner, or its successors or assigns, at their sole expense, understands and agrees that the encroachment of the Improvements may not interfere with the installation, maintenance, repair of any existing or future infrastructure improvements authorized within the City's right-of-way. As a further condition to the encroachment, it is understood that the City may require that the encroachment of the Improvements into the City's right-of-way be removed or altered in order to permit the installation, maintenance, repair of any future infrastructure improvements authorized within the City's right-of-way. Owner, or its successors and assigns, shall, at their sole expense, cause the removal or alteration of such encroachment within thirty (30) day notification by certified mail and/or the City Manager. Should Owner, or its successors or assigns, fail or refuse to remove or alter such encroachment within the prescribed period following demand, City may cause such removal or alteration and Owner, or its successors and assigns, shall be liable for all costs and expenses incurred by City.

Section 3. That, in consideration of the City allowing such encroachment, Owner or its successors or assigns do agree that this Consent to Encroachment shall be placed of record in the Official Public Records of Brazoria County, Texas as notice to all parties of interest and the public as a covenant running with the land. AS FURTHER CONSIDERATION, OWNER (INCLUDING ITS SUCCESSORS AND ASSIGNS) WILL RELEASE, HOLD HARMLESS AND INDEMNIFY THE CITY AS TO THE RIGHT-OF-WAY. OWNER (INCLUDING ITS SUCCESSORS AND ASSIGNS) FURTHER AGREES TO ASSUME FULL RESPONSIBILITY AND LIABILITY FOR ANY ACTIVITIES IN CONNECTION WITH THE ABOVE-DESCRIBED ENCROACHMENT IN THE RIGHT-OF-WAY AND THE IMPROVEMENTS CONSTRUCTED THEREON AS SET FORTH HEREIN, AND HEREBY AGREE TO INDEMNIFY, PROTECT AND HOLD HARMLESS THE CITY, ITS EMPLOYEES, AGENTS AND ASSIGNS OF AND FROM ALL CLAIMS, DEMANDS, AND CAUSES OF ACTIONS OF EVERY KIND AND CHARACTER, INCLUDING THE COST OF DEFENSE THEREOF, FOR

ANY INJURY TO, INCLUDING DEATH OF, PERSONS AND ANY LOSSES FOR DAMAGES TO PROPERTY CAUSED BY OR ARISING OUT OF, OR ALLEGED TO ARISE OUT OF, EITHER DIRECTLY, INDIRECTLY OR IN CONNECTION WITH, THE ABOVE-DESCRIBED ENCROACHMENT IN THE RIGHT-OF-WAY AND THE IMPROVEMENTS CONSTRUCTED THEREON.

Section 4. Except for the Improvements specifically identified in Exhibit “A” that encroach into the City’s right-of-way, the Owner shall keep the right-of-way clear of obstructions and shall insure that the right-of-way is accessible to maintenance equipment and personnel as provided in this Consent to Encroachment.

Section 5. Owner or its successors and assigns agree that, in the event the Improvements subject to this Agreement are removed or otherwise destroyed by fire or other causes, no other Improvement shall be rebuilt that shall encroach upon the City’s right-of-way without approval from the City Council of the City.

Section 6. The approval of this encroachment is limited to the Improvements into the City’s right-of-way and does not authorize any other structures to encroach into the said right-of-way.

Section 7. The covenants and agreements contained herein shall run with the land and shall inure to the benefit of and shall be binding upon Owner and the City and their respective successors and assigns.

OWNER:

By: _____

Printed Name: _____

THE STATE OF TEXAS §
COUNTY OF BRAZORIA §

This instrument was acknowledged before me on this _____ day of _____, 2023, by Pam Dancy, Owner of the Property.

(NOTARY SEAL)

Notary Public, State of Texas

PASSED, APPROVED, AND ADOPTED on this ____ day of _____, 2023.

CITY:

Brooks Bass, Mayor

ATTEST:

Clarisa Molina, Interim City Secretary

STATE OF TEXAS §
COUNTY OF BRAZORIA §

This instrument was acknowledged before me on this ____ day of _____,
2023, by Brooks Bass as Mayor of the City of Freeport, a Texas municipality.

(NOTARY SEAL)

Notary Public, State of Texas

Please Return Recorded Copy to:

**Attn: City Manager
City of Freeport, Texas
200 W. 2nd Street
Freeport, Texas 77541**

EXHIBIT "A"

Plat of Property and Identified Encroachment of the Improvements



**BRAZORIA COUNTY
TEXAS**

LOT 16
BRIDGEPOINT SUBDIVISION

**ELI MITCHELL SURVEY
ABSTRACT 99**



OLD BRAZOS RIVER



MERRY MARTHA WHERRY
VOLUME 1709, PAGE 365 B.C.D.R.
SUBJECT 0.309 ACRE

CITY OF VELASCO
07898 B.C.D.R.

**SURVEY PLAT
OF
0.309 ACRE**
CONVEYED TO
MERRY MARTHA WHERRY
AS RECORDED IN
VOLUME 1709, PAGE 365
OF THE
BRAZORIA COUNTY DEED RECORDS
IN THE
**ELI MITCHELL SURVEY
ABSTRACT 99**
FOR
BRAZORIA COUNTY, TEXAS
THE CITY OF FREEPORT
313 SOUTH FRONT STREET

1. CHARLES D. WACHSLETTER, REGISTERED PROFESSIONAL LAND SURVEYOR
DO HEREBY CERTIFY THAT THE ABOVE PLAT IS A TRUE REPRESENTATION OF A
SURVEY MADE UNDER MY SUPERVISION, ON THE GROUND, AND THAT THERE ARE
NO EXCESSES NOR INTRUSIONS ON THIS PROPERTY, EXCEPT AS SHOWN.
DATE SURVEYED: JULY 20, 2023

NOTES:

1. ALL COORDINATES AND BEARINGS ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE 17AD 271.
2. ALL DISTANCES ARE HORIZONTAL SURFACE LEVEL LENGTHS.
3. NO TITLE COMMITMENT WAS PROVIDED FOR THIS SURVEY. THERE MAY BE ITEMS OF RECORD WHICH AFFECT THIS PROPERTY, NOT SHOWN HEREON.
4. THERE ARE ADDITIONAL IMPROVEMENTS ON THIS PROPERTY NOT SHOWN HEREON.

LEGEND

- FOUND 180N PIPE/ROD
- SET 5/8" 180N ROD
- W/SURVEY CAP "CW"
- POWER POLE
- OVERHEAD WIRE
- WATER METER
- WIRE FENCE



Charles D. Wachstetter
CHARLES D. WACHSLETTER
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 4547



Doyle & Wachstetter, Inc.
Surveying and Mapping GPS/GIS
311 COMMERCE STREET, SUITE 100, TEXAS 77551
OFFICE: 281.343.9021 FAX: 281.343.9040 EMAIL: INFO@DWI-SURV.COM
WWW.DWISURV.COM



City Council Agenda Item #9.

Title: Consideration and possible action on approval of the sale of property located in the 200 Block of South Avenue I, (Velasco Townsite, Block 70, Lot 11)

Date: December 4, 2023

From: Laura Cramer, Special Projects Supervisor

Staff Recommendation: Staff recommends the selling of this property to the adjacent property owner.

Item Summary: The City of Freeport has received an offer to purchase a 25' wide parcel from an adjacent landowner. Mr. Roy Perez has made an offer to purchase the property located next to property he currently owns. The city owns lot 11. Mr. Perez owns lots 12 and 12A.

Background Information: The city was contacted by Mr. Perez in October regarding the purchase of property owned by the city and adjacent to his property. The subject property is located at the dead end of South Avenue H.

Mr. Perez has provided the Broker's Opinion of Value and a survey of the property. The property is zoned R-2. Mr. Perez also owns adjacent lots facing Avenue I.

On the attached aerial map, the subject property is highlighted in red. The areas highlighted in yellow and green are adjacent properties currently owned by Mr. Perez.

Special Considerations:

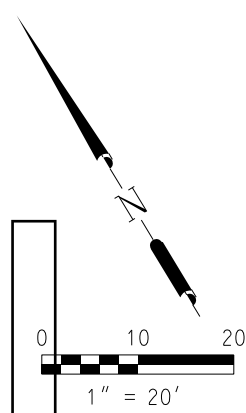
Financial Impact: The Broker's Opinion of Value has valued the property at \$500.00. This sale would also return the property to the tax roll.

Board or 3rd Party Recommendation:

Supporting Documentation:

1. Survey Plat

2. Broker's Opinion of Value
3. Broker's Opinion of Value - Photos
4. Aerial Map



FND. 1/2" I.R.

FND. 1/2" I.R.

FND. 1" I.P.

20' ALLEY

S 58°38'09" E 25.00'

SET 5/8" I.R.

SET 5/8" I.R.

B L O C K 7 0

B L O C K 6 3

LOT 8

LOT 9

LOT 10

SUBJECT
LOT 11
CITY OF FREEPORT

LOT 12

LOT 12A

N 31°21'51" E 125.00'

S 31°21'51" W 125.00'

CALDWELL STREET
(CLOSED AND ABANDONED)

SET 5/8" I.R.

SET 5/8" I.R.

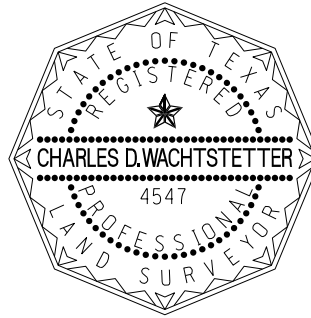
N 58°38'09" W 25.00'

SOUTH AVENUE H (70' R.O.W.)
(UNDEVELOPED)

NOTES:

1. ALL COORDINATES AND BEARINGS ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 27).
2. ALL DISTANCES ARE HORIZONTAL SURFACE LEVEL LENGTHS. (SF= 0.999864344)
3. NO TITLE COMMITMENT WAS PROVIDED FOR THIS SURVEY. THERE MAY BE ITEMS OF RECORD WHICH AFFECT THIS PROPERTY NOT SHOWN HEREON.
4. THIS PROPERTY IS SUBJECT TO BUILDING RESTRICTIONS FOR THE CITY OF FREEPORT, TEXAS.

I, CHARLES D. WACHTSTETTER, REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY THAT THE ABOVE PLAT IS A TRUE REPRESENTATION OF A SURVEY MADE UNDER MY SUPERVISION, ON THE GROUND, AND THAT THERE ARE NO EXCESSES NOR INTRUSIONS ON THIS PROPERTY, EXCEPT AS SHOWN.
DATE SURVEYED: NOVEMBER 13, 2023



Charles D. Wachtstetter
CHARLES D. WACHTSTETTER
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 4547

SURVEY PLAT
OF
LOT 11, BLOCK 70

OUT OF THE
VELASCO TOWNSITE
SUBDIVISION PLAT
RECORDED IN
VOLUME 32, PAGE 14
OF THE
BRAZORIA COUNTY DEED RECORDS
IN THE
ELI MITCHELL SURVEY
ABSTRACT 99
BRAZORIA COUNTY, TEXAS
FOR
ROY PEREZ

Doyle & Wachtstetter, Inc.
Surveying and Mapping GPS/GIS
131 COMMERCE STREET, CLUTE, TEXAS 77531
OFFICE: 979.265.3622 FIRM NO.: 10024500 FAX: 979.265.9940

SURVEYED: 11-16-23	BOOK NO.: FREEPORT V. 27	PROJECT NO.: 16094-23-01
DRAWN BY: C. SORIA	11-17-23	CHECKED: CDW 11-17-23
REVISED: NONE		

USER: test
DATE: 11/17/2023
TIME: 3:11:46 PM
G:\DON\Boundary\Freeport\Velasco Townsite\BLK70 Lot11\Survey Plat Lot 11.dgn

October 30, 2023

Mr. Tim Kelty, City Manager
City of Freeport
200 West 2nd Street
Freeport, TX 77541

RE: Lot 11, Block 70, Velasco Townsite, City of Freeport, Brazoria County, Texas. Locally know as
Unimproved Lot in the 200 Block of South Avenue H.

Dear Mr. Kelty,

Complying with a request from Mr. Roy Perez, a visual observation of the subject property was made on
October 27th, 2023 to assist in determining a current fair market Broker's Opinion of Value of the
property.

The Brazoria County Central Appraisal District has the subject Lot as a part of account #8110-0686-000
which consists of 5 lots with a total assessed value of \$29,300 or \$5,860 per lot. However, the City of
Freeport is exempt from paying taxes and the assessed value is not realistic based on the negative factors
present.

The subject property consists of a single, residentially zoned, lot located on the Right-of-Way for South
Avenue H Street and backing up to an alley easement. The lot is 25' wide and 125' deep, with a total
area of 3,125 SF. The "ROW" for the street is currently being utilized as a drainage ditch. South Avenue
H stops about 60' from the subject property. The lot is rectangular and is covered with thick underbrush
and scrub trees. There are city utilities in the neighborhood, but none currently available to the subject
Lot.

CenterPoint Energy provides electricity and natural gas to the neighborhood, but there are no
connections to the subject property. A purchaser would need to contact CenterPoint to see what would
be required to get services to the property. The City of Freeport has a minimum lot size for residentially
zoned homesites and the subject property is too small to be utilized for a home. The property is in a
designated flood hazard zone and a purchaser would want to verify the zoning classification and how it
might affect their use.

The neighborhood consists of mixed use with older single-family homes developed in the 1950 – 1970-time frame and some commercial use nearby. There have been a few new homes constructed in the neighborhood in the past few years, but they on lots that had utilities and developed streets. Many of the homes have deferred maintenance issues.

My opinion of the current fair market of the subject property as of October 27th, 2023, in “as is” condition is:

\$500.00
(Five Hundred Dollars)

Respectfully submitted,



Greg Flaniken
License #206691

“THIS IS AN OPINION OF VALUE OR A COMPARATIVE MARKET ANALYSIS AND SHOULD NOT BE CONSIDERED AN APPRAISAL. In making any decision that relies upon my work, you should know that I have not followed the guidelines for development of an appraisal or analysis contained in the Uniform Appraisal Practice of the Appraisal Foundation.”

MARKET VALUE DEFINED

"Market Value" is the most probable price in terms of money which a property should bring in competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus.

- a. buyer and seller are typically motivated.
- b. both parties are well informed or well advised, and each acting in what they consider their own best interest.
- c. a reasonable time is allowed for exposure in the open market.
- d. payment is made in cash or its equivalent.
- e. financing, if any, is on terms generally available in the community at the specified date and typical for the property type in its locale.
- f. the price represents a normal consideration for the property sold unaffected by special financing amounts and/or terms, services, fees, costs, or credits incurred in the transaction.



QUALIFICATIONS

GREG C. FLANIKEN

1975 Graduate of the University of Houston, B.B.A.

Listing and Selling Real Estate full-time since 1975

Courses Taken and Completed:

Real Estate Principles
Real Estate Appraisal I (residential)
Real Estate Appraisal II (commercial)
Real Estate Law State Property Tax Board Course 230,
Income Approach To Market Value

Partial List of Clients:

Texas Gulf Bank, N.A.
First Commerce Bank, N.A.
First State Bank of Clute
ResNet
Bank of America Home Mortgage
Texas Dow Employee's Credit Union
REOWorld
Federal Deposit Insurance Corporation
Chase Bank
National Default Services
Integrated Asset Services
Premiere Asset Services
City of Freeport
County of Brazoria
Brazoria County Abstract Company
PNC Mortgage
National Credit Union Association
Federal National Mortgage Association
Freeport LNG
Various Individuals

Lot 11, Block 70, Freeport



**Subject
from South
Ave. H
R.O.W.**



**Subject
Side View**

Lot 11, Block 70, Freeport

**Subject
from South
Ave. H
R.O.W.**



**Subject
Side View**

**S. Ave H
R.O.W**



S. Ave H

