

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, December 18, 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:

- Lance Petty, Interim 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
- Kacey Roman, Building Official
- Jennifer Howell, Police Chief
- Chris Motley, Fire Chief
- Eddie Norris, Public Works
- Holden Ezell, Public Works

Visitors:	Bob Casale	Lucy Ware
	Karla Clark	Ron Bachman
	James Caccommanno	Margaret Bachman
	Pamela Dancy	Nicole Mireles
	Sam Reyna	Manning Rollerson
	Carol Parker	Melanie Oldham
	Mark Parker	Patti Richardson

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 Councilman Rossow.

CITIZENS' COMMENTS:

Desiree Pearson resides at Front Street said she heard a horrible thing at a town hall meeting. She said Jeff Pena always had names for everybody but this one went too far. She said Jeff Pena said he thought the Police Chief was paid by the City an allowance for uniforms and how she could look and dress like that. She said he has gone to far and needs to be stopped.

Melanie Oldham resides at 1206 West Broad Street. She said she has been a healthcare professional for forty years, and recently she was honored to go to Dubai for a health care professionals team at the United Nations COP 28. She said others and her have been watching the City Council Meetings and have kept up with everything. She said before she went to Dubai she made public information requests which she received. She said she wanted to address and spoke briefly to Mr. Petty about all the air quality reports that Mr. Kelty and Mr. Petty requested it be done at the City Hall. She said the first report focused on floors one and two and these reports were done by a pretty well known industrial hygienist. She said the third report was done by a mold remediation specialist and only tested five places on the third floor and also did a walk-through inspection for mold. She said people have told her they have mold on their walls in their offices on the third floor. She is asking for the Mayor and the Council to please do a walk through of the current City Hall. She said when she read through the reports it showed the most dangerous places for the employees and the public to be is on the third floor lobby outside the elevators. She said people are in a danger zone when they are going to pay their water bills and getting off the elevators. She said she hopes Mr. Petty and the Council do a tour and look at the reports. She said there are many options for those 20 employees to be moved immediately just to be safe. She said there is so much focus on the \$345,000 and the bottom line is, because very little remediation has been done at the City Hall, the employees are sick or getting sick and are having to work because they do not want to lose their jobs. She said her second request was about what the City process was for wiring money and got a report back about the P-Cards system. Ms. Oldham said all department heads have P-Cards and have a limit, but they can go to the City Manager and ask to go over the limit and the City Manager can okay that. She said the finance office has been working on this for a while and are going to present the process to the Council and said that is what was also used for the wiring of the \$345,000. Ms. Oldham said the problem is that there is not built in an internal audit oversight checklist and that is why this happened. She said the Council has a chance to put that oversight in. She said the last two audits the City and EDC have received, the auditors have said over and over about improvements on the internal auditing system, because that is why questionable things happen between departments in the City and the EDC.

Nicole Mireles resides at 2002 North Avenue G. She said she was very upset and somebody gave a letter to all the people in attendance at the meeting. She said she knew exactly where this was coming from. She said shame on Jeff Pena. She said this was so rude and unprofessional. She asked why they keep allowing this person to continue bashing city employees? She said it upsets her to let the monster pick on the Citizens and pick on the City. She said she did not know where he came from, but he needed to go back where he came from. Ms. Mireles said he has mommy issues.

Manning Rollerson said, for the record, he elected Councilman Pena to work for the City of Freeport. He said several council members should resign because they knew since June and covered up about the \$345,000 like what happened with Troy Brimage. He said the newspaper has the audacity to say that people are complaining. He said people have a right to complain. He said the people invested a billion dollars in the City and there is no return. He said over a billion dollars were invested in abatement. He said their homes were lost in the East end by the same people that sit and lie to the people and have the audacity to pray to God. He said he lives in the City where on a Thursday, Friday, and Saturday he had to consume the water that he could not get the test results from. He said Veolia gave him the wrong results. He said his family ended up in the hospital. He said all the Council would burn in hell. He said the Council sit there and pray in front of God but are mistreating the people, lying and deceiving them. He said to Mayor Bass he trusted him and had let this happen on his watch and said to him to resign because it happened with him. He said and every one of the Council that sits there in conspiracy to do it. Mr. Rollerson said an independent investigation in the City is needed. He said the lawyer was going to do the same thing, fight the case and then drop it like the Marina. He said he wants to see his

return from the billion dollars invested in the City. He said the Council needed to resign.

Sam Reyna said he wanted to thank the Council for what they did on Wednesday and appreciated it. He said it was something that had to be done. He said he knows for some of the Council it was a hard decision to make, but the right decisions are always the hardest decisions to make. He said he knew some of the Council were fond of Kelty, but it needed to happen. He said to the Council Lance Petty was the right person to lead the City as City Manager. He said Lance Petty is a people's person and he knows his infrastructure. He said to the Council to keep Lance Petty as the City Manager.

Patti Richardson resides at 21 North Avenue A. She read a letter she said it took her a long time to put together to cover all of what she felt and thought. She said she was speaking for a lot of people in the room because people came to her and helped her put this together. She read the letter that said Kelty and Cathy have fiduciary duty responsibility to the City as to their primary roles. She read Kelty was fired for violating the contracts and protocols, no performance bonds, no work permits. She read Ezell failed to do her job for the City which is unlike a regular city, which is unlike regular city employees. She read actual executive privilege requirements to perform such a role. She read the City Secretary also has the same official title as the City Manager, they are both equally important. Ms. Richardson read that since Kelty was terminated with the already documented evidence and admissions, the CFO is also deserving of the same termination. She read no investigation needed for these two, an investigation into what the city staff else knew which is needed as there may be criminal intent discovered until it is completed the citizens can not trust City Hall and the demand that Council not delay and order an independent investigation and hire a third party accounting firm until a new CFO is selected by for full term time City Manager. She said this is the worst time to be making decisions on the Fire Station and spending millions of dollars on new construction. She said the Council is 100% unstable and covered for Kelty, Ezell, and Covarrubias and still think they should be allowed to make more million-dollar mistakes after the approval of Covarrubias. She said there should be a procurement process and a committee made up of residents to restore trust in the bidding process to avoid another Kelty, Ezell, and Covarrubias fiasco.

James Saccomano resides at 1507 West 10th Street. He thanked the Council for the wonderful Senior Citizens Christmas party today at the River Place. He said the event was packed, a full house, and was beautiful and everybody enjoyed it. He said he wanted to thank the City Police Department, Fire Department, EMS, Senior Citizens Commission, and everybody who was involved with this. He said it was very nice and very much appreciated.

Ron Bachman resides at 96 Dolphin Lane. He said he wanted to recognize the Mayor for doing a great job at the symphony concert last Saturday. He said there was a fundraiser going on that did not get publicized very well. He said a gal on the board talked to our Mayor, Lake Jackson Mayor, and the Clute Mayor, and they put their hats in the ring to see who could raise the most money to help the symphony get through the rest of the season. He said the last number he heard that was raised was somewhere well above \$5,000. Mr. Bachman said the reason he is here tonight is that Mayor Bass raised the most. He said the Mayor got the honor of directing the symphony on one of their Christmas class sleigh bells and has had a guest conductor for that in years past, but the Mayor is the best one he has seen. He said the end result was Freeport got good press in front of the huge crowd on Saturday night. He said Freeport came away with a big recognition. He said the other Mayors also did a good job.

PRESENTATIONS/ANNOUNCEMENTS:

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

Interim City Manager Lance Petty presented Employee of the month for the month of November 2023 to Eddie Norris.

COUNCIL BUSINESS – REGULAR SESSION:

Consideration and possible action on the approval of City Council Meeting Minutes, from December 4, 2023 and December 13, 2023.

Karla Clark resides at 411 Sailfish. She said she just needed to make a correction to her statement in the minutes of the last meeting. She said she stated there that the four million was going back to the Port which now, after she reviewed, there is 1.2 million going to the lift station for the Port and the remainder of those funds are going into the OA Fleming demolition and infrastructure. She said she just wanted to make a note that was incorrect as she said.

A motion was made by Councilman Cain to approve the City Council Meeting Minutes, from December 4, 2023 and December 13, 2023, seconded by Councilman Matamoros with all present voting "Aye" 5-0 council unanimously approved the motion.

Consideration and possible action awarding bid proposal Fire Station #2 Apparatus Building.

Fire Chief Chris Motley said they went out for bids on this project and this is the third time bidding for this. He said on the last project they had one company looking at bidding, but the supplier did not get the bid in time for them to finish. He said the staff is recommending City Council to approve the bid for M2 Steel Systems for Fire Station Apparatus Building. He said this included the driveway approach and the generator pad for the property at \$223,003.00 to award the BID on this agreement. He said in the Council memorandum it provides additional information as to why this is being developed, because FM 1495 is expected to be closed for three years and this is preparation for that when that takes place.

Mayor Bass asked Fire Chief Chris Motley when will this start if approved tonight? Chief Motley said possibly as soon as it goes through permitting and everything, possibly January or February. Mayor Bass asked what the completion time would be? Chief Motley said he did not have an exact answer until he got the drawings.

Councilman Cain said this shows that this is showing \$160,000 over budget, and the majority of that he assumes is from extra infrastructure needed. Fire Chief Chris Motley said yes, and they are looking at \$44,000 just for driveway culverts extending water supply to the property. Chief Motley said bringing this into compliance is required that the main building be sprinkled so a six-inch water supply electricity running from the pole to the structure was not in the proposal that was put together in the budget.

Councilman Pena asked if M2 Steel Systems is local and if any of the bidders were local? Fire Chief Chris Motley said most local bidders, when they see this RFP packet and the things required, shied away from it. Chief Motley said M2 Steel Systems has built locally and built the Volkswagen facility and will be building another local facility in the Freeport area. Councilman Pena asked if M2 Steel Systems is bonded and has their bond been verified? Chief Motley said this would be done before the contract is signed. Councilman Pena asked if he could get a copy of the contract before it is signed and executed? Chief Motley said yes. Councilman Pena said it was approved the moving forward of Olson and Olson drafting the contract, but he never saw the contract as it relates to Covarrubias. Councilman Pena said this is a hot topic and there is a lot of distrust and a lot of suspicion and a lot of questions. Councilman Pena said he wants to make sure those questions are asked. Chief Motley said it is understood and contracts are presented to legal counsel to review and whatever is requested and the percument roles are met at that point. Councilman Pena said he wants to make sure their bond is verified, financial standing is also bedded, and that the contract also has clawbacks provisions as well as performance provisions and recourse provisions. Councilman Pena asked if the original approval was for \$63,000 and then a bump of \$160,000? Chief Motley said the project on this is \$223,000 but when looking at adding driveways, water supply, bulldoze and other things that were not budgeted, that is a little bit of building costs. Councilman Pena asked what the amount that was budgeted in the City budget for this was? Finance Director Cathy Ezell said \$426,095. Councilman Pena asked when this is all set and done

how much will be invested in this particular project? Ms. Ezell said almost \$582,000, and it will be almost \$160,000 over budget. Councilman Pena asked who developed the budget that was given to the Council for that project at \$426. Fire Chief Chris Motley said the City Manager.

Councilman Matamoros asked if the existing fire station would still be standing and is it being built next to it or behind it? Fire Chief Chris Motley said this is on Gulf Blvd but with this facility closer to the asphalt parking lot, there will be further discussion later in next year's budget and or with the City Manager about what to do with that building to demo it. Chief Motley said one of the discussions was looking at grant writing, if the structure stays boarded up, can it be replaced as is and move forward with that.

Councilman Pena asked if there were grants that were pursued to help facilitate the financing of this particular project? Fire Chief Chris Motley said there have not been any grants on the market that he is aware of. He said he is aware that recently the General Land Office will be something to approach, but they are looking at permanent structures.

Mayor Bass asked Fire Chief Chris Motley what he could tell the Council of M2 Steel? Chief Motley said from what he is gathering from the references, they are very reliable.

Councilman Pena asked Interim City Manager Lance Petty what his confidence level in this particular project and, for that matter, M2 Steel Systems and moving forward with them? Interim City Manager Lance Petty said he is not familiar with M2 Steels. Mr. Petty said he knows the overages are from having to put a new waterline, that only has a two-inch on the opposite side supply of fire line. Mr. Petty said those are pretty typical overages when a construction project is started, but from everything he has read in a short period of time, everything looks in order.

A motion was made by Councilman Matamoros to approve awarding bid proposal Fire Station #2 Apparatus Building, seconded by Councilman Pena with discussion that followed.

Councilman Pena requested that there is diligence done and completed under the contract as well brought to Council.

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

Consideration and possible action on the removal of two board members and liaison from the Freeport Historical Commission & Main Street Advisory Board.

Interim City Manager Lance Petty said Ms. Silbas requested City Council to select replacements for the appointments of Sandra Barbree and Sandra Wood-Wicke due to attendance. He said, additionally, staff requested City Council to select a replacement City Council Liaison. He said currently the majority of the voting record of the City Council Liaison regarding Main Street program action items has been to vote against them and has only attended two meetings. He said, as a result, the Freeport Historical Commission and Main Street Advisory Board have lost confidence that the current City Council Liaison would represent to City Council and the community the direction of the Board. Mr. Petty said this agenda item is aimed at meeting the requirements of Standard inclusive leadership and organizational capacity, which focuses on inclusive supporting volunteer base. He said it is vital to ensure a diverse, balanced and engaged representation of district and community stakeholders make up the Freeport Historical Commission & Main Street Advisory Board.

Mayor Bass asked who the Council Liaison for the Main Street Advisory Board is? Interim City Manager Lance Petty said Councilman Pena.

A motion was made by Councilman Cain to approve the removal of two board members and Liaison from the Freeport Historical Commission & Main Street Advisory Board, seconded by Councilman Matamoros with

discussion that followed.

Councilman Pena said he has been quite busy trying to hold City Hall accountable for other major infractions as was recorded at the last special meeting. He said Main Street, Downtown, and the City of Freeport are very important to him. Councilman Pena said he wished somebody would have reached out to him and specifically tell him and to speak about those issues even outside of those particular meetings. He said we all have busy schedules and on addition to his participation level of the Main Street Board, there was a limit on the participation level of the Liaison and this was politically motivated by the former City Manager. He said now that that particular role has been vacated, he thinks there might be a different energy in the group. Councilman Pena said, as the Liaison or not Liaison he would be attending as a resident, as he has always maintained, he is a volunteer. He said he is a resident of Freeport and volunteers his time. He said he does not get paid beyond the \$175 that gets to him every month. He said he will be involved with the downtown Main Street Board just as much as he tries to be involved in every element in Freeport he feels is important for the City to thrive.

Karla Clark resides at 411 Sailfish. She said on the Downtown Main Street Board, three members are being lost. She asked how much money was spent on the UTSA that was just voted on? She said this is ridiculous, all this money is being spent and there are no people that will serve, yet spending a bunch of money to get this plan from college.

Finance Director Cathy Ezell said \$70,000 was spent on this plan.

Karla Clark said \$70,000 may be needed and now there are people that may not serve on the board. She asked how this is productive for the City or the Main Street?

Mayor Bass said it seems to him they want to get productive members on the board that will show up to work and a Council Liaison that will work.

Karla Clark asked when the last plan was done? She said it was done just a few years ago, and they did not do that either. She said it is just a money pit that goes on and on.

Councilman Cain said the board is very important to the City. He said he could appreciate the fact that the Main Street among themselves made the decision and brought it to the Council. He said a couple of years ago the opposite was done with the EDC where it was brought to the Council without going through the EDC first. He said he feels like the Council got it wrong in doing it that way. Councilman Cain said he feels Main Street did it the proper way this time.

Councilman Pena said he was curious if Main Street had communicated with the other two board members about their removal. He said he is also curious if there are any other changes within Main Street in terms of board members or staffing.

Mayor Bass called the motion to a vote, with a 4-0 vote motion passed. Councilman Pena voted "Nay" but he was unable to vote.

Consideration and possible action approving Resolution No. 2023-2827 appointing two new members and a new liaison to the Historical Commission & Main Street Board.

Interim City Manager Lance Petty said staff recommended approval of the proposed resolution to appoint two new qualified individuals to the Freeport Historical Commission and Main Street Advisory Board and a new City Council Liaison. He said the Freeport Historical Commission and Main Street Advisory Board are seeking to fill two positions with qualified applicants. Mr. Petty said the terms for these two positions are unexpired, position one will expire May 31, 2024, and position 2 will expire May 31, 2025. He said two applications were received, and the two applicants currently serve on the Freeport Main Street Economic Vitality Subcommittee. Mr. Petty said Edith Fisher and Jessie Glatz were the two applicants.

Melanie Oldham said she is also on the Main Street Subcommittee and did not have the opportunity to apply. She said this was the first time she had heard of this.

Mayor Bass said to Melanie Oldham he thinks she is a fine addition, and he would like to add Ms. Melanie Oldham as a person of interest for this position.

A motion was made by Councilman Pena to table this item and extend the invitation to the public at least to the next meeting. Motion died due to lack of a second.

A motion was made by George Matamoros to appoint Ms. Melanie Oldham to the term that expires on May 31st of 2024 and Ms. Edith Fisher to the term that expires May 31st of 2025, seconded by Councilman Cain with all present voting 4-1 motion passed. Councilman Pena voted "Nay".

Councilman Cain volunteered to be the Council Liaison for the Main Street Board.

Discussion and possible action of agreed sale price for parcel one and parcel two for \$71,600.00 for Lucy Ware.

Lucy Ware thanked Interim City Manager Lance Petty for calling her back and responding to her email so promptly. She said she is coming to the Council to see if they could renegotiate the price of the property. She said it had been a little over two years, and she still had not closed on it. She said it was brought to her attention that the portion of the front street is still under the Velasco Drainage District that she was supposed to be purchasing from the City. She said, now to find out how to get that to the City of Freeport's name, so then she can purchase it. Ms. Ware said she is still not 100% sure if it is a buildable lot. She said there is a BWA easement on the property. She said she was told by different engineers that she may have to build up to 20 feet away from there. She said she wanted to make an offer of \$45,000 for that property. She said the deed she has does not match the title commitment, and it does not match the survey which has been an issue.

Councilman Cain asked if legal has had a chance to look at this? Interim City Attorney David Olson said briefly and if needed to walk away from this agreement, that will be fine, but he will take a hard look at the property description to make sure it is accurate. Mr. Olson said if there is a recommendation at a staff level that may need to reduce the actual square footage that is being proposed to be sold by the City, it would need to reflect the price per square foot of the appraisal or have another appraisal done.

Councilman Pena asked about the 20-foot set back restriction. Lucy Ware said she had been talking to the engineer, and it could be up to 20 feet setbacks from the BWA on the easement. Councilman Pena asked what the City had been trying to sell to her was 60 feet wide? Lucy Ware said a little over 60 feet.

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

Desiree Pearson resides on Front Street. She asked the Council to keep in mind that Pam Dancy's carport has been on City property for the last 15 years, and she knew it because she had her own survey which she would not share with the City. She said if the Council started giving residents pieces just because they build over on city property. She asked the Council when they would stop giving? She said it looked to her that this would open a can of worms.

Pamela Dancy said she never knew that it was on city property.

Councilman Matamoros said he was not there at the last meeting, but he did ask the City Manager, Mr. Petty for the changes Ms. Dancy requested in the agreement. He asked why Ms. Dancy added the following to Section 2 "Necessary future infrastructure improvements" are defined as infrastructure improvements approved by written resolution by a majority vote of the City Council, specifically pertaining to the right-of-way adjacent

to Owner's property described in Exhibit A, with a specific finding in said resolution by the City Council that the improvements cannot be completed without removal of the encroachment. 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 that the City Council has approved the "necessary future infrastructure improvement" along with a copy of the passed City Council Resolution to that effect?

Ms. Dancy said she had her attorney reword that for the language. She said the carport has been there for 15 years, and it went before getting a permit and an okay on it. Ms. Dancy said she personally did not do it. She said the corner of the carport is what is on City property. She said if the City Manager came in to work on the ditch, that would benefit her because of flooding. She said she would move it. She said she received a code violation from a resident attacking her, and she needs to protect herself as well. She said the carport is grandfathered in. She said Mr. Petty is the only one that has helped her with the flooding situation.

Councilman Matamoros said he is looking at it as Ms. Dancy has always said principles before personalities. He said the principle is the carport is in the City easement. He said it comes down to where she wants the Council to bend over for her by putting a majority vote on a necessary project for something she has done incorrectly.

Pamela Dancy said no, she did not want the Council to bend backwards for her. She said telling a citizen they are in the wrong. She said she did not like that.

Karla Clark said the survey Ms. Dancy had been different from the survey that was done recently by the City.

Bob Casale said he really hates to see anyone in the City put up with issues like this, and it should have been handled a long time ago.

Councilman Matamoros said he is trying to look at what is best for the entire City. He said if added unnecessary addendum or portion to this section, then everybody else down the line would want it. Mr. Matamoros said he is looking out for the residents of Freeport as a whole and does not think it is necessary to have that added. He said if it was removed he would be fine with the agreement.

Interim City Attorney David Olson said a couple of statements were made that need to be corrected. He said you can not grandfather encroachments on the city's right of way. Mr. Olson said the City has absolute and complete control over its right of way. He said if this language is taken out, it is kind of the same thing. He said he would be happy to sit down with Pam and explain that to her or her attorney, but ultimately, all this does is give her the right to allow that improvement to stay because it has been there for a while, and if any work ever has to be done, she will have to remove it at her expense.

Mayor Bass asked if, legally the city can, without a majority of resolution vote or the City Council do work on that property if needed? Interim City Attorney David Olson said it would require a majority vote of Council to approve the project that was in that right of way.

Interim City Attorney David Olson asked if work had to be done on the ditch, would the section of the carport have to be removed? Interim City Manager Lance Petty said yes, any major work that would take place in that ditch would have to move to be able to get the equipment in there. Mr. Petty said it is not a permanent structure and can be easily moved. Interim City Attorney David Olson said this is just a temporary band-aid that allows her to keep the improvement until needed to do work.

Mayor Bass asked if Interim City Attorney David Olson is okay with the consent encroachment if the language is removed? Mr. Olson said if removing the added necessary future infrastructure improvement language that was read out earlier, correct.

A motion was made by Mayor to table this item with the understanding Interim City Attorney will get with Ms. Dancy and her Counsel and work on getting the language removed, seconded by Councilman Cain.

Consideration and possible action approving Resolution 2023-2828 designating signatories of City Bank Accounts.

Finance Director Cathy Ezell said this resolution was brought forward because signatories from Texas Gulf Bank account requires updating to reflect staffing changes. She said this resolution would add Lance Petty, Interim City Manager and Ashlee Ferguson, Financial Analyst as signatories on the bank account along with maintaining herself and Mayor Bass as signatories on the bank account. Ms. Ezell said by having four signatories there is a back-up for the City Manager and Finance Director in case having the backup signer is necessary.

A motion was made by Councilman Cain to approve Resolution 2023-2828 designating signatories of City Bank Accounts, seconded by Councilman Matamoros with discussion that followed.

Councilman Pena asked who the two new signatories are? Finance Director Cathy Ezell said Lance Petty and Ashlee Ferguson because the policy states that you have to have a management representative and a finance representative. Ms. Ezell said the date Ms. Kelly was put on administrative leave and Mayor Bass has been manually signing all the checks for the management side.

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 Resolution 2023-2829 amending designated signatories of City TexPool Account.

Finance Director Cathy Ezell said this also requires a resolution to change signatories. She said adding Mr. Petty and Ms. Ferguson.

A motion was made by Councilman Matamoros to approve Resolution 2023-2829 amending designated signatories of City TexPool Account, seconded by Councilman Cain with discussion that followed.

Councilman Pena asked if the two signatories were the same Mr. Petty and Ms. Ferguson? Finance Director Cathy Ezell said yes.

Mayor Bass said that, except for this, the Mayor has an inspection signature and can not sign to release any money.

Councilman Pena asked what the inspection meant? Mayor Bass said he can take a look if he wants to see what is going on.

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 Resolution 2023-2830 to amend Texas Class authorized representatives.

Finance Director Cathy Ezell said the signatories that would be added would be Mr. Petty and Ms. Ferguson and Mayor Bass as an inquiry.

A motion was made by Councilman Cain to approve Resolution 2023-2830 to amend Texas Class authorized representatives, seconded by Councilman Rossow with all present voting 4-1 motion passed. Councilman Pena voted "Nay".

Consideration and possible action to approve the Windstorm Insurance Policy Renewal.

Finance Director Cathy Ezell said the Windstorm renewal is coming in as \$84,332. She said there is no change in the rate over the last year.

A motion was made by Councilman Rossow to approve the Windstorm Insurance Policy Renewal, seconded by Councilman Matamoros with discussion that followed.

Councilman Pena asked if the premium was raised from the previous year? Finance Director Cathy Ezell said no, it was the exact same premium with the addition of the library being added for the same cost. Mayor Bass called the motion to a vote, with all present voting "Aye" 5-0 council unanimously approved the motion.

Consideration and possible action to approving Ordinance 2023-2714 for Budget Amendment #2 for Fiscal Year 2024.

Finance Director Cathy Ezell said this proposed budget amendment will fund \$160,000 of overage for the Fire Station. She said it will roll the fueling station that was approved last year.

Karla Clark asked what the final and total cost of the FMP kitchen was? Finance Director Cathy Ezell said the renovations have not been finished and do not have a final total cost yet, but the budget amendment was for \$40,000.

A motion was made by Councilman Cain to approve Ordinance 2023-2714 for Budget Amendment #2 for Fiscal Year 2024, seconded by Councilman Matamoros with discussion that followed.

Councilman Pena said he hopes the contract comes back to the Council to look at the final numbers.

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 Ordinance No. 2023-2715 for Budget Amendment #3 for Fiscal Year 2023.

Finance Director Cathy Ezell said after reviewing all the invoices after everything had been processed, there were a couple of departments that were over by just a little bit. She said Information Technology was over by \$1,000, Fire by \$1,000, Building by \$500, Senior Citizens by \$200, Library by \$3,100 and Golf by \$16,000 for a total of \$21,800. She said she is moving this from Administration and building maintenance, where it was estimated a little more than what was necessary.

Mayor Bass asked what the net effect would be? Finance Director Ezell said it would be zero.

A motion was made by George Matamoros to approve Ordinance No. 2023-2715 for Budget Amendment #3 for Fiscal Year 2023, seconded by Councilman Rossow with all present voting 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.

Mayor Brooks Bass announcements and comments.

Mayor Bass said he would like to wish everyone a Merry Christmas. He said he is looking forward to a good four months in January so that there are eight meetings, maybe with some special meetings. He said he enjoyed it. He said he wants to think Freeport is moving in the right direction and has done things as the City Council to improve the lives of the citizens of Freeport. He said he thinks the Council has done a good job. He said the Council is doing what they can to protect the citizens and to protect the workers.

Councilman Pena Ward A announcements and comments.

Councilman Pena thanked everyone that attended the meeting and spoke out truthfully. He thanked all those that attended the 55-plus Christmas Party. He said he is the Liaison for the Seniors and also missed the last couple of meetings, but as usual he continues to strive to promote what he believes is an important part of the Freeport community. He said he hopes more neighbors 55 plus join the gatherings in 2024. He said you do not have to like him or agree with him, but he will be found where the truth is. He said he agrees with the residents that asked for additional audits and a percurrent process, and he hopes he can get this on the agenda for the next meeting as well as the discussion of the CFO role in the Covarrubias. He said he wanted to make sure a motion is made for executive session to include our wonderful Police Chief.

Councilman Cain Ward B announcements and comments.

Councilman Cain thanked the residents that attended the meeting and for those viewing online. He said this is the last meeting of the year and would like to wish everybody a Merry Christmas and a safe Happy New Years.

Councilman Matamoros Ward C announcements and comments.

Councilman Matamoros thanked the residents that attended in person and spoke during citizens comments and agenda items. He said he would like to thank the First Responders for the fabulous parades throughout the city this past week. He said seeing the faces light up was priceless. Councilman Matamoros thanked the Freeport Fire, Freeport EMS, and Freeport Police department for a job well done. He said he would like to wish all residents and city employees a very Merry Christmas and a Happy New Year. Councilman Matamoros said he is expecting some great things for Freeport in 2024.

Councilman Rossow Ward D announcements and comments.

Councilman Rossow said he also would like to thank all the citizens that attended the meeting. He said he attended the Senior Citizens this morning, and it was well attended. He said the parade that went by his house scared the devil out of him. He said he welcomes all the citizens that have things to say about the City of Freeport. He said he sees employees working and jobs being done. Councilman Rossow said the city looks better than it did ten years ago. He said Freeport is a nice place to live.

Interim City Manager Lance Petty announcements and comments.

Interim City Manager Lance Petty said the waste water treatment plant is still working with Freese and Nichols and GLO to reduce the scope and look for additional funding. He said the wastewater collection line replacement is 25% complete and would be bringing in additional staff and additional crews to help speed the process up, so they can catch up to their timelines. He said engineering firms qualifications were received, and it was cut down to three finalists for new engineering firms, and they will be setting those meetings up to let them give their presentation.

Updates on current infrastructure.

Update on reports / concerns from Department heads.

A motion was made by Councilman Pena to include the City Chief of Police Chief Howell in Executive Session. Motion died due to lack of a second.

A motion was made by Mayor Bass to include Lance Petty as well as Rick Navarro, seconded by Councilman Matamoros with all present voting 4-1 motion passed. Councilman Pena voted "Nay".

CLOSED SESSION:

Executive Session regarding

a.) (Deliberations about Real Property) pursuant to Section 551.072, Texas Gov't Code to hear presentation and discuss Velasco School.

b.) (Personnel Matters) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; (Appointment of City Manager-Lance Petty) pursuant to Section 551.074

c.) (Consultation with Attorney) pursuant to Section 551.071, Texas Gov't Code to consult with legal counsel in the lawsuit styled and numbered City of Freeport vs Braztex Development, LLC, et.al., Cause No. 120329-CV (149th Jud. Dist. Crt., Brazoria County, Texas)"

The regular session closed at 7:30P.M. and Council entered into Executive Session.

COUNCIL BUSINESS – REGULAR SESSION:

Take any action resulting from Executive Session.

Executive Session ended at 9:30P.M. and Council entered back into regular session.

A motion was made by Mayor Bass to nominate and name Lance Petty as the City Manager of the City of Freeport at the salary of \$160,000 to be paid from the time he would relay to Cathy Ezell that he took over the job for Mr. Kelty, seconded by Councilman Cain with all present voting "Aye" 5-0 council unanimously approved the motion.

A motion was made by Mayor Bass to sign the rule 11 that has been presented to the Attorney to be presented to Council thereby agreeing to dismiss the lawsuit against Braztex commiserate with their dismissing the lawsuits against the City of Freeport and will make it a mutual dismissal of all claims and privileges and so forth against each other, seconded by Councilman Matamoros with discussion that followed.

Rick Navarro said what he brought before the Council is rule 11 agreement with opposing Council where after going through quite a bit of discovery and depositions it was agreed it was in the best interest of both parties to do a mutual draw on this case and that each side agreed to dismiss its case and counter claims against the other. He said each side bears its own costs. Mr. Navarro said all he needs is approval action in open session from the Council agreeing to that, and he will execute the documents.

Mayor Bass asked if this was his legal advice? Rick Navarro said that is his legal advice and his recommendation and thinks it is in the best interest of the City to do that at this time.

Councilman Pena said for all of the reports and work product be released to the public, so there is a full complexion and understanding of what actually was investigated and why.

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

ADJOURNMENT:

Adjourn

A motion was made by Councilman Cain to adjourn the meeting, seconded by Councilman Rossow with all present and voting "Aye" 5-0. Mayor Bass adjourned the meeting at 9:34P.M.



Brooks Bass, Mayor



Clarisa Molina, Interim City Secretary