

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, February 5, 2024 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- Not Present
Councilman Jeff Pena
Councilman Jerry Cain
Councilman George Matamoros
Councilman Winston Rossow

Staff: Lance Petty, City Manager
Tommy Ramsey, Interim City Attorney
Clarisa Molina, City Secretary
Cathy Ezell, Finance Director
Toby Cohen, IT Manager
Donna Fisher, Human Resource Director
Chris Motley, Fire Chief
Jennifer Howell, Police Chief
Laura Cramer, GIS Manager
Ana Silbas, Main Street Coordinator
Shelby Araujo, Interim Building Official
Joey Early, Police Department
Elizabeth Taylor, Police Department
Carmen Mckenney, Police Department

Visitors:	David McGinty	Pamela Dancy
	Melanie Oldham	Karla Clark
	Manning Rollerson	

THE MEETING IS BEING HELD FOR THE FOLLOWING PURPOSES:

CALL TO ORDER:

Mayor Pro Tem Cain called the meeting to order at 6:04P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation and Pledge was led by Councilman Rossow.

CITIZENS' COMMENTS:

Desiree Pearson resides on Front Street. She said it was brought to her attention that Ms. Pam Dancy thought she had looked at her the wrong way at a meeting, so Ms. Pam Dancy said on Mr. Pena's Facebook page that she went back to the Police Department to tell them that if anything happened to her that they needed to look at

Ms. Pearson. Ms. Pearson said she just wanted to say this was not true at all, and she would not waste her time on her. She said this was posted on Mr. Pena's Facebook page, and he let that go, but when she tried to answer and say there was no truth to it, he took the post down. Ms. Pearson said she just wanted to get this clear with the Council that she had never threatened Ms. Dancy. She said she probably does not like how her brown eyes look at her, but she can not help that. She said she thinks the shows Ms. Pam Dancy puts on are ridiculous. She said she is surprised that the Jerry Springer Show had not called to get some of the actors from there.

Melanie Oldham resides at 1206 West Broad Street. She said she was at the meeting as a resident of Freeport and a resident who had attended Freeport City Council Meetings for 13 years when she had been there. She said she has learned she used to get up and speak at almost every meeting, but what she learned is to look at the agenda items and speak to an item that you know a lot about or are very concerned about. She said she wanted to speak about agenda item 14, and that was about the review of the ethics ordinance. She said the key is that the public has to have confidence in the integrity of its government and the people that are elected. Ms. Oldham said we are a home rule City with guidelines. She said three years ago somebody told her that that person would do whatever it took to get rid of the City Manager, Mayor, and every City Council member there. She said this was before any recent things came out, but there is a line and when somebody crosses it. She said she thinks Ms. Donna is going to discuss the new sections about having ethics training for everyone including Mayor, City Council, anybody on a City committee, and employees, and this has to be done if you are newly elected within 60 days or 90 days. She said if you are presently in the Council and get to stay on the Council the training would have to be done within 60 days and this is a detailed training on what ethics means, so nobody will misunderstand and find the loopholes or get an attorney to find the loopholes for them. She said it is going to be very clear and the people that take this ethics class will have to sign a paper that they understand. She said one thing that had been missing from this ethics ordinance that was written in 2015 is penalties for violations. Ms. Oldham said the last three years she had been observing the City Council and had been shocked over and over again. She said when you become an elected official you have to have tough skin and you have to know you are going to have some serious discussions, but when she sees someone cross the line for months and years on defaming people that they are supposed to be working with and discussing issues, there is a problem there. She said if she was some of the City Council people she would be filing for defamation of character because it has gotten so bad. She said you can get on Facebook and say you do not agree with so and so about the tenant landlord ordinance, but when you start calling them unprofessional terrible names over and over again that is not ethical and anybody should know that. Ms. Oldham said she is glad that they are putting a little teeth into this ethics ordinance and hopes the Council reads it and votes for it because it is time. She said she is tired of people saying well they interpret things in a different way and if all employees, City Council, and people that are on the City committees have the training it will be clear and then if citizens or whoever come up to the Council and says they are tired of seeing this over and over again, there is documentation that it only takes two of the Council members to bring it to the Council and then there would be a hearing. She asked the Council to please read the revisions and vote for this.

Manning Rollerson said there is not much he disagrees on with Ms. Melanie Oldham but he disagrees on one thing, if you are going to talk ethics remember the first amendment, everybody has a right to say whatever they want to say about you. He said if he wants to call you fat, stupid, and lazy he has a right to call you fat, stupid, and lazy it works with the constitution so the government can not make a policy that violates the constitutional rights of its citizens. He said he wanted to make sure the Council knew that before they make that order. Mr. Rollerson said everybody has a right to say what they want to say as long as they are not threatening you in any manner. He said when government figured out that they can tell you how to talk, how to walk, how to sleep, how to drink then you do not have a freedom and you do not have democracy. He said to not make laws to violate someone else's rights. He said he is concerned that there was a billion dollars invested into the City in 55 years, and asked where is the investment in Freeport, where are the homes, where is the property 75 years that the people on the East End invested that has been sold to different construction companies that have not been seen? He said the homes that Troy Brimage and Norma Garcia signed the contract for. He asked where is the money, where are the homes, where is the investment? He said he told the DOE last week in Washington

D.C., that the people in Freeport have invested a billion of dollars over time and there is no return on those dollars. Mr. Rollerson said the children rank 55 in education, math, and reading but the money is going to the manufacturing agencies like Dow and LNG which they never stay running. He said in his opinion they need to stop exporting natural gas from here in the first place because that is a time bomb waiting to blow up in this community. He said it is sad that the Council rides through the City and see their ward and see the drain and ditches and they still looks the way it looks. He said over by the tracks of the Ward D the drainage ditches need to be cleaned, and all the ditches in the community also need to be cleaned across the bridge. He said to the Council they are arguing and fighting about things that are not necessary and nothing is being done, then others go up there with political stump speeches last week for Mr. Brimage but does not know how that is going to work out when the Council just worked out a deal with him and then it drop, and now he is going to come back and run for Mayor. Mr. Rollerson said he wanted to let the Council know before he lets that happen the FBI will be inside the building, and it was a promise because it had been too many years going through this on social media with the Council being untruthful, untransparent, and love to attack the citizens. He said the temperament is bad on some of the Council but they serve the citizens. He said to the Council they need to wake up because when it is all over it will be his honor to make sure he sees everyone of the Council in jail.

PRESENTATIONS/ANNOUNCEMENTS:

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

City Manager Lance Petty and Police Chief Jennifer Howell presented the Employee of the Month for the month of December 2023 to Corporal Joey Earl, Carmen MCKenney, and Elizabeth Taylor.

Presentation for annual TCOLE Racial Profiling Report 2023

Police Chief Jennifer Howell presented to the Council the Annual TCOLE Racial Profiling Report 2023.

Presentation of the Investment Report for the Quarter Ending December 31, 2023 (First Quarter FY2024)

Finance Director Cathy Ezell presented to Council the Investment Report for the Quarter Ending December 31, 2023 (First Quarter FY2024).

COUNCIL BUSINESS – REGULAR SESSION:

Consideration and possible action on the approval of City Council Meeting Minutes, from January 22, 2024.

A motion was made by Councilman Matamoros to approve the City Council Meeting Minutes, from January 22, 2024, seconded by Councilman Rossow with all present voting "Aye" 4-0 council unanimously approved the motion.

Consideration and possible action approving the sale of Block 46, Lot 13.

GIS Manager Laura Cramer said Mr. Alston from Signal Electronics has made an offer to purchase the parking lot between his building and the drive-thru at City Hall. She said she reached out to the Freeport EDC and Freeport Main Street to see if they had any support or objections to selling and they both supported the sale. Mrs. Cramer said they supported the sale at the price that was offered for the \$5,250. She said the EDC said that they would support the \$10,500 if he agreed to the sale but then he could apply for an EDC grant that might offset some of that cost.

A motion was made by Mayor Pro Tem Cain to accept the offer of \$5,250, seconded by Councilman Rossow with discussion that followed.

Mayor Pro Tem Cain said he thinks selling the property to Mr. Alston is a good idea. He said he feels like he already uses it, this is something that would get on the tax roll. He said if the Council were to follow suit as they normally have done in the past, they would accept the offer of a broker's value.

GIS Manager Laura Cramer said the EDC also suggested that if the lower offer is accepted, then put something in the deed that states Mr. Alston must resurface the parking lot or something along those lines.

Mayor Pro Tem Cain said there were really good recommendations by the EDC that were to resurface it as well as if they paid the full price and go apply for the improvement grant.

Councilman Matamoros said he would be okay with the selling price plus the \$275 which was paid for the broker's opinion, with the stipulation that if the owner of the building, decides to sell this building with that adjacent lot for a much larger value, then the City would get a rebate because it is being given to them at a discounted price. He said he is also agreeable to what the EDC had stated of selling it for \$10,500 and have the \$275 included in that, and allow the owner to do an improvement grant to help defray some of that cost. Councilman Matamoros said the grant could be in excess of the \$5,250 depending on which grant the owner decides to go for. He said but at this time the precedent that is set as a Council and the Councils before which had been sell property for the appraised value, and he does not feel comfortable deviating from that just yet.

Mayor Pro Tem Cain asked if he is understanding right if Councilman Matamoros is okay with the \$5,250 and plus the cost of the broker's opinion but would like to put some kind of clawback in there, which is not sure if that can be done legally.

Councilman Matamoros said also selling it within a certain time frame if they decide to sell the building and the property, then to increase the value, because Mr. Alston did not say he was or was not going to sell it. Councilman Matamoros said he would hate to give a piece of property away for a lower value, but he is a long term tenant in downtown and does not want to stymie his growth if he wants to grow either.

Councilman Pena said the City of Freeport Zoning ordinance requires one parking space for every 200 square feet for government administrative buildings. He said this is the same requirement for private citizen office spaces. He said the appraisal district states that the City has 40,000 square feet at 200 West Second Street and under the own rules and the rules that are applied to the citizens there should be 201 parking spaces in that parking lot that serve in the downtown City Hall. Councilman Pena asked if anybody had bothered to count how many parking spots there is at City Hall? He asked if anyone had bothered to look at this before trying to push this through and approve the sale in terms of it being code complaint? He said he had not heard anything about it so he guesses the answer is no. He said all the parking spaces including this lot only equal to 109. He said that is 109 out of 201 required by our own laws. Councilman Pena said City Hall fails to have enough parking as required by our own laws even including this lot, there is only about half. He said this is what he is talking about when talking about making sure that things are run consistently for residents as it is for the City. He said we have to make sure that the same rules are being ran that the businesses and residents are required to run by. He said it is arguably an abuse of power if there is oppressive enforcement against the businesses and then flaunt the rules for ourselves. Councilman Pena said he is sure nobody wants to break the law for the City. He said before moving forward into all of the comps, pricing, and the contracts, it has to be made sure this is complaint. He said he figured the future City Hall would be able to lease out and once remodeled it had to be made sure there is legitimate parking for those tenants. Councilman Pena said the current building owner is currently able to use that parking lot now, and there is no difference if he owns it or if the City owns it. He said there is zero to no maintenence, there is no real value to having it on the tax rolls or not, but the real value is to the City to make sure to be in complaint. He said he wants to make sure that these matters are taken into consideration before giving it away any additional land that is going to be needed by the City for the very own City Hall to stay complaint because right now it is out of compliance. He said he wanted to make sure that these issues are addressed before even considering being transferred if at all.

Mayor Pro Tem Cain said he appreciated Councilman Pena's investigation and looking into the parking issues as far as code goes, and he encourages Councilman Pena to put this on an agenda in the near future to discuss

this.

Mayor Pro Tem Cain said he would like to change his motion to include the \$275 fee for the broker's opinion, which would make it \$5,525.

Mayor Pro Tem Cain said Councilman Matamoros had brought up the possibility of putting a clause that if the gentleman sells it in a certain time limit and it increases the value such that he has made a profit off this the City would get a rebate from that.

Interim City Attorney Tommy Ramsey said he thinks it is possible to construct but would have to look into how that would be best for this scenario.

Mayor Pro Tem Cain asked how much of a time frame Councilman Matamoros was thinking of? Councilman Matamoros said he was thinking a year maybe two max. Mayor Pro Tem Cain said a year? Councilman Matamoros said yes.

Councilman Pena said this is out of compliance with this particular parking situation right now and by selling this it puts the City further in out of compliance. Mayor Pro Tem Cain said to Councilman Pena he hopes he gets that on the agenda coming up. Councilman Pena asked if they did not want to save the property in the meantime?

Mayor Pro Tem Cain amended his motion to accept the offer of \$5,525 which is the original \$5,250 plus \$275 with a clawback provision that if the property is sold within a year times.

Councilman Matamoros asked what is the value per square foot of land for the land that was sold to Sweet T's. GIS Laura Cramer said it is a 50 foot wide by 140 the same as this parcel that is being discussed.

City Manager Lance Petty asked if Sweet T's went to auction? GIS Laura Cramer said yes it did, there was only one bidder and she was the only one.

Mayor Pro Tem Cain said what if it is worded to where should you decide to sell the property within a year worth of time the City has the option to buy it back at the purchase price. Councilman Matamoros said that is fair.

Councilman Pena said a cleaner scenario would be to make sure to not close within a year, because the moment it is transferred over to them and deeded to them, anybody third party it is going to be a lot tougher to get it out of their names and try to purchase it back for the same price.

Karla Clark resides at 411 Sailfish. She said while the 380 agreements are no longer in effect, she does not know how there can be clawback put into a deed. She said maybe if it said about buying it back for that same amount within a year and asked how is that going to be done, who is going to monitor it, and who is going to go back and review it and make sure it is done correctly? She said on the Bridgepoint subdivision those clawbacks are not being enforced, were never enforced, and are still the same way they were and are not being enforced at all.

A motion was made by Mayor Pro Tem Cain to offer Mr. Alston the property in question for \$5,525 plus the clawback that if he decides to sell within one year's worth of time the City has the opportunity to buy it back at the purchase price, seconded by Councilman Matamoros with discussion that followed.

David McGinty resides at 521 West Broad. He said he is a little concerned about what Councilman Pena brought up about the legality of the situation there, and thinks a hole is being dug if that is not found out first

Mayor Pro Tem called the motion to a vote, with all present voting "Aye" 3-1, motion passed. Councilman Pena voted "Nay".

Consideration and possible action approving Ordinance No. 2024-2719 to add No Parking signs in the 1700 Block of Eight Street as a specific location where the stopping, standing or parking of vehicles is prohibited.

Interim Building Official Shelby Araujo said staff recommendation was to approve the No Parking signs in the street on both sides of the street in the 1700 block of 8th Street. She said on November 28th a motion by Planning and Zoning was put into place to draft an ordinance to put back no parking signs on 1700 block of 8th Street. She said this would be on both sides of the road and the motion passed with a 5-0 vote. Ms. Araujo said a survey of this area shows that 95% of the structures on the 1700 block of 8th Street have back entrances from the alleyway or a driveway in the front of the house. She said the financial impact would just be the cost of the signs and, as far as third party recommendations, it had been approved by Planning and Zoning and also legal with Olson and Olson.

Mayor Pro Tem Cain asked what is the plan for the five-percenters, and where are they going to park? Interim Building Official Shelby Araujo said she has actually worked with one building homeowner, where he installed a new driveway in the front of his house, and they do have the option of installing driveways as long as they meet the accordance and 24 foot wide they can actually install one in the front but they do have accommodations in the back as of in terms of some type of alley parking as well with their back garages.

City Manager Lance Petty said this is not going to be new to the residents in this area. He said the No Parking signs were installed in this area and when it was determined that these were not listed in the old ordinances, Mr. Kelty at that time had them remove the signs and once they were removed, that is when they were taken to the P&Z because there was a lot of complaints that the No Parking signs were missing and a lot of people were parking there. He said that is a busy road where people take their children to school and it gets narrow through there when it is lined up with cars. He said that is why it went back to the P&Z for discussion and they approved to reinstall those and add them to the ordinance.

A motion was made by Mayor Pro Tem Cain to approve Ordinance No. 2024-2719 to add No Parking signs in the 1700 Block of Eight Street as a specific location where the stopping, standing or parking of vehicles is prohibited, seconded by Councilman Rossow with discussion that followed.

Mayor Pro Tem Cain said this is part of the City that is in his ward and has had several citizens go to him once the signs were removed asking to have them put back up. He said he had to inquire as to why they were removed and he got the same story that Mr. Petty just said. He said where this road is, it is just two blocks down coming off of the main highway and a lot of people like to use that as a racetrack and it is a narrow road, and when cars are parked on the side it makes it difficult to travel through there. Mayor Pro Tem Cain said he thinks this is a great idea, the citizens that live there are used to it, the signs have been up for a long time, and the ones he has spoken with they want the signs back.

Councilman Pena said he has observations that when you have parking on both sides of any of these streets, especially 8th Street and it narrows the passageway, it slows down traffic. He said if there is a safety issue where folks are speeding through there and now removing those cars on the sides it sounds like anybody that is speeding through 8th Street is going to have a little more elbow room to speed a little faster and comfortably. Councilman Pena said if they are trying to really achieve safety then maybe adding some speed bumps there. He said he hopes the speeding that goes down 8th Street, 9th Street, 10th Street, 11th Street, and 12th Street is addressed which is where a lot of the families reside that go to the Elementary School and Junior High. Councilman Pena asked if it was noticed when those signs were up the traffic moved faster through there? Councilman Pena said it has always been his experience that when vehicles are moved off the sides, cars move a lot quicker. Mayor Pro Tem Cain said he would probably answer his question with a yes but he has also noticed that when cars are parked to the side, it is difficult to crawl through there, which is another safety

concern. Councilman Pena said it looks like the parking signage issue is only part of the solution that maybe it needs a speeding or a speed bump solution as well, or a speed limit change there. He said it looks like a complicated intersection. Councilman Pena asked Mayor Pro Tem if he had any insights from there or feedback from the residents in Ward B? Mayor Pro Tem Cain said no not on speed bumps. Councilman Pena asked so all the problems that there is at that particular space will be resolved by signage? Mayor Pro Tem Cain said no, he is not saying that.

Pamela Dancy said this was not so much because it was more of a safety, not a speeding issue. She said if there is a photo of this intersection it would give the Council a better idea of what Planning and Zoning and citizens were talking about there. She said there are curves and with the cars parked there, and the blind spot and people are running through there.

Karla Clark resides at 411 Sailfish. She said there are very many streets within the City of Freeport that are narrow and they have parking on both sides. She said first Bridge Harbor was taken and said no parking on either side of the street, now there is another area taking and saying no parking on the other side of the street. She said they are picking and choosing certain sections and she thinks they need to be thorough about that, and go all or none. Ms. Clark said there is a lot of streets that have the same issue and being preferential started the whole thing.

Mayor Pro Tem Cain said he agrees with Ms. Clark that there is a lot of streets in the City that have the same situation and hopefully some of the other ones can be identified that also have alleys in the back that can be utilized.

Councilman Rossow asked how far down are these no parking signs? City Manager Lance Petty said off of Yaupon. Councilman Rossow asked so the cars that are there to pick up their kids would they be getting tickets? Mayor Pro Tem Cain said the cars that will be picking up their kids would be on Dixie Drive. Councilman Rossow asked if tickets will be written for this? Police Chief Jennifer Howell said ultimately what they are looking for is compliance in the beginning, getting back to educating everyone that they know now that the Ordinance will be in place and the signs are in place, making contact with the residents that are nearby to try again and all they are looking for is compliance in the beginning.. Police Chief Jennifer Howell said they are just not gonna go out and start scratching tickets left and right it is educating everyone for the change.

Councilman Matamoros said he is the one that brought this up the first time because he had residents on the C side asking about the no parking signs, and they were getting tickets because they could not park in their rear driveway because the alley was redone and they built up the alley higher than where their driveways were at, and if so they had a car that sat lower they would have issues pulling into their driveway. He said he had City Manager at the time Mr. Kelty look into it and that's when they found out that there was no resolution or ordinance for that. Councilman Matamoros said he is really torn on this one. He said he has residents who are for having these signs removed and also have residents who are for having these signs placed back. He said it is a safety issue because it is an S curve on the 1700 block of 8th Street. He said there are no parking signs anywhere else on 8th Street so as Ms. Clark stated we are picking and choosing. He said it is an issue that they really need to come up with a more defined solution as Councilmember Pena stated. Councilman Matamoros said he would like for the possibility to look for some type of study to see what the ultimate and permanent solution versus no parking signs, because yes if you have cars you will slow down but you are still going to have that issue of if it is dark nobody is there people are still going to speed, and if there is sunlight people you will have blind spot where kids could run out and so the ultimate goal would be to find a solution for this problem once and for all. Councilman Matamoros said to have whatever type of study needed to look into this and figure out what the best solution to solve this problem. He said if it is no parking signs then so be it and if it is something else then to look into that.

Mayor Pro Tem Cain asked if a study could get done in a timely manner to identify the narrow streets? City

Manager Lance Petty said yes he could take the new engineers to do a traffic study.

Mayor Pro Tem Cain withdrew his motion, Councilman Rossow withdrew his second. This item will be tabled until Mr. Petty goes back with a study that includes more of the City instead of just one block.

Karla Clark resides at 411 Sailfish. She said if a study is going to be done she would ask to probably look at 11th Street by Freeport Elementary because that is a very bad place. She said people come from the back, people come from the front, and that area really needs to be looked at because people get blocked out of their driveways from exiting their driveways when they are going to work, when they are dropping people off at school, and then the bus stop is there too, and so the school should be in coalition with that at the same time.

Mayor Pro Tem Cain said they will try to look at the whole City to make this a one and done.

Consideration and possible action approving Resolution No. 2024-2833 to substitute City Manager Lance Petty, for Tim Kelty, former City Manager, as the official for DJ-Edward Bryne Memorial Justice Assistance grant program for FY 2023-2024, mobile video equipment upgrade Grant # 4850101.

Police Chief Jennifer Howell said it was previously brought forth some grants that were received, and the resolutions were already issued, but at that time they were issued under Tim Kelty as City Manager, and to be able to proceed forward and be able to receive those funds there has to be a name change to as Lance Petty and City Manager.

A motion was made by Councilman Pena to approve Resolution No. 2024-2833 to substitute City Manager Lance Petty, for Tim Kelty, former City Manager, as the official for DJ-Edward Bryne Memorial Justice Assistance grant program for FY 2023-2024, mobile video equipment upgrade Grant #4850101, seconded by Councilman Matamoros with all present voting "Aye" 4-0 council unanimously approved the motion.

Consideration and possible action approving Resolution No. 2024-2834 to substitute City Manager Lance Petty, for Tim Kelty, former City Manager, as the official for Body Worn Camera Program for FY 2023-2024, body camera upgrade project grant #4840201.

Police Chief Jennifer Howell said this grant is specific for body worn cameras. She said this grant has already been awarded, the resolution has already gone forward and passed by the Council. She said this was just a name change from Tim Kelty to Lance Petty.

A motion was made by Councilman Pena to approve Resolution No. 2024-2834 to substitute City Manager Lance Petty City Manager Lance Petty, for Tim Kelty, former City Manager, as the official for Body Worn Camera Program for FY 2023-2024, body camera upgrade project grant #4840201, seconded by Councilman Matamoros with all present voting "Aye" 4-0 council unanimously approved this motion.

Consideration and possible action approving Resolution No. 2024-2835 to substitute City Manager Lance Petty, for Tim Kelty, former City Manager, as the official for the Rifle-Resistant Body Armor Assistance grant program for FY 2023-2024, body armor upgrade Grant # 4793701.

Police Chief Jennifer Howell said this was another grant that was awarded, but again, Mr. Kelty was listed as the City Manager for the project manager for the City, and so it is again submitting the name change to Lance Petty.

A motion was made by Councilman Pena to approve Resolution No. 2024-2835 to substitute City Manager Lance Petty, for Tim Kelty, former City Manager, as the official for the Rifle-Resistant Body Armor Assistance grant program for FY 2023-2024, body armor upgrade Grant #4793701, seconded by Councilman Rossow with all present voting "Aye" 4-0 council unanimously approved this motion.

Consideration and possible action approving Ordinance No. 2024-2720 extending the park hours to all city parks.

Police Chief Jennifer Howell said a few months ago she had brought to the Council stating that the ordinance actually only has where Arrington Park is the only park that has the closed hours of operations which are closing from 10:00P.M. to 6:00A.M. every day. She said she had asked for feedback to be able to extend that out to all the parks, except River Place or the Pavilion being rented or events taking place at River Place or fishing in the designated fishing areas. She said after getting the Council's feedback she worked on updating the Ordinance with Olson and Olson and so this is what the change would be for all the City parks to have a closure from 10:00P.M. to 6:00A.M. unless there are special events that have been designated by the City or approved by the Council.

A motion was made by Councilman Matamoros to approve Ordinance No. 2024-2720 extending the park hours to all city parks, seconded by Mayor Pro Tem Cain with discussion that followed.

Councilman Pena said he had a couple of concerns which related to the downtown park. He said we are looking to make sure that there is space in the park available for the latter hours of the restaurants and businesses that may be coming in the future. He said he would hate to try to revise the ordinance to try to fit any restaurant extended hours, and typically the restaurants and the bars will be open until midnight to 2:00A.M., and wants to make sure that that language is in the ordinance for downtown so that they are not trying to make a special variance going forward for any future businesses.

Police Chief Jennifer Howell said when talking about the parks they are talking about the Arrington Park, River Place, Peppermint Park, so the downtown region would not actually be classified as one of the listen parks because that is in a different area and it does not have a normal park aspect to it like the other parks do. She said this is to prevent individuals hanging out at Peppermint Park or at River Place at the late hours. She said individuals tend to try to camp out over there or sleep in their car, and sometimes teenagers try to go over there to find them a little bit of secret time away from adults and that is the kind of stuff they are looking to deter and everything from those locations.

Councilman Pena asked if the memorial park for Downtown is not included in this? Police Chief Jennifer Howell said it can be changed to actually list specific parks but Memorial Park was not on there to be able to consider on that. City Manager Lance Petty said Memorial Park is part of the Main Street as well in the Downtown district so it would not be included in this ordinance.

Karla Clark asked if this is going to be over by the T Docks by where the fishing is where the lighted pier is at for fishing at night and also in the park by the Police Station and Library? Mayor Pro Tem said this excludes the fishing places where it is legal to fish. Police Chief Jennifer Howell said there is a provision in there for the designated fishing area and fishing to be allowed.

Councilman Pena asked if this included all of the park place? Police Chief Jennifer Howell said for Freeport Municipal Park yes but if somebody has the River Place rented out then that is in the ordinance or a special event, whether it is a City sponsored event, Lions Club, MLK Committee, those that are approved and listed on the ordinance. Councilman Pena asked if by the the Mystery and the Root Beer stand are also considered park space? Police Chief Jennifer Howell said no for the Root Beer stand and the Library those are not considered part of the park space. Councilman Pena asked if those would not be included in ordinance for the curfew hours? Police Chief Jennifer Howell said no. Councilman Pena asked what about the Mystery? Police Chief Jennifer Howell said she is not sure but she would double check.

Councilman Rossow asked what is going to be done if there is people that are going to be staying in the park until 11:00PM and 12:00AM and patrol car comes by and tells them to leave and if they do not leave do they get a ticket? Police Chief Jennifer Howell said in the future this is going back to the education stance, it will be posted twice in the newspaper, posted on social media, and are looking for compliance, the goal is compliance, this gives the officers the grounds to be able to say the park is closed, as to compared to before they did not

have the grounds to be able to do that. Police Chief Jennifer Howell said she is not looking to go out and have the guys write a bunch of tickets for violating a curfew.

Councilman Matamoros asked if this also included the baseball fields for Pee Wee and Little League? Police Chief Jennifer Howell said those would be those special events, and so if they had a tournament going on or games going. Councilman Matamoros said when he was a kid they would go play ball as kids up until they could not see, and when you get a lot of kids sometimes they would find out a way to turn on the lights and continue to play. Councilman Matamoros asked if they are City Fields? City Manager Lance Petty said yes they are City fields and now the lights can not be turned on and can not get on the field without a key, every team the associations submit all their schedules and that is sent to the police department where they drive by and monitor things as well, and the association is in full control of the lighting. Councilman Matamoros asked if this would include the future park that is going to be replaced for the East End park? City Manager Lance Petty said it will but would still probably have to go back and do an amendment to it because the park does not have a name yet, and is not sure if it is going to stay the same as Lincoln, but it is going to be a soccer facility and have not gotten the conceptual of what that park is going to contain.

Councilman Pena asked if those conceptual been ordered? City Manager Lance Petty said when closing with BISD to transfer the property at that point and then start the process of that new park. Councilman Pena asked what about the beach, the beach is one of the parks and the parks department does maintain it, and will that also be limited? Police Chief Jennifer Howell said that is not listed as one of the designated parks and even though the Parks Department maintains it it is still not actually listed as a park. Councilman Pena said he just wants it to be abundantly clear for anybody that is tuning in, people love the beach and just wants to make sure that there is a consistent a uniform and fair message for guests.

Mayor Pro Tem Cain called the motion to a vote, with all present voting "Aye" 4-0 council unanimously approved the motion.

Discussion on updating City Ordinance 30.77 regarding loitering.

Police Chief Jennifer Howell said this is just a discussion item to be able to get feedback from the Council. She said this has come up a few times when businesses are closed and individuals hang out in the parking lot of a closed business, and officers really do not have much of again teeth to be able to say the business is closed, and they need to clear out. She said she wanted the Council's feedback, and potentially a number of cities update their ordinance regarding loitering of closed businesses. She said if a business is closed, people can not just park and gather in their parking lot. She said part of this is to be able to help protect the business, and to potentially deter the thought of theft.

Councilman Rossow asked what time this would be? Police Chief Jennifer Howell said it would be when the business closes, and if it was a 24 hour business, it would not affect that business.

Councilman Pena asked if there is a problem with loitering now? Police Chief Jennifer Howell said it is hit-and-miss a lot of times, but it kind of varies with the weather, and so, getting back into the nicer weather you will, then it tends to become more of a frequent issue, especially during summer when kids are out.

Councilman Rossow asked if this is more directed toward the youth versus just people? Police Chief Jennifer Howell said, usually she would just say teenagers in their twenties usually it is not common to see 40,50, and 60 year old hanging out at a closed business.

Chris Duncan said there was an ordinance passed in Clute, there is a lot of Supre Court cases that people want to try to get after the homeless people and the United States Supreme Court basically said loitering is too vague, and there is not such thing as defining loitering. He said the ordinance was passed and would recommend the Council to look at that because he did a lot of research on that to make sure that it is something that would work for this especially for business properties.

Mayor Pro Tem Cain said he is all about not reinventing the wheel as well. Police Chief Jennifer Howell said this is something she would do reach out to other several cities and getting different examples for comparison for Olson and Olson, but before going and doing all the legwork and putting stuff together that is why she kind of wanted feedback from the Council if this would be something they would be interested in moving forward on.

Mayor Pro Tem Cain said if he had a business downtown he would not like to have someone hanging out at 2:00A.M. and ordinance like this gives police officer teeth to go up and tell them they can not hang out there then he is for it. He said if Police Chief Jennifer Howell looks at some of the surrounding cities and see what they do and then design it for Freeport and take it back to the Council.

Councilman Pena said his concern is whether or not there will be any additional costs associated with the additional policing of this private property throughout the City. Police Chief Jennifer Howell said not so much because generally when it hits certain hours that is part of the officers proactive policing that they would go ahead and stop out at the businesses just right now they are not able to do that because they can not actually say there is an City ordinance.

Councilman Matamoros said this is something that needs to be look into and he agrees not to reinvent the wheel, and see what other Cities with competent lawyers who drafted things, and see what they have come up with and then take it to Olson and Olson, and try to find something that will fit for Freeport.

Consideration and possible action Approving Ordinance No. 2024-2721 for possible revision of Ordinance No. 2019-2567 establishing the City's Ethics Policy for all Elected and Appointed City Officials and all City Employees.

Chris Duncan said he wanted to make a few remarks about the proposed changes to the ethics ordinance. He said the proposed changes to the proposed policy are both illegal and unwise. He said the changes give the power to the City Council to vote to remove either employees, board appointed board members, or council members or even fellow council members on a vote. He said the City Council cannot give themselves that power because it is not legal. He said the City Council can remove board appointed board members, but in the City Charter it says specifically the City Manager hires and fires employees and Council cannot interfere. Mr. Duncan said this is a charter requirement which is higher than any rules the Council passes. He said this would be a rule that says the Council can fire or get rid of terminated employees if they violate the ethics policy, so it violates the City Charter with regard to employees. He said with regard to City Council members, it also says in the Charter it says the remedy to remove a Council member for misconduct is a recall election. He said he looked at and did not find any other City anywhere that allows the Council to remove other Council members. He said the remedy is a recall election. Mr. Duncan said if you read the changes that were added to this ordinance, it copies and follows the ordinance of Sugar Land almost word for word. He asked the Council to go and look at Sugar Land because they have other things that are not included. He said Sugar Land understands that they can not remove a Council Member by a Council Vote. He said it makes no sense that the Citizens vote and elect somebody, and then the next day the majority do not like that person and then want him or her removed. Mr. Duncan said the Sugar Land Ethics ordinance talks about recall is the only solution for ethics violations for Council members. He said it also has where the City Attorney can give ethics opinions if somebody is unsure if it is ethical or not in the ordinance it says if a Councilman asks for an ethics opinion from the City Attorney, so they know in advanced if it is ethical or not, they have that guidance whether rather than playing a gotcha political game. He said for both State employees, the State statue for employees, and the Statue for the City of Sugar Land they have independent boards that do it, and it is not a political process at all, so either you have independent boards or you go to Court and have a jury look at the facts. Mr. Duncan said he thinks it is really unwise to try to put this in the political arena because there is a lot of crazy politics going on and one thing to consider is if they do not like that guy and they want to pass this rule because it is going to be used to get rid of them, beware because that is going to be used against you after the next election if things do not go your way. He said all that will do is promote political instability and people trying to get each other and

so he thinks that is is unwise to try to pass an ordinance where council member can vote to get rid of another Council member when that person is elected by the citizens. He said also if that person is removed and then reelected right away in the special election, there is a lot of potential problems where it is just going to cause turmoil and it is going to bring more people's eyes watching the meetings like they do now. He said he has people all over the county say they watch those Freeport meetings because they are crazy, and he would like to stop that rather than encourage it. He said he heard the proposal and it seems to him to be kind of a lot of political posturing going on, and with a recommendation going on of having an ordinance where if you owe taxes to the City you are kicked off the Council or may not be able to run for Council. He said to look at the history book that is illegal and there is a poll tax. Mr. Duncan said he thinks the propositions of these illegal HOT tax deals and so forth rather than spend time on that, please focus on what is good for you and have better ideas. He said if you want to defeat your political opponent have better ideas, do not try to pass some shady ordinances to try to get rid of people.

Human Resource Director Donna Fisher said the Council is required to reaffirm the ethics ordinance every February, and it had not been reviewed since it was adopted in 2019. She said the main changes were the training requirements and giving the Council a bit of a leeway some options. She said this was reviewed by Olson and Olson and did not say anything about that but right now the Council would treat a minor and unintentional violation of this ordinance the same way they would an intentional repeated violation. Ms. Fisher said she was giving the Council some options, the training requirement would apply for both employees and officials, and she has had 20 employees go through the TML ethics for local government training. She said she has already started training employees on ethics in government. She said this has to be reapproved every year. She said she did not look at Sugarland but she did look at some other ordinances but one of the things that Mr. Duncan had said it does say in there that in the case an employee of the City disciplinary action and appeals will be in conformance with procedures established by the City Charter and personnel rules, which would mean the department director and the City Manager would make those disciplinary decisions.

Mayor Pro Tem Cain said he personally likes the idea of everybody doing the ethics training assuming that the training does not mean they have to fly to Dallas and spend a weekend. He said if it is online and a reasonable time frame then he is good with that. He is also good with board and committee members doing it as well as long as it is kept in mind that they are volunteers and we do not want to take much of their time, however not hold everybody accountable.

Pamela Dancy said she was looking at this and there is a lot to look at but the highlighted in red and asked whose idea was it to remove censored and put in sanction? Human Resource Director Donna Fisher said it was her idea because censure is a one step and where sanction could be a multistep and that is the only reason she changed that word. Pamela Dancy said because it could be disobey or approval, and when she looked up the word sanctioned it says two different things and she thinks the language needs to be more and not just with this but with a lot of things that there is because the language she has heard people say well it depends how you interpret it. She said she thinks it is kind of nutty because you and others might have a legal thing together and you are saying that it is this and she is looking at this, so she thinks all of this needs to be really a little thoughtful and a lot of thought in it because it can be misinterpreted.

Councilman Pena said he is glad they are able to discuss this before taking a motion, and thinks it is the wiser route of passing any kind of ordinances so that there is no undue pressure. He said when he first looked at this he had a lot of questions and as a City Councilman he is entitled to know before he votes what the legal effects of this ordinance is. He said because his first glance on it is it looks like more trying to rein in any kind of free speech and for that matter, calls for transparency. He said when he looked at page 97 of the packet page four of the ordinance Section 100.003 Section F appearance of impropriety it reads public service is a public trust, all City Officials and employees are stewards of the public trust, they have the responsibility to the Citizens of the City to administer and enforce the City Charter and City ordinances to ensure and enhance public confidence in City government, each City official and employee must not only adhere to the principles of

ethical conduct set forth in this code and compliance there with but they must scrupulously avoid. Councilman Pena said that is the funny language is the appearance of impropriety at all times. He said he had questions for the City Attorney who he is presuming help draft this up and bring this forward for the City Council to consider. Councilman Pena asked is there a legal definition of the appearance of impropriety or is this going to be defined subjectively by the majority of the Council? Interim City Attorney Tommy Ramsey said he did not draft this but will be happy to look into that. Councilman Pena said he would like to get an answer of if what basically there is a legal definition of appearance of impropriety. He said so whatever forbidden conduct is being identified in the future it is going to be unpredictable and only know what it will be if the Council so choose to vote for what it is. He said he wants to make sure that before moving forward on any of these changes in this ordinance that those definitions of those changes be added to the ordinance. He said he would definitely like to make sure that what is added to this particular ordinance is the clear definition of what appears of impropriety actually is.

Human Resource Director Donna Fisher said the term appearance of impropriety was in the original ordinance that has been reaffirmed every year. She said she changed the wording a bit but the original version said strive not only to maintain technical compliance with the principles of ethical conduct set forth in this article and in state law, but also to avoid the appearance of impropriety at all times. Ms. Fisher said the wording the appearance of impropriety was already in the original ordinance and she just changed a little of the wording prior to that.

Councilman Pena said at the end of the day when looking to add this language or for that matter modify it he wants to make sure that they are clearly defining what the boundaries and the rules are for elected officials, city officials, and appointed board members. He said he would like to definitely make sure that it is clarified because at this point it just seems like a very general catchall. He said it just leads to a lot of subjectivity and a politicalization so out of concern for everybody having a fair shake as to knowing exactly what the rules are and not having it left to the ambiguity of political weaponization he wants to make sure that in fact get that clearly defined and what those rules are and is not sure if that is something that Olson and Olson can handle or if that is in concert with HR to make that they are providing all the legal documentation for the City. He said so basically without any clear definition it is hard for anybody to understand whether or not they are violating this ordinance. Councilman Pena said it is now known in advance what conduct breaks the rule and the rule is decided after the fact so there is no definition there is no way to know how to act and do not know what rules or what actions are going to be breaking the rules because the rule is vague and subjective and wants to make sure to establish a clear definition otherwise there is no way to know what is correct. Councilman Pena asked if Ms. Fisher is the one that wrote this? Human Resource Director Donna Fisher said yes. Councilman Pena asked what the difference is between avoiding the appearance of impropriety and scrupulously avoiding the appearance of impropriety? Human Resource Director Donna Fisher said it is just a word. Councilman Pena said he knows that the word scruples has a definition and he knows it is an application on the sentence certainly does drive a slippery slope and so that is why he is very curious when they can get into these legal legalese words do matter adjectives and adverbs and wants to make sure that it is clear on this so there is no ambiguity on this. Human Resource Director Donna Fisher said the actual phrase was borrow from El Paso Ethics Ordinance. Councilman Pena said he is curious if El Paso has ever removed anybody on council through their ordinance, and asked if there was history on that? Human Resource Director Donna Fisher said she is not sure. Councilman Pena said he is also curious about the penalty for violations and the appeals, it says on Section 100.18 says the penalty for violation of article is appeals the failure of any officer or employee to comply with this article or the violation of one or more of the standards of conduct forth in this article which apply to him or them shall constitute grounds for all legal remedies provided by law which may include if permissible, expulsion, reprimand, censure, removal from office or discharge, in the case of a City Council member the matter shall be decided by a vote of two-thirds of the entire membership of the City Council. Councilman Pena asked the grounds for all legal remedies provided by law, which may include if it is legally permissible for the City Council to vote and remove another duly elected City Council member? Interim City Attorney Tommy Ramsey said if they is a provision in their charter, he said it depends on the language in the

Charter. Councilman Pena asked without this language being in the charter without any specific language in the charter about removing a councilman at this point this language cannot be included in the ordinance right? Interim City Attorney Tommy Ramsey said objection leading to that question but like he said before he did not draft this but would be happy to look into that issue for him. Councilman Pena said there is some serious concerns as to what this ordinance is actually trying to falsely or illegally empower the City or for that matter the boards and or council so he wants to make sure that this is done right and or get a clear statement or reckoning here or for that matter a clear statement on the record as to what the Counsel advice is going to be on this. Human Resource Director Donna Fisher said on Section 100.17 subsection A has been in the original ordinance for the past five years, and she did not make any other adjustments to that section other than renumbering. Councilman Pena said it looks like it may need to be corrected and is curious of whether or not any of this language is permissible legally. Councilman Pena asked if that is what is being said that this is not legally permissible? Interim City Attorney Tommy Ramsey said that is not what he said at all, he said he did not draft this but would be happy to look into that issue for him if he wanted to. Councilman Pena asked if whether or not the section on 100.187 Section A if that is actually going to be legally viable as a legitimate grounds for the remedies that they are trying to employ for any violations and is glad that Mayor Pro Tem Cain asked to talk about this because there are very issues on this. He said he is for everybody following the same rules but is certainly not interested in creating rules that are illegal and for that matter curtail the transparency or ability to pursue transparency and for that matter the first amendment rights, and is not sure if there is an answer on that yet from legal but hopefully can get one on the next one but i just curious if there are any other cities that allow removal of elected council members by the vote of the Council, and if not why is that trying to be done in the City of Freeport. Interim City Attorney Tommy Ramsey said he would have to look into this, but obviously it sounds like Sugar Land is one. Councilman Pena said it is his understanding that Sugar Land has not removed anybody and that there are no provisions for them to remove anybody, but that language is trying to be added on here and it would not stand in court and wants to make sure that is not added, unless there is evidence provided about anywhere in the State of Texas where a City Council member was actually removed from office by a vote by the City Council. He said if there is not an example right now he would like an example at the next meeting. Interim City Attorney Tommy Ramsey said he apologizes for not having an answer on the spot for this issue. Councilman Pena said the ordinances that are brought to the Council they go to the City Attorney for proofing, and if they are not getting approved by the City Attorney they should not be evaluating these to vote on. Human Resource Director Donna Fisher said she sent this to David Olson for review and she received an email from him saying it was good to go. Councilman Pena said then Olson should be at the meeting if Mr. Tommy cannot answer the questions, and he is being though on this because this is a very important risky ordinance that affects everybody. He said it does not just affect everybody in there but also everybody at home that voted, and this has a slippery slope of disenfranchising and removing illegally elected officials, duly elected officials. Councilman Pena asked David Olson if he is listening, where in the State of Texas is a City Council member removed from office from the vote of the City Council? Councilman Pena said he hopes there is an answer because he blessed this and is wondering why. He said he wants the example and is also wondering whether or not there has been a case or any statued that specifically gives the City Council the authority to remove any Council member by the council vote, the section provides for removal upon a serious violation. Councilman Pena asked how is a serious violation defined? He said the forbidding conduct is so unpredictable and only knows when the Council votes on it, high level of subjectivity and it wont stand in court. He asked why are these elements created that create more legal liability for the City? Councilman Pena said there is the opportunity to censure, it has been used, and will continue to use it. Councilman Pena said he called TML and they flat out said the City of Freeport is a home rule and the only way to remove a City Councilman is through a recall period, and he does not know why they are looking at this ordinance that has language of changes that allows trying to falsely allow the City Council to remove Councilman.

Tom Pearson said if he is not mistaken Larry Mcdonald was removed by the Council for not showing up three times.

Mayor Pro Tem Cain said he is correct and that is in the Charter.

Pamela Dancy said she is not being disrespectful, but she recalls when Olson and Olson Lawfirm wanted to come and be full time attorneys and one of the older guys from the office said the City would not only get David but the whole time. She said for the gentleman to not be able to answer the questions kind of bothers her because she does like the training but there is other language that bothers her. She asked then where in the heck is Mr. David why is here not there to answer the questions? She said she does not understand why the Attorney is not able to answer some of the simple questions.

Karla Clark resides at 411 Sailfish. She said there is more hate mongering within the walls coming from the Council, coming from people in the areas that ever needs to go on in the Council, from the citizens comments on down no one should be addressed and called out and named if it is not persistent to what is going on.

Melanie Oldham said if she remembered correctly in 2019, Chris Duncan was the attorney he used the ordinance from Clute as a model, and she had read through it and agrees there has to be definitions because it needs to be clear to everybody what it means to be unethical to get to the point where people are being attacked and not wanting to work with them. Ms. Oldham said she agrees 100% that Mr. David should be there because it sounds like Ms. Donna ran this past him. She said he needs to be there to answer Mr. Pena's questions and others. She said it is at the point that it needs to be clearly defined and when people keep crossing that line there needs to be some consequences but it needs to be clear.

Chris Duncan said the only difference he would point out was that when the ordinance was passed in 2019 the addition to this is various penalties with regard to removal and so under the Constitution when you are taking something from somebody, you are actually taking an elected position or you are taking a job away then it is a higher level or a higher standard that has to be met and so that is why the difference between the old version which is fine but now there is vague standards and it means a lot more because you could lose your elected position or you could lose your job as an employee. He said that is the requirement that is a taking and it requires a higher constitutional level.

Councilman Matamoros said after listening to all the comments it all stems from one issue and it boils down to ethics. He said there are many people who say the Council should be held to higher standards and he agrees with them and with those higher standards come higher penalties. Councilman Matamoros said there have been residents who have gone up and in other meetings and they state they are censoring them and blame him for censor that he does not allow them to speak, they can not see what he posts on social media and it is all lies. He said he does not block any residents because he knows through ethics training and other training, because he is an elected official he loses some rights on his social media pages. He said there is a case right now going on in front of the Supreme Court where former President Trump blocked people from his social media pages because he did not like what they said and federal courts said nope sorry he signed up for this job and he has to take it and put his big boy pants on. Councilman Matamoros said he has been blocked by a fellow Councilmember when he was a resident and now he goes on his social media page, and say he blocks and says things. Councilman Matamoros said he is a man enough that when he says something he will stand right up and say it. He said he does not block anybody and will show his pages where he does not block anybody. He said he is for having a good discussion and this all ties back to ethics. Councilman Matamoros said there is a Councilmember talking and being disrespectful. He said he gave him his quiet and his time to listen what the Councilmember had to say but yet he can not do that for him, but is sure he will go on his social media page after the meeting and criticize him and others and that is his right. He said he will get his crony little attorney friend to do it but it all comes back to ethics. He said he probably did something he should not have done but he is a big boy and he can take it. Councilman Matamoros said it all comes down to repeated violations of one Councilmember and his little group who he sends information to and to have them go up to speak on his behalf. He said he does have proof for everything that he speaks about. He said if anyone wants to go up to him and speak to him definitely, he is an elected official. He said this all comes down to one person that these issues have to be looked at for and it is sad. Councilman Pena said he is only asking for transparency, freedom of speech. Councilman Matamoros

said he can prove the lack of transparency of Councilman Pena and his lack of ethics. Councilman Pena said he is not going to get lectured by somebody who lies under oath. Councilman Matamoros said he was never ever convicted, and asked how did he lie under oath? Councilman Matamoros said to Councilman Pena, that Councilman Pena signed an agreement with his attorney friend without having a board approval. Councilman Matamoros said there are some things that need to be done to make sure it is correct, but there are some changes that need to be made because a vote of censure is just not enough with some Councilmembers, because it will just continue and go their ways and say they were elected by the people but yet their election by the people costs more and more in legal fees and it all boils down to ethics.

Mayor Pro Tem Cain said ethics is very important. He said there had been a lot of good conversation over this ordinance and he does feel like there are possibly some changes that need to be made and needed to be added to this. He said he does encourage Olson and Olson to go over this with the fine tooth comb because they do not want to pass something that is not legal. Mayor Pro Tem Cain said he also does not want to go up there and have someone try to have a Councilman try to kick another Councilman or vote to get a Councilman off because he called them outside of his name on Facebook. He said it is crazy to be called the yes man. He said he does think he does have freedom of speech but it is in a bad taste that this stuff is done because he feels like elected officials should be held to a higher standard.

A motion was made by Mayor Pro Tem Cain to table this item and instruct legal to look over it with a fine tooth comb, bring it back to the next meeting because it is his understanding this has to be done in February, and if they can not come up with any changes that are to be made, it can be adopted as it was and revisit at a later date.

Shonda Marshall asked if there is anyone else besides legal that can be brought in to make sure they are being fully advised on how to proceed with this particular item? She said she is like Councilman Cain she does not want to see anything illegal being done but this just also causes a big divide in the Council. She said there is already so much division in the Council. She said in the last two years that she had been going to the Council meetings there is always something, drama, and there is always division and they have to get past that and learn how to work together because it is keeping the City from moving forward. She said she truly believes that developers stay away because they do not want to deal with all off the drama that Freeport has going on. She said and something like this does not look good. She said she hopes that the Council seeks out somebody that can really make sure that they are moving in the right direction with the rules and items being put together.

Consideration and possible action Approving Resolution No. 2024-2836 for annual re-affirmation of Ordinance 2024-2721 establishing the City's Ethics Policy for all Elected and Appointed City Officials and all City Employees.

Mayor Pro Tem Cain tabled this agenda item.

Consideration and possible action ratifying the contract between the City of Freeport and the General Land Office (GLO), contract No. 24-065-007-E164.

Finance Director Cathy Ezell said the City of Freeport had been awarded a grant through the Community Development Block Grant Mitigation Program-Regional Mitigation Program Projects in the amount of \$1,838,000. She said the GLO Contract No. 24-065-007-E164 was signed by the Mayor on December 31, 2023 through Docusign. Ms. Ezell said this item is to ratify the approval of the contract. She said the City of Freeport received a grant in the amount of \$1,838,000 and had created a project that met all the qualifications set by the grant. She said the project submitted will construct a new pump station slab with rain covering and installation of water pumps; rehabilitate existing pump station including replacement of electrical system and HVAC; rehabilitate an existing 500,000-gallon ground storage water tank including replacement of roof vent, hatch, and level indicator; drain, clean, and surface prep the tank; coat both inside and outside the tank; and complete associate appurtenances. She said this project is located at the Avenue F water pump station. She said the kick off for this program was on Friday and the GLO met with her. She said they are going to begin the environmental on this project which is the next step and they are ready to go. She said this is to ratify the

contract, there are some different things in the contract that the GLO is now requiring of the City and its Councilmembers that all the sitting Councilmembers will have to attend fair housing training. Ms. Ezell said she is working with Grant Works to find the training and there is some additional training for staff as well that are required to take as part of the contract. She said these are new requirements and as soon as she knows when the training is, she will let the City Council know, but as the GLO changes and they see the big grants coming they require more. She said that this was a new requirement, and she did want to mention it because it is in the contract. She said this is ratifying the contract that was signed in December.

Councilman Rossow asked if this could be done online? Finance Director Cathy Ezell said she is trying to find online training for this, this is new training and the GLO has not come out with the training yet but will do her best to get it online and if not she will let the Council know. Councilman Rossow asked what time timeframe was? Finance Director Cathy Ezell said she does not know yet and she was not given a timeline on the training but was just told they had to do it. She said she had a meeting with the GLO next Monday and will ask more questions in detail about the training.

A motion was made by Councilman Matamoros to approve ratifying the contract between the City of Freeport and the General Land Office (GLO), contract No. 24-065-007-E164, seconded by Councilman Rossow with all present voting "Aye" 4-0 council unanimously approved the motion.

Consideration and possible action approving a Master Professional Service Agreement with Kimley Horn Engineering.

City Manager Lance Petty said at the last Council meeting the Council selected Kimley Horn to act as City engineer. He said the City's needs for engineering services are broad and varied. He said it is important to utilize a professional and licensed engineer to ensure that things are completed properly, projects are effectively scoped, knowledgeably reviewed, and improvements are designed in compliance with state regulations best practices. Mr. Petty said engineering services are utilized by several departments including; Utilities, Streets/Drainage, Building & Code, Economic Development, Parks, and Administration. He said except for general document review, and general consultation or research, specific projects requiring engineering design or other professional services would be approved via a task authorization form. He said projects of such scope require competitive bidding would be brought to the City Council for authorization prior to approving a task authorization. Mr. Petty said approval for task authorization for the re-location of the East End lift station will come to the City Council for consideration at the next City Council meeting. He said all engineering services would come with a task order.

Councilman Matamoros asked if Legal had reviewed the agreement and signed off on it? City Manager Lance Petty said yes.

A motion was made by Councilman Matamoros to approve a Master Professional Service Agreement with Kimley Horn Engineering, seconded by Councilman Rossow with all present voting "Aye" 3-1 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-F 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 expressed their concerns. He said the current website does not have the dates or deadlines for the election registration. He asked if this could be posted online, and it would be helpful for a lot of residents who are trying to understand what the dates are. He said he is not sure if they are currently online as he did not see them there. City Secretary Clarisa Molina said they are on the homepage of the website. Councilman Pena thanked Ms. Fisher for going to Mr. Olson and he thanked her for doing her job professionally. He said he knows there is a process and procedure for this and is glad that Ms. Fisher followed that. Councilman Pena said he also wanted to add that there are consequences in place and rules in place, and he is all for additional consequences so long as they are legal. He said right now there is a recall as a legal remedy and also censorship as a legal remedy. He said he also wanted to state that his words were truthful, and his words were a response to all the cover-ups perpetrated by the Mayor and the rest of the Council. He said he is not exposing non truths, but he is exposing truths. He said to ask Mr. Kelty, former Chief, and former Councilman from Ward D. He said there is a difference between cronies and experts. He said experts ask questions and bring solutions and if you are a crony you might want to look into that. He said the fountain in Downtown had been vandalized where the stork is normally at, and it had been stolen. He asked if the City Manager was aware of this? City Manager Lance Petty said no. Councilman Pena said it had been vandalized and stolen.

Councilman Cain Ward B announcements and comments.

Councilman Matamoros Ward C announcements and comments.

Councilman Matamoros thanked all the residents that attended in person and viewed online. He also thanked all the residents who spoke during citizens comments and on agenda items. He said anything he speaks about he has the truth and proof. He said to everyone if they had any questions, to go and ask him. He has not turned anybody down and has not answered any phone calls just because he does not like them. He said he answers everybody's phone calls and has proof of everybody who has emailed him, and he has email back. He said he is who he is and is not changing. Councilman Matamoros asked if Mr. Petty could add the EDC Director to the next agenda bringing the Parks Project. Councilman Matamoros said there are exciting things going on with that, but the Council will be pleasantly surprised.

Councilman Rossow Ward D announcements and comments.

Councilman Rossow said at the last Council meeting he was told that if he was to run for office again he would go to prison. He said he put his name in and is running for Council for Ward D.

Mayor Brooks Bass announcements and comments.

City Manager Lance Petty announcements and comments.

City Manager Lance Petty said the Waste Water Collection line is still moving along. He said some have noticed that it is a process with pipe bursting and things like that, but if there are any issues please contact the Public Works Department or contact City Hall. He said if there are any issues to contact us immediately to get a hold of the contractor, to get their crews out and take care of the issue. Mr. Petty said Phase 2 of the streets is wrapping up. He said there were a few issues or concerns with residents on Avenue G that they poured a five foot radius curb on site on driveway approaches and that had to be addressed by the engineers and contractor. He said they are going to do a final walk through and that will be a part of the punch out list if they correct those issues and remove those five-foot radius curbs.

CLOSED SESSION:

Executive Session regarding a.) (Deliberations about Real Property) Deliberate agreement on property located at 1201 N. Avenue H pursuant to section 551.072 b.) (Personnel Matters) Update on investigation into complaints filed against Councilman Pena pursuant to section 551.074.

The regular session closed at 8:25P.M. and Council entered into Executive Session.

COUNCIL BUSINESS – REGULAR SESSION:

Take any action resulting from Executive Session.

Executive Session ended at 9:51P.M. and Council entered back into regular session.

A motion was made by Mayor Pro Tem Cain to authorize the City Manager to execute a lease for 1201 North Avenue H on behalf of the City, seconded by Councilman Matamoros with discussion that followed.

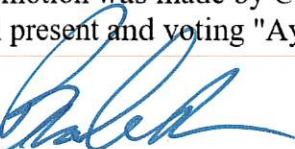
Councilman Pena said he wants to make sure that any lease agreement is represented by a licensed real estate agent, the same one that was used for all of BPOS Greg Flaniken is entirely sufficient. He said he wants to make sure they are not paying above market rates. He said he wants to be sure the location is temporary as the current location that is being identified on Avenue H is in no way in concert with a long held master plan for the City nor the downtown district, nor the Main Street revitalization plan nor the adjacent EDC river front property. He said he would not be pressured into a lease agreement and while the current City Hall provides all the legal and liability protections for the employees, he can not in good conscience vote to authorize a City Official to act without the City retaining a real estate broker informing the decision. He said every time staff negotiates any contracts alone, it has created unwanted and unforeseen and costly problems. He said he appreciates Mr. Petty's enthusiasm has brought the table a new space, the contract needs to protect the short-term interest without hurting the long-term goals.

Mayor Pro Tem Cain called the motion to a vote, with all present voting "Aye" 3-1 motion passed. Councilman Pena voted "Nay".

ADJOURNMENT:

Adjourn

A motion was made by Councilman Matamoros to adjourn the meeting, seconded by Councilman Rossow with all present and voting "Aye" 4-0. Mayor Pro Tem Cain adjourned the meeting at 9:54P.M.



Brooks Bass, Mayor

Clarisa Molina, City Secretary