

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, April 15, 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
- Councilman Jeff Pena
- Councilman Jerry Cain
- Councilman George Matamoros
- Councilman Winston Rossow- Not Present

Staff:

- Lance Petty, City Manager
- Bridgette Begle, Interim City Attorney
- Clarisa Molina, City Secretary
- Ashlee Ferguson, Assistant Finance Director
- Toby Cohen, IT Manager
- Donna Fisher, Human Resource Director
- Jennifer Howell, Police Chief
- Ana Silbas, Main Street Coordinator
- Shelby Araujo, Interim Building Official
- Rudy Ragle, Interim Public Works Director
- Chris Motley, Fire Chief

Visitors:	Sam Reyna	Melanie Oldham
	Nicole Mireles	Ron Bachman
	Con McCleester	Margaret Bachman
	Diane McCleester	Denise Leitch
	Pamela Dancy	Kenneth Hayes
	Carol Parker	Sandra Leavey
	Mark Parker	

THE MEETING IS BEING HELD FOR THE FOLLOWING PURPOSES:

CALL TO ORDER:

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation and Pledge was led by City Manager Lance Petty.

CITIZENS' COMMENTS:

Nicole Mireles resides at 2002 North Avenue G. She said she wanted to give kudos to the Freeport Police Department, but especially to Corporal Torres. She said it was on Facebook that he jumped in over at Surfside

because they needed assistance, and he helped save a life over there. She said she loved the picture that was posted where he had his socks on and was wet by his police car. She said she thought that was beautiful. She said she also wanted to say to the audience if they have not taken the Citizens Police Academy in Freeport they need to. Ms. Mireles said that is something that is worth your while, and she had learned so much. She said she had taken it before but had to be retrained. She said she is taking it now, and she is like a kid and does not want to miss any of her classes, and so she wanted to give kudos to Chief. Ms. Mireles said Chief lets the police officers do their own presentation, and they are very involved. She said Chief sits back and she does not bother them. She said she really recommended if it has been a while since someone has not taken the class, for them to consider taking it.

Melanie Oldham resides at 1206 West Broad Street in Freeport. She said she wanted to give out an invitation. She said she was with a group called Better Brazoria Clean Air Water and Government. She said they became a non-profit last year and they have a board and membership. She said they are encouraging people to get out and attend their City Council meetings, school board meetings, commissioner meetings, and then get together and discuss issues. She said there will be a candidate forum in Freeport on April 27th and it will be at the First United Missionary Baptist Church and it will be from 10:00A.M. to 12:00P.M. and it will only be two hours. She said this will be the same day as Riverfest gets going in the afternoon. She said she had somebody help her send out the invitations and there was a little mix up on getting the right church at the time but they resent the invitations. Ms. Oldham said there are six candidates and would really appreciate all six trying hard to attend. She said this is the only chance to hear from them. She said this will be moderated by Ms. Juanita Crane and there will be no debate, discussion, or any of that between the candidates. She said this is basically for them to briefly say who they are, what their platform is, and give the people a chance to hear from them. She said it will be where anybody can go and write questions as they go in on index cards and then the moderator will pick out maybe five or so questions or whatever there is time for. She said to all candidates if they can make time just for two hours to attend on April 27th from 10:00-12:00 and it will be at the First United Missionary Baptist Church on South Avenue G. She said this is a formal invitation to all the candidates.

Sam Reyna resides at 2002 North Avenue G. He said better transparency is needed when awarding contracts to companies that will supply any and all types of services to the City. He said there should be a paper trail that will document the decision makers conflict of interest and how the most qualified bidder is selected. Mr. Reyna said the contract process should be designed, developed, and centralized the contract process. He said maybe some written policies for selecting vendors and retain those documentations may be using a standardized conflict of interest forms and retain records of those documentations. He said there is a lot of misconception out there about how AmeriWaste and Covarrubias got selected. He asked Covarrubias was the low bidder but was he the most qualified? Mr. Reyna said according to what happened recently he did not think so. He said AmeriWaste was the only vendor that submitted a BID according to hearsay even if they were the only company to submit a BID and asked why award them a seven year contract agreement? He said he agreed to a three year contract if they perform according to the contract agreement, retain them if not use another vendor. He said rig the AmeriWaste contract agreement and then decide if they have breached the contract. He said if it is decided that they have not then give them a 30 day notice to comply. He said if they do not comply then contract another vendor.

Thomas Pearson resides at 110 South Front Street. He said he had a comment about a City Councilman that is always curious about things. He said he is curious why he is always late for the Council meetings even if he is in the building he is still late. Mr. Pearson said he is curious to know if he does not believe in the pledge in the United States flag, Texas flag, or he does not believe in the good Lord up above and does not want to participate in the prayer. Mr. Pearson said he is just curious if he would explain his reason for being late all the time. Councilman Pena said he is happy to explain. Mayor Bass said no Councilman Pena can do it after the meeting. Councilman Pena said he can be reached after the meeting if that question was that important. Mr. Pearson said Councilman Pena being late is not good for the citizens comments and some of the comments concern him. Mr. Pearson said he is curious as to why Freeport Council does not address this issue. He asked

how about a roll call like some other cities? He said if you are not present when the council meeting starts then you do not get to participate.

PRESENTATIONS/ANNOUNCEMENTS:

Presentation of Employee of the Month for the Month of March 2024.

Mayor Bass said the employees that were receiving this presentation are working today.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council Meeting Minutes, from April 1, 2024.

Consideration and possible action approving to accept the resignation by Jack Bullman from the Freeport Historical Commission & Main Street Advisory Board.

A motion was made by Councilman Cain to approve the Consent Agenda, seconded by Councilman Matamoros with all present voting "Aye" 3-1 motion passed. Councilman Pena voted "Nay".

COUNCIL BUSINESS – REGULAR SESSION:

Public Hearing: Discuss And Take Action Regarding Request For Replat of lot 4 of Coastal Country River Estates, a six lot and one reserve subdivision of 33.389 acres composed of lot 4 of the Coastal Country River estates and a 15.187 reserve tract of the Coastal Country River estates recorded in County Clerk's file 2022054916 of the Brazoria County plat records situated in the Sterling Mcneel League abstract 94 City of Freeport Brazoria County, Texas.

Mayor Bass opened the Public Hearing at 6:12P.M.

Interim Building Director Shelby Araujo said this item was brought before Planning and Zoning on March 26, 2024, and it was approved by a 5-0 vote. She said Mr. Hawkins sent his regards. She said he had a family emergency tonight and was not able to make it, and she was going to speak on his behalf. She said Mr. Hawkins is requesting a replat of this subdivision into multiple single family lots for his family and friends. She said that in terms of the plats that he had on record, he was going to be doing it through 4A through 4D, 4E, and 4F. She said staff's recommendation was to approve the replat and there would be no financial impact on the city's part. Ms. Araujo said the property is located in the City of Freeport ETJ.

Mayor Bass asked if there were any liens or anything on the property? Interim Building Director Shelby Araujo said no.

Mayor Bass closed the Public Hearing at 6:14P.M.

A motion was made by Mayor Bass to approve replat of lot 4 of Coastal Country River Estates, a six lot and one reserve subdivision of 33.389 acres composed of lot 4 of the Coastal Country River estates and a 15.187 reserve tract of the Coastal Country River estates recorded in County Clerk's file 2022054916 of the Brazoria County plat records situated in the Sterling Mcneel League abstract 94 City of Freeport Brazoria County, Texas, seconded by Councilman Matamoros with discussion that followed.

Councilman Pena asked if on this particular property if this was owned by who exactly? Interim Building Director Shelby Araujo said it is owned by Stephen Hawkins. Councilman Pena asked if he was at the meeting? Ms. Araujo said no he had an emergency. Councilman Pena asked if he owned the property outright? Ms. Araujo said yes.

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

Consideration and possible action approving the proposal from IAD Architects in the amount of \$39,817.00 for professional architectural and engineering services to design and produce construction contract documents for the renovation of the Pixie Heritage House.

Pamela Dancy resides on South Front Street. She said her deal on this is that so much money is spent and there still is not any cover for any bus stops in Freeport. She said they talked about quality of life for the citizens and everybody that was sitting in the room drove there. She said they drive in the cold and in the heat and people that are less fortunate and do not have transportation are sitting out in the cold, in the heat, and some of them are sitting out in the streets because either there is no shelter or a bench for them to sit on. Ms. Dancy said she thinks they are spending money on the Heritage house is great, and it looks good on the outside. She asked why do we have to do something about that right now? She asked why do we not think about helping the lower class?

City Manager Lance Petty said the Pixie Heritage House had been inoperable for a number of years. He said the City in the past had a renovation project completed and shortly after that time, the building started having issues with water going into the building that caused damage to the windows, ceiling and flooring. Mr. Petty said the City had budgeted \$375,000 dollars to make the necessary repairs. He said this building in the past was heavily used as a rental venue and an additional source of revenue for the City. He said this building is in the downtown district, and it is important not only to have an additional rental space for the public but to preserve this building for revitalization of downtown. Mr. Petty said staff tasked IAD Architects and Design to provide the City with a proposal for the renovation of the Pixie Heritage House. He said at the Council request staff reached out to the City Engineer Kimley Horn and were given information on different architect firms to reach out to. Mr. Petty said he reached out to them but they had been non-responsive. Mr. Petty said once approved IAD Architect and Design will be tasked to provide the required documents for advertisement. He said staff will bring proposals back to the Council at a later date for selection of a contractor to perform the renovations. Mr. Petty said staff recommends proposal for IAD Architect and Design and this does include architectural engineering services, construction contract documents, and oversight of the project.

Councilman Pena said he knows this was on the budget previously for \$375,000 but as recent as a couple of years ago there were some additional BIDs taken informally that amounted to about \$250,000 and he actually communicated these to Mayor Bass when they were in downtown at one point. Councilman Pena said he is curious and asked how did they arrive at \$375,000 before that and pushed it to be on the the budget for the City. He asked if an architect and engineering firm were hired at that time? City Manager Lance Petty said he was not part of that then. Councilman Pena asked if it was known if it was an architect or an architectural firm or how was that numbered derived the \$375,000? He asked if anybody knew? City Manager Lance Petty said he does not know and it had been on the budget since he had been here. Councilman Pena asked Mayor Bass if he knew? Mayor Bass said he was trying to think. Councilman Pena said to Mayor Bass if it occurs to him he is all ears on that. Councilman Pena said where he is going with this is he had never heard that and he usually hears if there is any particular project that it had kind of plans or designs or for that matter another study but in terms of the cost associated with the renovation and restoration of the Pixie house that \$375,000 was never tied to any formal engineering or formal architectural firm that it was going to give that number or gave that number. Councilman Pena said he is led to believe that because every other project he had seen a study, an engineering firm stamp plans, achitectural rendering, and he had not seen any of that as it relates to that \$375,000. He said he is glad that it was allotted and is glad that the Council at the time had enough sense to say they have to make sure they preserve that but what is frustrating is that no action had been taken for one reason or another. He said he is also glad that they are looking to take action too so that they can preserve the building versus trying to demolish a lot of historical buildings that have a lot of stories about Freeport. He said with that said he is thinking why are they trying to pursue \$39,817 for architectural plans and engineering plans and for that matter to offer an estimate that a general contractor can also do? Councilman Pena said most general contractors will

be able to assess the structural damage and they will hire their own engineer at probably at a fraction of the cost. He said he knows that for some of the construction projects that he had worked on you can get an engineer to go in there and get an analysis for about twelve hundred dollars. He said he is kind of sticker shocked that it is \$40,000 and the same thing with the designs he is not sure that any additional designs are needed because they are just repairing what is already there. Councilman Pena said any good carpenter can say they can see what is going on on the trim and can replicate that on the inside and the outside. He said he is just trying to make sure that they save \$40,000 where they can and so when he looks at this and says why are they going out to an engineer or engineering firm or architectural firm it really makes him scratch his head as to why are they just putting out a BID for work and for that matter just asking some of the local contractors and local builders who are pretty smart and can knock this out pretty quickly within a week and do it for free or even at their own cost with the hope that they get the project. He said this \$40,000 is on top of the 375 and he does not know that they even need to use the 375 because of some BIDs that they discussed the Mayor and himself when they were at the park a couple of years ago that was about \$250,000 and so there is certainly enough room for making sure this project gets done and he surely does not want to waste \$40,000 on IAD Architects. He said he does not know what the rush is all of a sudden to push for IAD to be the only lone bidder when the current engineers are currently offering another firm and if they are not responsive he is sure there are other design companies that can afford those same designs probably at a fraction. Councilman Pena said he is looking back at the general contractors. He said he received an email in the morning from the City Secretary about a hearing that is going to take place at River Place for the architectural renderings that EDC just purchased and he thinks they purchased them for about \$25,000. Councilman Pena asked Councilman Matamoros what the dollar amount was since he was recently on the board? Councilman Matamoros said Councilman Pena could finish his comment and then he could provide that number. Councilman Pena said he believed the architectural firm the number was \$25,000 and what they did for 8.8 acres was the design and the architectural renderings, preliminary engineering, preliminary architecture, layout, and site plan. He asked and why are they paying \$40,000 for just one single building that is sitting on maybe a 10,000 square foot lot and not nine acres which is about 400,000 square feet against 10,000 square feet. He said these are his concerns. He said he is just taking things to bare because of what he hears from residents. He said he brought things to bare on May 5th, 2023 of last year and that is when he informed the Council of concerns that were conveyed to him by residents about the contract that the City ended up engaging in with Covarrubias. He said by the same token he can say that since November 16th a lot had come out about the Covarrubias investigation or for that matter not the investigation but certainly in terms of what happened publicly and he knows IAD was involved. Councilman Pena said what was curious to him is that IAD provided a letter, a strong letter of recommendation for Covarrubias and yet they were not bonded and there was a whole other slew of reasons that they have to scratch their head and ask questions as to why. He said so he is just saying that Covarrubias had that letter of support that turns out that they had a hand in the post payment process and it behooves them as the Council as he would think to suspend their candidacy till this ongoing investigation on Covarrubias and everybody that were involved both city employees and third parties until that gets resolved. He said he does not want to slow down this project but he is certainly very concerned that IAD is still at the table there when there is a lot of questions to be answered still on the Covarrubias project that cost the previous City Manager Tim Kelty his job, and so these are the things he wanted to bring to bare and he hopes the Council will listen and the items that were taken to him by residents.

Councilman Matamoros said it was \$25,000 for the design guidelines and it did not include engineering whereas the way he understood this is engineering so that there is a large difference from Gensler as \$25,000 for just design only.

Councilman Pena said they can get an engineer through any of the GCs that have worked with the City and they can get that for probably about \$1200, \$1500 or even \$2500 at the top and save \$37,500.

A motion was made by Councilman Pena to table this item until they get new BIDs from qualified firms or for that matter general contractors, seconded by Mayor Bass with discussion that followed.

Mayor Bass said he takes exception to Councilman Pena's not qualified. Mayor Bass said he thinks IAD Architects and Design is qualified. He said he knows another firm was reached out which is fine but he finds it interesting that this is exactly what Councilman Pena asked for. Mayor Bass said Councilman Pena asked for an engineering design and architectural design and that is what is being provided. Mayor Bass said he does agree with Councilman Pena that there is an opportunity to go out to others maybe outside of the Brazosport area. Mayor Bass said the BID is there and is sure it will stay that way.

Consideration and possible action approving Resolution No. 2024-2853 of (Local Government) adopting the Brazoria County Hazard Mitigation Plan 2023.

Fire Chief Chris Motley said roughly every 5 years this is brought to the Mayor and Council authorizing the Mayor to sign the document and this was actually changing from FEMA ruling that it had to be from the cities as a resolution. He said once the resolution is put before the Council and approved, it will be forwarded to Brazoria County Commissioners Court and once all the cities have approved their part of the plan by resolution, it will be forwarded to FEMA for approval. Chief Motley said the mitigation plan spells out some of the history of Brazoria County. He said, like incidents or disasters that have happened in Brazoria County but it also takes each city and looks at what projects or types of projects to identify that they can apply for grant funding from FEMA or State level. He said this document is referenced in those applications, and so he is bringing this before the Council for approval, signing a resolution, and to adopt this plan.

A motion was made by Mayor Bass to approve Resolution No. 2024-2853 of (Local Government) adopting the Brazoria County Hazard Mitigation Plan 2023, seconded by Councilman Pena with discussion that followed.

Councilman Pena asked if this changes any budgetary costs that have already extended for the emergency items? Fire Chief Chris Motley said this had no impact on any of the budget items that are there and it only helps with this plan when they are applying for grants to subsidize things that they reference this plan that had been recognized by everybody involved.

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

Consideration and possible action approving the Interlocal Cooperation Agreement for Collection of Taxes and PID Assessments for City of Freeport between Brazoria County and the City of Freeport.

Assistant Finance Director Ashlee Ferguson said Brazoria County had brought forward a revised Interlocal Cooperation Agreement for Collection of Taxes and PID Assessment for the City of Freeport. She said the revisions include the following: the cost of collecting per parcel increased from 0.32 per parcel to 0.36 per parcel in accordance with Section 6.27 of the Texas Property Tax Code with a review of such cost every 3 years, how distributions are made to the taxing entities-they are not changing how they currently distribute funds to the City, and they are just formalizing the current procedures, TNT Calculations/Designated Officer-ensuring language is in accordance with the Texas Property Tax Code, and adding consent for Penalty & Interest Waivers-In the event the County waives any penalty and/or interest on any parcel, pursuant to Texas Property Tax Code section 33.011, the City consents to the waiver of the penalty and/or interest on the same parcel and hereby authorizes the County to waive such penalty and/or interest on behalf of the City. Ms. Ferguson said the City currently had an Interlocal Cooperation Agreement for the collection of taxes and PID assessments. She said this agreement saves the City of Freeport money. She said the City only paid \$2,049.38 this fiscal year for these services. She said this saves the City from having to hire additional staff to perform these services. Ms. Ferguson said the financial impact does not affect this fiscal year, but it will increase the 2025 fiscal year budget by approximately \$300. She said staff is recommending approving the interlocal Co-op agreement with Brazoria County.

A motion was made by Mayor Bass to approve the Interlocal Cooperation Agreement for Collection of Taxes and PID Assessments for City of Freeport between Brazoria County and the City of Freeport, seconded by

Councilman Cain with all present voting "Aye" 4-0 council unanimously approved the motion.

Consideration and possible action approving Resolution No. 2024-2854 appointing a member to the Freeport Historical Commission & Main Street Advisory Board.

Main Street Coordinator Ana Silbas said during this time she only received one application from Lucy Martinez. She said she just recommends either selection of an individual. She said she knows that board appointments are coming up soon in May and with only one applicant, it would depend fully on the Council as to what decision they would like to move forward with.

A motion was made by Mayor Bass to appoint Lucy Martinez to the remainder of the remainder of the term which will be in May 2025, seconded by Councilman Matamoros with discussion that followed.

Councilman Pena asked if Ms. Martinez was at the meeting? Main Street Coordinator Ana Silbas said she was not able to attend. Councilman Pena asked if she had attended any of the meetings on Historic Main Street? Ms. Silbas said she attended the community visioning session, and she was one of the few residents to attend. Ms. Silbas said she was reached and talked about the programming they did, and she enjoyed it, so she filled out an application. Councilman Pena asked when Mr. Bullman submit his resignation? Ms. Silbas said she believed it was March 14th. Councilman Pena asked if that position had been advertised. Ms. Silbas said yes through the Facebook page and through the Residents of Freeport. Councilman Pena asked if this was on the City Facebook page also? Ms. Silbas said it was shared as well. Councilman Pena asked if Ms. Martinez was a resident of Freeport? Ms. Silbas said yes for 63 years.

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

Consideration and possible action approving to remove William Leitch from the Freeport Historical Commission & Main Street Advisory Board.

Mayor Bass said he wanted to give his point of view to see if this would be settled for the night. He said he had been a proponent ever since he had been on the Council and been Mayor, that the individual committees should hear and vote among themselves about removal of their members. He said this is just how he feels and that did not apply to Ed Garcia and Nicole Mireles, and he was in the minor on that and the Council voted to remove them. Mayor Bass said the Council can certainly do that tonight, but he believes that it needs to come up and be talked about with the sitting committee as it stands, and it goes back to whether it is their desire to do so and continue with that, then it is the decision as elected office holders.

Sandra Leavey resides at 311 West Broad, Freeport, Texas. She said she was there in support of Bill. She said, as most may know, she was involved in the very first Main Street program, and she had been a building owner down there since the late 1990s. She said Bill also bought property about the same time she did and, throughout the entire process of Main Street one not having Main Street two, Bill had been because of the business that he was in at the time. She said he was a great asset as far as giving suggestions on what to do and talking with the people of Austin about some of the problems with infrastructure. She said he had been there long enough to know that the alley was renovated three times in two years because of one of the City Managers. She said there are issues downtown that are central to renovating like that whole block of buildings and the frustration that he feels sometimes is because they get new people on the board that are not only new to the Main Street but new to the issues that surround that particular downtown area. She said one of the things about the block that his house is in and it was explained best by one of the architectural rendering people she does not know what the name is for that group but from Main Street was that the block was built very similar to a group of townhouses and so if that is taken and because of the materials that those buildings were built out of and the engineering at the top the foundations at the time if you take out one building it affects the integrity of the others. She said they have also been there long enough to know that the infrastructure improvement and infrastructure downtown is needed before they get like influx of people or businesses down there because they have constant problems with gas lines and with water. Ms. Leavey said they have problems with water drainage coming off

the alleys and flowing through their buildings. She said the last bad storm the water flowed from just building through all those buildings because Frank and her stayed there during that storm and you could see through the windows the water running towards the other building. She said the way those walls are built there is a seepage underneath those. She said she understands the frustration that Bill has about taking out the one building that was voted on to demolish or the EDC. Ms. Leavey said and perhaps like her husband he is not the most eloquent speaker when it comes to voicing his frustrations but she thinks that the fact that he has so intense knowledge of that downtown area and of those buildings and the structure he is an asset to that board. She said this is just her opinion and she knows that she had called him and asked him a lot of questions and he had helped them solve a lot of their problems pretty easily because of his knowledge.

Denise Leitch resides at 216 West Park in Freeport for the last 20 years. She said she had worked at intermedics right across the park on the other side for many years and until intermedics was closed and moved to Angleton. She said she just wanted to tell the Council a little about her husband Bill Leitch. She said he is a father of three and a grandfather of three girls and another that is due next month. She said she is very proud to be his wife. She said she knows that because she is his wife it is easy for her to say how wonderful, nice, and how great he is. Mrs. Leitch said she knows the biggest thing about him is that he is a very honest man almost to a fault. She said he is the guy that will not blow smoke, he won't tell you what you want to hear, he is going to be the guy on the committee that will say the truth. She said he is going to tell you why something will not work but he is also going to give you the way it can work. She said he is always very solution minded and he had done a lot of work in Freeport and a lot of work at Shintech. She said he started his first business when he was 19 years old in California and San Diego, and he had owned a construction business until she made him retire last year. She said but he still does a lot of work at their church in Freeport. She said they are very proud of Freeport and love living in Freeport. Mrs. Leitch said she absolutely loves living in the downtown. She said the only sad thing about the downtown is in the last 40 years that she had been in the downtown. She said she used to work for the Bo's Army Navy store downtown when she was 19 years old and to say she is a couple of years past that is only kindness. She said nothing changes and it is the same thing. She said she does not understand how you can get thrown. She said she did not want him to get on the board because of all the shenanigans. She said Freeport had a lot of shenanigans going on a lot of times and she was very reluctant for him to get on the board because he is a sensitive person even though he may not appear that way she did not want him to be put in that situation. Mrs. Leitch said she did not want him to receive an email from Ms. Silbas the other night telling him that he was effectively being thrown off a board with no explanation or just because. She said she is not saying she might not have something but why not tell him what it is. She said why not explain. She said she is with the Mayor on this. She said she had been on many many boards over the years. She had worked all her life and she worked at UTMB after Intermedics in Angleton. She said she served as the board secretary for the Angleton Hospital District Board so she knows the Robert's Rule of Order backways and forwards. She said but her thing is a board should govern themselves and a written notice should be given as to what you have done so you can at least explain yourself. She said it may not change the outcome but she thinks every single person that is on the board should be very afraid that what if next week you say something to somebody and their head is on the block. She said she just does not think it is fair or right besides they are not being paid to be on this board. She said this is a volunteer thing so why not be honest with the person and tell them what the infraction is, discuss it, and then go back to the people.

Mayor Bass asked Denise Leitch what she did for Intermedics? Denise Leitch said she was the Executive Assistant for the hospital CEO. Mayor Bass asked so this is what lead her to UTMB after that? Ms. Leitch said yes she worked for Angleton Danbury for just under 25 years. Mayor Bass said she probably remembers the good things in downtown before Intermedics bought everything. Ms. Leitch said they made it into a good place but the Council would not give them the abatement and that was a silly foolish move.

Pamela Dancy said she was a little concerned when she read this on the agenda the other day that this was happening to Bill. She said she really does not know Bill that well but she was there and he had a lot of good information that he was talking about. She said she was wondering if this had to do anything with personalities

instead of principles because he was debating some things that Councilman George Matamoros or some figures that he was talking about. She said she hoped that this did not rub into this consideration for him to be removed because he seems quite knowledgeable. Ms. Dancy said that is what is needed, it is somebody that has a lot of knowledge that is able to have their input because the way she read this and the email she is kind of like if you are not in everybody's not less soldiers in line with the same thing then this can happen. She said to Ms. Ana if she could explain so other people and herself can get some clarity on this. Ms. Dancy said he seems like he is very knowledgeable and is the kind of person that we need on that type of the board.

Melanie Oldham said she is on the Historical Main Street Board and she is one of the newer members. She said she received an email at the end of the week from Ms. Ana and she did not understand exactly why that supposedly Mr. Leitch was not meeting some standards and that it had to do with something that happened or was said at the visioning session. Ms. Oldham said she was at the session and there were four different tables. She said she heard frustration but they talked about past history and it seemed like as far as downtown this discussion had been going on for a long time. She said for instance when she first moved here 15 years ago her daughter and herself rented out the building that was Lucy Goose at that time there was flooding from the back alley, mold, mildew and here they are now 15 years later and that basic thing had not been taken care of. She said the Historical Main Street Board was going to meet on Thursday that week at 5:00P.M. and she thinks they need to understand why or who is upset about something that was said. Ms. Oldham said Mr. Leitch should have an opportunity to talk and then they decide. She said as a committee they need to hear it all and she thinks it is okay for open discussion and different ways of approaching things. She said he is a contractor and she actually listened about that 208 building downtown. She said she thinks he has something to contribute but she would also like to hear what upset somebody so much that they requested the Council to remove him.

Main Street Coordinator Ana Silbas said staff is requesting the City Council to consider the removal of William Leitch from the Freeport Historical Commission and Main Street Advisory Board due to failure to uphold board member expectations and responsibilities. She said Mr. Leitch is currently serving a two-year term, which expires on May 31, 2025. She said the recent behavior of board member has warranted concerns about board membership. She said the board member's behavior has become a detriment to the progress of the Freeport Main Street Program. Ms. Silbas said as a Main Street Coordinator she had received concerns regarding Mr. Leitch's behavior, most recently at the Community Visioning Session hosted by the Freeport Historical Commission & Main Street Advisory Board in partnership with the Freeport Economic Development Corporation. She said the Freeport Historical Commission and Main Street Advisory Board with all board member appointments they do suggest replacements for any board positions bring diversity in the areas of race, age, and professional expertise to be reflective of our community and support the mission of the Freeport Main Street Program.

Councilman Cain said he appreciated the fact that Ms. Silbas took this to the Council. She said there are a lot of boards in the City and in the over four years he had been on Council he had seen a lot of dysfunction on a lot of the boards that the City had. He said unfortunately in the past the different boards have allowed the dysfunction to continue instead of trying to do something to stop it. He said he appreciates what she is trying to do however he personally is kind of leaning towards what the Mayor said. Councilman Cain said to take this to the board and if they have a unanimous or at least half say this is what the board wants then he will be more leaning towards voting for it.

A motion was made by Mayor Bass to table this item, seconded by Councilman Pena.

Consideration and possible action approving Ordinance No. 2024-2727 to update the City Loitering Ordinance 30-77.

Police Chief Jennifer Howell said she had mentioned a month or two ago regarding updating the ordinance on loitering. She said it originated in 1966 and had not been updated since 1996. She said she is trying to go through some different ordinances and get into the 21st century. Chief Howell said this was one of the changes and everything that she talked about to the Council to be able to see if there is a closed business, individuals are

sometimes loitering in the parking lots like teenagers or, even sometimes, adults gather there at late hours. She said officers do stop out to make contact but, unfortunately, unless they have the business owner at that time, they do not have any grounds to be able to push those individuals on from loitering at a closed business. She said this is an update to the ordinance that is being proposed.

Mayor Bass said under section 30.77 (a) loitering prohibited, it says it includes the following activities: standing, sitting, the laying the walking about aimlessly without apparent purpose. Mayor Bass asked if the walking was supposed to be the walking or just walking? Police Chief Jennifer Howell said it probably should just be laying, walking about.

Councilman Pena asked if the loitering ordinance is strictly just parks or any businesses as well? Police Chief Jennifer Howell said this could be any business like Shipleys or Concentra that if the business is closed and that business is not currently in operating hours and individuals go to hang out in the parking lot then the officers can then make contact and say the City had an ordinance that if the business is closed they can not be there. Councilman Pena asked if that included by the root beer stand and also the mystery? Chief Howell said this would include any business in the City. Councilman Pena asked if they were experiencing any problems with loitering as a whole? Chief Howell said yes and currently officers will stop out and make contact but then as far as like if they stop out to make contact they are not required to identify themselves so they do not have any identifying information and then they can say maybe it might be a good idea if they go somewhere else but they do not have the grounds to be able to tell people to go somewhere else and then if something happens later where a business owner calls and says their glass got busted out and it looks like a rock hit it they are not able to identify those individuals to be able to have any leads for them. Councilman Pena asked if this will allow everybody to be identified by law enforcement or allow law enforcement to ask that question? Chief Howell said when they stop out and everything to make contact they can advise them then about the no loitering and then if they continue to not go ahead and go then at that point they have grounds to start moving forward. Councilman Pena said he was just curious about what the protocol was and then in terms of peoples rights for displaying their identity. Councilman Pena asked if there were any concerns on that from Olson and Olson? Interim City Attorney Bridgette Begle said no David reviewed it and okayed everything with Chief. Councilman Pena asked if this affects any of their Miranda rights or anything like that? Police Chief Jennifer Howell said no this just would be making that initial contact and then getting those individuals to move on as of right now they can not but they can just be advised them and then they just continue to loiter and hang out at parking lots for all hours of the night sometimes. Councilman Pena his concern is that then at the next meeting a whole bunch of residents or folks are accused of loitering and then they go and say they were being harassed. Councilman Pena said he just wants to make sure it is crystal clear so the public knows they are just trying to make the community safer but also know what the protocol is. Councilman Pena asked that it is his understanding that the police officers patrolmen will approach anybody that is loitering and just ask them to leave? Police Chief Jennifer Howell said they were going to start education just like anything else and also push this out on social media but it is not like they are going to be writing tickets left and right or anything or arresting people over this but it will start with educating. Councilman Pena asked if the lead question was going to be can they please move or is the lead question going to be to identify themselves? Police Chief Jennifer Howell said the lead question and everything is going to be again education. Councilman Pena said he likes the good reputation that the police department is afforded today and he would like to maintain that as much as possible.

Mayor Bass asked what about a blow up bed at Antonellis will that be loitering? Police Chief Jennifer Howell said that will be loitering as well and would also even constitute to fall under camping for the penal code of camping. Mayor Bass said if this is approved he will sign with the one correction.

A motion was made by Councilman Cain to approve Ordinance No. 2024-2727 to update the City Loitering Ordinance 30-77, seconded by Councilman Matamoros with all present voting "Aye" 4-0 council unanimously approved the motion.

Consideration and possible action on the approval of the Windstorm Insurance Policy Renewal.

Assistant Finance Director Ashlee Ferguson said the City has two windstorm insurance carriers for the various locations of the City. She said this is the renewal of the windstorm insurance through ICAT for Golf Course, Riverplace, and the FMP Kitchen. She said the average cost increased by approximately \$20,000 from the current deductible of 1% to the total of \$57,793.34. She said this is due to the fact that the insurance is based off of the current replacement cost of each structure, which has obviously increased dramatically based off the increased construction cost. Ms. Ferguson said the increase in cost can be covered by the current budget for insurance because it was projected in the fiscal year 2024. She said Victor insurance managers work with Texas Municipal League IRP and the carriers each year to bring the City insurance coverage. She said they did have ICAT submit three proposals for windstorm insurance this year. She said these options were based on the deductible amounts. Ms. Ferguson said staff recommends staying with the current deductible of 1% when there is a named storm, and this is the only insurance coverage that the City has available if there is damage.

Mayor Bass asked if this increase is available in the budget? Assistant Finance Director Ashlee Ferguson said yes.

Councilman Cain asked why is there two windstorm carriers and is that typical? Human Resource Donna Fisher said Texas Windstorm Insurance Association will not cover all of the buildings so that is why ICAT will cover some of them.

Mayor Bass said he would move to approve the recommendation of the City Council of the City Administration with the understanding that this is going to be according to meteorologists a very exciting year so hopefully this will not be used.

A motion was made by Mayor Bass to approve the Windstorm Insurance Policy Renewal, seconded by Councilman Matamoros with all present voting "Aye" 4-0 council unanimously approved the motion.

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 said he wanted to thank everybody that came out and spoke on behalf of the City's interests and, for that matter, residents for agenda item eight and nine. He said he wanted to touch on the fact that Riverfest was coming up. He said he wanted to touch on Mr. Sam Reyna's comment about the contract selection. Councilman Pena said he wants to make sure that, in fact, there is a clearly defined that enhances transparency for the procurement process of any and all contracts that the City should engage in going forward, and he would like to see that in the next meeting or the one after at least before they try to select any additional contracts. He said he had been maintaining that the selection or the review committee should be a collection of residents and City staff, but after thinking about it and formulating the idea of the risk behind that in terms of the sealed BID process. Councilman Pena said he thinks it is a better idea that the selection process should be turned over to a third party law firm. He said he thinks law firms are probably less likely to be compromised than anybody else because they have their licenses to be considered. He said he also wanted to make sure he followed up on that statement, Mr. Reyna was brought up. He said he wanted to mention at the last meeting that it was talked about a question that was asked by Ms. Dancy about the update to an investigation with Covarrubias and he would like to request it again a public statement from City Hall staff as to what the status

update is both a verbal one tonight. He said if that is affordable and or a formal one that can be posted on the City Website and Facebook page. He said he also wanted to get clarification on when the large trash removal is going to be. City Manager Lance Petty said Saturday 27 from 8:00A.M. to 12:00P.M. and it will be located at 200 West Second Street next to City Hall. Councilman Pena asked if Riverfest was still receiving applications for booths? City Manager Lance Petty said yes. Councilman Pena asked for both vendors and public booths? City Manager Lance Petty said yes. Councilman Pena said he wants to make sure before going into executive session he is afforded the opportunity to make a motion for additional security.

Councilman Cain Ward B announcements and comments.

Councilman Cain said he wanted to thank everybody that showed up and especially those that have the courage to come up and speak. He said it was not an easy task. Councilman Cain said, as many people know and some may not know, Captain Gillchriest has announced his retirement. He wanted to give a shout-out to the Captain for over 30 years of service of working as a Police Officer in the City of Freeport. Councilman Cain thanked Captain Gillchriest for his service. He said he also wanted to remind everybody that early voting starts on the 22nd, which is right around the corner and there are six names on the ballots. Councilman Cain said for everyone to get out there and vote.

Councilman Matamoros Ward C announcements and comments.

Councilman Matamoros said he would also like to thank all the residents and visitors who attended in person and viewed online. He also wanted to thank the residents who spoke during citizens' comments and agenda items. He said Councilman Cain stole his thunder and he also wanted to wish Captain Gillchriest a happy retirement, and thank him for the many years of dedicated service to the City. He said he was looking forward to some great events, including Riverfest and the boat races. Councilman Matamoros said the Citywide garage sale will be happening on the weekend and Citywide clean up the following weekend. He said there were some things that he had noticed about the City as he had been driving around and one of those was the cleanliness of the city and driving around. He said he was going to get on his soapbox just a little bit and driving around he noticed that there are some deficiencies with garbage pickup, but what he also noticed is the lack of respect by the residents who would just drive down the street and throw their garbage on the street. Councilman Matamoros said it could be a McDonald's bag or another bag. He said we need to take pride in our city and if we do not do it, nobody else will. He said we can go and complain or take the concerns about the trash service but if it is not done by ourselves it is not going to be done. Councilman Matamoros said he was going to take some issues he had seen and pictures of trash service to City Manager Lance Petty during the week. He said he is also looking forward to this weekend as Phillips 66 will be having their golf tournament at the Freeport Golf Course on Thursday and Saturday. He said if he is not mistaken he thinks they filled up those two today and so this will be the second year in a row that the tournament will be held at the Freeport Golf Course. He said this just proves that the Golf Course and with the work from Brian and his team it is a hidden gem that should be highlighted when there is a chance and he is looking forward to the tournament.

Councilman Rossow Ward D announcements and comments.

Mayor Brooks Bass announcements and comments.

City Manager Lance Petty announcements and comments.

City Manager Lance Petty said the community clean up will be April 27th from 8:00A.M. to 12:00P.M. and it will be held at the old City Hall. He said the old City Hall is being abated right now. He also said Saturday will be the Citywide garage sale and then RiverFest is a free event. He said it is a really wonderful event that is put on and there are a lot of good vendors, bands, boats, and also fireworks. City Manager Lance Petty invited everybody to attend. He said the Public Works department also had an employee that retired last week as well. He said the employee had been there for 20 years and his name was John Stieg. He said if anyone had been out on the beach and seen him on the front end loader he was the John Beach. City Manager Lance Petty said hopefully they can get somebody to step in that role and keep the beach up nice and clean, but would like to wish him a happy retirement as well.

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

A motion was made by Mayor Bass to allow City Manager Lance Petty into executive session, seconded by Councilman Cain with all present voting "Aye" 4-0 council unanimously approved the motion.

Mayor Bass tripped over the pronunciation of Councilman Pena's last name reading the executive session item.

Councilman Pena said to Mayor Bass real clever Bass with his trip of words. Councilman Pena said to Mayor Bass to let the video show how much class he does not have. Mayor Bass said to Councilman Pena excuse me. Councilman Pena said to Mayor Bass he knows exactly what he did and he is not funny. Councilman Pena said he was going to be replaying this video of Mayor Bass. Councilman Pena said to Mayor Bass him and his bombastic comments and his inflammatory language. Councilman Pena said to Mayor Bass and asked if he stopped beating his wife?

Margaret Bachman resides at 96 Dolphin Lane in Freeport, Texas. Ms. Bachman said to Mr. Pena she finds his flippant comment about spousal abuse to be very offensive. Councilman Pena asked Ms. Bachman if she found anything that Mayor Bass had to say offensive? Mayor Bass said to Councilman Pena to let Ms. Bachman speak. Mayor Bass said to Chief Howell to remove Councilman Pena from Council if he said another word. Ms. Bachman said she had grown up in a situation where there was physical and emotional abuse. Ms. Bachman said she finds Councilman Pena's comment to be flippant and very derogatory. She said she finds them to be very disrespectful to people that actually are in fear of their life and people that are in fear every day for their life and for those women and those people that live in situations like that. She said she finds it very disrespectful.

Mayor Bass said to Chief Howell to escort Councilman Pena outside the building. Councilman Pena was escorted out by Chief Howell.

Margaret Bachman said she finds Councilman Pena offensive and she finds it derogatory and demeaning to people that live in situations where they are actually in fear for their life. She said for him to make flippant comments she finds it offensive.

CLOSED SESSION:

Executive Session regarding: a.) (Personnel matters) 1.) Update on investigation into complaints filed against Councilman Pena pursuant to Section 551.074. b.) (Deliberations about Real Property) 1.) Discuss Freeport 19 LLC, Maddox Properties pursuant to Section 551.072

The regular session closed at 7:14P.M. and Council entered into Executive Session.

COUNCIL BUSINESS – REGULAR SESSION:

Take any action resulting from Executive Session.

Executive Session ended at 7:30P.M., and Council entered back into regular session.

There was no action from Executive Session.

Mayor Bass said there is a statement in regard to the update on the investigation and complaints filed against Councilman Pena. Mayor Bass said he would state and consult with legal on this, and it is appropriate to state that at this time the investigation is coming to a close. He said there had been numerous attempts to contact

Councilman Pena by the investigator that was hired. Mayor Bass said it had been heard that Councilman Pena said he wanted to talk to him and the investigator has set up numerous times to meet with Councilman Pena only to be rebuffed at the last minute, and so he still had not met with Councilman Pena in regard to his side of the versions in regard to the investigations. Mayor Bass said he would encourage Councilman Pena to come forth and talk.

ADJOURNMENT:

Adjourn

A motion was made by Councilman Cain to adjourn the meeting, seconded by Councilman Matamoros with all present and voting "Aye" 3-0. Councilman Pena was not present for this motion. Mayor Bass adjourned the meeting at 7:31 P.M.

A handwritten signature in blue ink, appearing to read "Brooks Bass", written over a horizontal line.

Brooks Bass, Mayor

A handwritten signature in blue ink, appearing to read "Clarisa Molina", written over a horizontal line.

Clarisa Molina, City Secretary