

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, May 20, 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 Jerry Cain
- Councilman Jeff Pena
- Councilman Jarvis Davis
- Councilman George Matamoros
- Councilman Winston Rossow

Staff:

- Lance Petty, City Manager
- David Olson, Interim City Attorney
- Clarisa Molina, City Secretary
- Cathy Ezell, Finance Director
- Toby Cohen, IT Manager
- Wade Dillon, Museum Manager
- Crystal Ruiz, Executive Administrative Assistant
- Laura Cramer, GIS Coordinator
- Jennifer Howell, Police Chief
- Ana Silbas, Main Street Coordinator
- Robert Johnson, EDC Director
- Chris Motley, Fire Chief

Visitors:	David McGinty	Pamela Dancy
	David Ellis	Kenny Hayes
	Con McCleester	Manning Rollerson
	Diane McCleester	Margaret Bachman

THE MEETING IS BEING HELD FOR THE FOLLOWING PURPOSES:

CALL TO ORDER:

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation and Pledge was led by Councilman Rossow.

CITIZENS' COMMENTS:

Mayor Cain read the Citizens' Comments section on the agenda and said we are going to try to turn things around.

Manning Rollerson said what Mayor Cain just said is unconstitutional by the First Amendment. Mr. Rollerson

said everybody has the right to speak. He said it is unconstitutional, and he cannot set any limits on a person without statements that they make unless they are inflammatory or threatened and that is an unconstitutional act. He said at the last council meeting on May 6 he said Mr. Rob Giesecke went up to the Council and said Mr. Rollerson was a liar and that he did not know what two plus two was. He asked if Mr. Lance investigated to find out the truth? Mr. Rollerson said yes, it is true the City government is not doing the work about finding out about the encroachment. He said he contacted the Federal government and Cody Vasut's office to get to the bottom of this because the City is not doing its job. He said yesterday he went out with a bunch of lawyers for Lone Star Legal Aid and found out every resident on West 9th Street is being threatened by the Port of Freeport to not talk to the lawyers. He asked why are the citizens being threatened? He asked what is the Council doing about it? He said Mr. Giesecke lied to the Council. He said the Council is not trying to find out anything about it, but the citizens are saying they are being approached by the Port of Freeport. He asked what about the contract? He said this is important it is dealing with people's lives and the Council should make something better out of it. He said and to set the record straight and because he is a black man and a descendant of a slave he knows his natural origins come from. He said there was only three black people in the City of Freeport that represented the Council. He said two of them are dead and one is representing. Mr. Rollerson said he resents Ms. Nicoles statement that Mr. Winston is an African American because he is not because he knows his mother and father. He said he wanted to set the record straight. He said if you want to build on a strong foundation and let's build on the strong foundation but do not tell people they do not have a right to say anything to anybody because now they have violated the Constitution of Civil rights.

Thomas Pearson resides at 110 South Front. He said he was just wondering when citizens bring up something like for instance he said he brought up about a Councilman being late they never hear anything about it. He said he guesses maybe they have it in executive session. Mr. Pearson asked how do they ever find out if anything has ever been discussed? He asked if he was just waisting his breath asking about it? He said maybe he had to say if he can get a follow up on this after a discussion had been made and asked or how does that work?

Mayor Cain said he is not dodging Mr. Pearson's question but he is unable to respond at this point.

Shonda Marshall resides at 135 Brazos Landing Court. She said she wanted to start by congratulating the new Mayor, congratulating Councilman Rossow on his re-election, and welcoming and congratulating the newest Councilmember Councilman Jarvis Davis. She said she just wanted to offer a few words of encouragement to the Council. She said she knows that in the past since she had been going to these meetings for the last three years there had been a lot of drama, division, and a lot of tearing down eachother. She said she is hoping that this will not be the business of the Council. She said she prays for the Council every day and she is praying that the Council prays for themselves. Ms. Marshall said she hopes that the Council will work together as a team. She said she understands that people are always going to see eye to eye on all of the issues or the approaches to get to a solution but she hopes that the Council understands and will work the art of compromise and work together to do what is best for the people in the room and for the people who are watching the residents of this City that is how they got there. She said it is expected that the Council will not bring their personal differences to the meetings but that they will be there and be about the citizens and the business of the citizens. She said she prays for the Council every day and she wishes the best to the Council. She said she knows this will be a great Council and she has confidence in the Council.

PRESENTATIONS/ANNOUNCEMENTS:

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

Mayor Cain said the Employee of the Month was unable to attend.

COUNCIL BUSINESS – REGULAR SESSION:

Consideration and possible action on the approval of City Council Meeting Minutes, from May 6, 2024 and City Council Special Meeting Minutes, from May 13, 2024.

A motion was made by Mayor Cain to approve the City Council Meeting Minutes, from May 6, 2024, and City Council Special Meeting Minutes, from May 13, 2024, seconded by Councilman Matamoros with all present voting "Aye" 5-0. The Council unanimously approved the motion.

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

Main Street Coordinator Ana Silbas said she was there on behalf of the Freeport Historical Commission and Main Street Advisory Board to request 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. William Leitch is currently serving a two-year term which expires on May 31, 2025. She said the recent behavior of board member warranted concerns about board membership. She said the board member's behavior had become a detriment to the progress of the Freeport Main Street Program. Ms. Silbas said, as the Main Street Coordinator, she had recently 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 & Main Street Advisory Board voted 3-2 at their May meeting to recommend the removal of William Leitch. She said the board requests the replacement for this board position bring diversity in the areas of race, age, and professional expertise to be reflective of the community and support the mission of the Freeport Main Street Program. She said that additionally, in the future, the board requests the City Council allow the board to review candidates before they are appointed to the board.

A motion was made by Councilman Matamoros to approve the removal of William Leitch from the Freeport Historical Commission & Main Street Advisory Board, seconded by Councilman Rossow with discussion that followed.

William Leitch resides at 216 West Park Downtown area. He said at the last Main Street meeting Ana Silbas went through a long list of things that he had supposedly said and done. He said it was a long list and he would say that most of it was taken completely out of context and because it was such a lengthy list in the meeting there was no way he could address everything. He said so he picked one item to give her an example. Mr. Leitch said one of the things that she stated was in the demolition of 208 West Park that he had brought his own engineer and was arguing with the Council and everyone about the demolition and what it would cost and so on. He said he brought his engineer because Robert Johnson asked him on multiple occasions to do so. He said they discussed it several meetings ago about the demolition and he did not understand why and they talked after the meeting and he said if he had a different opinion and have an engineer that will come up with a reasonable plan to salvage this building and rebuild it he would like to hear about it. He said after the conversation and talking and Mr. Johnson requesting this from him about three times he finally did take his engineer over. Mr. Leitch said he called Mr. Johnson and said his engineer was available on that day and they went and met him down there. He said Mr. Johnson took representatives from Tuberville Construction and someone else was down there and they discussed it all and Mr. Leitch's engineer told him yes that a reasonable plan could be done to repair the building and so on. Mr. Leitch said what he did was at Mr. Johnson's requests and yet the Main Street Board is using him saying that he was out of line by taking his own engineer. He said he was asked to do so. He said it was completely out of context and pretty much everything else that she stated that evening on that meeting was the same way. Mr. Leitch said the things that he had said at the community planning meeting, were taken completely out of context. He said he had had several people come up and speak at that meeting and at Council in his defense, believing that he should be on this board because he has 45 years of experience in the construction industry. He said as he walks around the downtown he sees it from a different perspective than everybody else. He said he sees the problems that need to be addressed and that is why he got on the board to give his expertise to that board. He said refurbishing the downtown is not a matter of picking the proper colors and painting the buildings. He said you have to address the infrastructure first, and you have to address the

buildings that need structural repair as well. He said if all that is going to be done is paint them and make them look pretty, you're going to have the prettiest ghost town in America. He said he had a letter from Sandra Leavey that was unable to make it to the meeting and she wrote a letter and was asked to give to the Mayor. He said the other question he had was the vote taken in the meeting and to him it was questionable. He said they had a new member on the board who voted against him and he does not even understand why she was allowed to vote because she had no knowledge of all the things Ana was speaking of and he was under the impression that he was not allowed to vote and he thinks that is incorrect as well.

Pamela Dancy resides at South Front Street. She said this is very upsetting because she sees the vision of the Main Street but she also sees somebody that has lived downtown that is a builder that knows a lot of expertise. She said what she is seeing is that it is like if everybody is not lined up like little soldiers then you are kicked off of a committee which she will probably be kicked off of one real soon. She said she sticks to principles instead of personalities and she thinks it is a sad day that they are going to start kicking somebody off because they may have one view and then you have others that have another view and because you do not like their view they will kick your butt off. She said excuse her French but she thinks that is terrible and does not think it is very good neighbor to be a good citizen and she thinks it is terrible.

Councilman Pena said he wanted to ask Mr. Johnson if he, in fact, had asked Mr. Leitch bring his own engineer? EDC Director Robert Johnson said to his recollection, back in January, there was a meeting where he brought the EDC's 208 demolition plan to the Main Street Board and Mr. Leitch, said that the estimates that the EDC had received were way too high, and he could do better. Mr. Johnson said to him, if he could do this project or find somebody that can give a better estimate, these are the three estimates that he received through the bid process. Mr. Johnson said if he could do something better, he was all ears and in various months he would reproach him and Mr. Johnson would say he is all ears and if there is somebody that he could find but he said to Mr. Leitch the train is rolling, but the board has voted on it and so Mr. Leitch did indeed schedule a time when they could get together because he was talking about some water leaks from the alley and into 208 that would affect his building. Mr. Johnson said the engineers looked at that and also looked at the stability of the building, the one that Mr. Leitch brought and said it could be saved but the question became at what cost. Mr. Johnson said there was an ongoing dialog between Mr. Leitch and him but he was not running after him saying please but it was that the whole thing initiated from he could get somebody that could do this for way less than the BIDs that were received. Councilman Pena said he recalls he had a meeting that he was invited to with Mr. Johnson, Mr. Leitch, contractors, and engineers Mr. Leitch had invited and he arrived probably about ten minutes late or so but that meeting was held in 208 in April. Councilman Pena said this meeting was brought to bare because there was a meeting after the March Main Street meeting in the parking lot where he believes that Mr. Johnson had said if Mr. Leitch had an engineer that that can confirm the demolition of this building will actually be a liability to his building and others to please have them set it up and then Mr. Johnson reminded Mr. Leitch that he had told him if he wanted to do that and that he was waiting. Councilman Pena said that he thinks in that meeting in March that happened where Mr. Leitch was given a firm enough signal that the horse or the train was leaving so that they needed to get that information. Councilman Pena said he was not aware that it was so much about cost as it was more about the integrity of the building and for that matter the demolition and so that meeting had happened a couple of days later that same week in the month of April and he mentions this only because he wanted to share with the Council that he was there and he did see this. Councilman Pena said he just wanted to corroborate Robert's point and Mr. Leitch's point. Councilman Pena asked EDC Director Robert Johnson if he could confirm that Councilman Pena was at that meeting? EDC Director Robert Johnson said yes Councilman Pena was there but he did not invite him but he was at that meeting. Councilman Pena said he is kind of a nosy Rosie where he sees people in downtown whether it is an 18-wheeler illegally driving through from the port he will take photos and then send them to the City Manager and the Assistant City Manager Chief Howell and they can confirm that. Councilman Pena said he had a question as to why Mr. Leitch wanted to be on the board and he had fairly expressed that. Councilman Pena said he also wanted to share that in Mr. Leitch's answer he was reminded he does have that expertise and that expertise Councilman Pena has certainly leaned on it as a neighbor and he knows that the City has leaned on

Mr. Leitch in the past. Councilman Pena said Mr. Petty had also leaned on Mr. Leitch expertise when in last August there was a gas leak in downtown which then turned into six water leaks and then the street repair. He said Mr. Leitch took the time out of his own day to sit back there in the alley and help advise both Center Point and the City advising on where the problems were and the issues on where the water lines and gas lines were. He said the City had some maps of where those lines were and those maps were outdated and nobody could really find them. Councilman Pena said he found that useful then because the gas leak was resolved and they were at it for almost 24 hours straight and he appreciated his expertise on that. Councilman Pena said he believes when Mr. Leitch says he is just trying to offer his knowledge and that is really all that it is asked for. Councilman Pena said the other thing that was also asked for and this is something Ms. Dancy had mention and this is something they have always espoused at every board and it is that they are looking for new ideas. He said the EDC Board, Main Street, 8.8 acres, new ideas, different ideas, and opposing views to discuss them in a compromising way. Councilman Pena said he just wanted to mention that those meetings he was there and he heard and he just wanted to make sure everybody understood the complexion of those meetings of what was actually said as well as Mr. Leitch expertise and really what he had ever offered had always been in a helpful manner. Councilman Pena said he also wanted to touch on the last thing that Mr. Leitch mentioned which was the vote. Councilman Pena said he was at the meeting in April and believes the Mayor was there too. Councilman Pena said he had arrived ten minutes in to it and had heard that the chair Margaret McMahan had resigned and the vice Keith Stumbaugh and then another member in the meeting in April. He said he knows that Ms. McMahan had went to him after the meeting and had expressed that she had resigned earlier in the meeting and that she would not be applying again which he was actually disappointed to hear because she gave a lot of time and energy to that board and she does not even live in downtown but the kicker of it all is that then there was this meeting last week he was told that this vote had and Ms. McMahan was facilitating the meeting and also voting and it is his understanding that if you resigned you are not allowed to be on the board, facilitate the meeting, and much less vote on it. He said so he just wanted to make sure that everybody was aware that there might have been a mishandling of how that voting process is handled. He said he knows that in the last Council meeting it was asked for the Main Street Board to go back and vote but he thinks that it might have been mishandled and he just wanted to share that with the Council as well. He said his hope is that everybody just wants to play together, work together, solve the problems together, and there will be different views but that it does not require that you get kicked off if you do not agree. He said he is hoping the Council will advise Main Street now that there are two vacancies that there is and can have a new board selections and maybe the new board can decide whether or not Mr. Leitch should stay or not. Councilman Pena said but just as a neighbor as a resident from what he had seen he had helped out at every turn in downtown. Councilman Pena said for him personally he knows that he had done it for the City and Mr. Leitch was contacting him when those gas leaks occurred and Mr. Petty might be able to confirm this as well.

Main Street Coordinator Ana Silbas said regarding Ms. Margaret McMahan who is currently the chair and Mr. Keith Stumbaugh they had both mentioned to the board that they had no intentions of renewing their membership on the board after the expiration of their current term which is May 31st, 2024. She said that was the discussion and also regarding the conversation it was not strictly regarding knowledge and expertise and the 208 demolition it is also about conducting yourself as a professional board member, promoting harmonious respectful relationships with others, being aware of your words, actions, and behaviors define how others in the community view the board and program as well. Ms. Silbas said just a clarification Ms. Margaret and Mr. Keith are still on the board until the end of May is when their term expires.

Councilman Matamoros said he was at the community visioning session and he visually saw the actions of Mr. Leitch. He said they were at the same table it was a discussion that was going pretty good then devolved into a degrading of the City officials on upkeep of downtown and then went to downtown is not getting assistant and then it just went further. Councilman Matamoros said as it just went further and he was there he asked Mr. Leitch this was not the time to speak about the items that he was bringing up there was a particular set of goals that were being looked at and yet he continued and it turned away people who were interested in that table. He said it got him thinking and he reached out to quite a few board members and they all said the exact same thing

that the meetings get out of hand because Mr. Leitch wants it his way to self-serve. He said so it just made him think about all the members of the boards are appointed to serve at the will of the Council. Councilman Matamoros said board members are a representation of the Council and after that meeting and speaking with the members of the board he felt he would not be a reflection of him on the board. He said he then had a discussion with a couple of those members and they then decided that as a board they would like to have Mr. Leitch removed. Councilman Matamoros said he is not insane he said he did see and visual all the actions at the community visioning session.

Councilman Pena said he wanted to go back to the qualified votes for the last Main Street meeting. He said he was glad that Ms. Silbas clarified that in fact Ms. McMahan was actually still a member and can vote through the end of May. He said he was not aware of that and is glad that was clarified. Councilman Pena said the other clarification that was given to him was that Mr. Leitch had mentioned to him that he was wrongly allowed to vote on the matter and he should have been allowed to vote. He said had he been allowed to vote it would not be on the agenda tonight because the vote would have been three to three with everybody that was in attendance. He said the vote he understands it was Ms. McMahan, Ms. Irene Ocanas, and Ms. Lucy were voting to remove Mr. Leitch. He said but those that voted to keep him on the board were Ms. Betty Lopez and also Ms. Melanie Oldham and had Mr. Leitch been rightfully allowed to vote his vote would have been a third and it would have been a tie which would have killed the motion and he wants to make sure that the Council was aware of that. He said this would had not been on tonight's agenda without that.

Mayor Cain read the letter from resident Sandra Leavey. He said the letter said "Dear Mayor Cain, City Councilmembers and citizens, I'm unfortunately unable to attend tonight's meeting because of a family engagement. My name is Sandra Leavey and I live at 311 West Broad in Freeport. I am interested in speaking about the removal of Bill Leitch from the Main Street board. First of all, let me say that I attended the Main Street meeting and I was surprised to see not only our Mayor, but our Police Chief and our City Manager at the meeting. I understand our Mayor being there but I was somewhat confronted by the presence of the others. As citizens, we ought to have the right to speak out if we disagree and the discretion of the board is heeded without being intimidated. Let me point out that this board has previously requested the removal of two other members, Sandra Barbree and Sandra Wood Wicky, both of whom have extensive knowledge of both Main Street and our program. The reason for their removal was because of missing meetings. Although, there have been many other members who have missed meetings without being removed, I feel that removing people, especially those who have so freely given of their time to the city is wrong. I've known Bill and his wife, Denise, since they moved to the downtown area some 20 plus years ago. I have served on the Freeport downtown retailers Association with he and Denise, and they were also volunteers for the first Main Street Commission, working countless numbers of hours on projects and events. Bill has a vast knowledge of not only the infrastructure, but also the history of issues that surround owning property or a business in our downtown area. I've always known him to work well with others, and of all of it, volunteer both his time and talent toward the betterment of the town, downtown area, and the City. One of the founding principles of the Main Street program includes working with property owners and getting commitment from them to join forces to effect change. Removing members who are owners and have knowledge and experience does not promote that spirit. Might I also point out that one of the three of the three to split vote who voted for removal was attending her last meeting with the board, and one was a new member. The other two members both voiced positive comments about Bill and voted to leave him on the board. I respectfully request that you vote to leave Bill on the commission, as he is the only one of two members of the board who owns property downtown, and the members with the most knowledge of all the issues that downtown has faced previously signed Sandra, Leavey".

Mayor Cain said his take on this was he feels like the boards, committees and Council should work together as a team and if they are unable to work together as a team and someone is distracting or not representing as the expected then the proper procedure should be a vote taken by the board before it is taken to the Council. He said Ms. Silbas brought this to the Council at the last regular meeting and she was asked to do what she did. He said the vote was three to two and he knows there has been a lot of concerns about a new member of the board

voting but new members get to vote. Mayor Cain said Councilman Davis will vote on every item on the agenda and his vote is going to count just as heavy as Councilman Pena who has been on the Council for over two years.

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

Consideration and take possible action to select the position of Mayor Pro Tem.

City Manager Lance Petty said this was brought up at the last Council meeting. He said he received an email Tuesday morning from Councilman Pena asking for this item to be placed back on the agenda. He said he discussed it with the City Attorney, and he asked him to go ahead and put this back on the agenda.

Interim City Attorney David Olson said typically the policy is to have two Council members sponsoring any new agenda item, but he felt this needed at least some discussion since the Charter states "you shall elect a Mayor Pro Tem". He said at the end of the day it is not the end of the world if the Council does not, but if the issue came up where the Mayor was unable to preside over a meeting, the Council if they had not otherwise elected a Mayor Pro Tem the first action would then be to appoint somebody to proceed over the meeting until the Council so choose to elect a Mayor Pro tem. He said one last discussion item about this and then moving forward to the City Manager was that they follow standard protocol that relates to putting agenda items on the agenda meeting that two Council members would need to sponsor items.

Councilman Pena said he had a handout of the charter that shows that the Council in fact should appoint a Mayor Pro Tem. He said he wants to be clear he is not really interested in titles but he is not interested in playing just a silly politics that ends up putting in the City and a compromised liability position. He said as it was told to him by many other residents and legal minds that this was in fact something that the Council needed to do because it was directed on or written in the charter and so he is not really sure why the Council violated the charter in the last meeting by choosing to nominate but then voting against appointing him Mayor Pro Tem. He said he is not going to get into the commentary that was added at that time but when talking about what Ms. Marshall said and letting the healing begin and trying to look for some compromise. He said he thinks they stumbled out of the gates last week and that can be written for the sake of the City and follow the charter and appoint the Mayor Pro Tem as a procedural protocol that it is and if there was another qualified City Councilman that could be the Mayor Pro Tem he would not have a problem with somebody else being the Mayor Pro Tem but as it stands now he is the only qualified City Councilman to be acting as Mayor Pro Tem. He told the Council he is not ambitious and he did not try to run for Mayor. He said he was talked into so many things initiatives at the behest of residents. Councilman Pena said to the Council the ball is in the Council's court.

Councilman Davis asked if this was true? Interim City Attorney David Olson said absolutely there is a provision in the charter that says the City Council shall select and Councilman Pena is correct and he is the only Council member eligible to serve in that term. Mr. Olson said he is saying from the legal side of things if the Council did not elect a Mayor Pro Tem it is not like the government is going to shut down. Mr. Olson said procedurally the Mayor Pro Tem acts in the capacity of the Mayor presiding over meetings when the Mayor is absent and that is really the only role the Mayor Pro Tem serves. Mr. Olson said there are other ways to handle that but it is up to the Council but he thinks tonight if the Council wants to appoint somebody Councilman Pena is the only eligible person to serve in that capacity as per the charter but if they do not, there are other ways to handle presiding over this.

Shonda Marshall said she is a little concerned about this whole Mayor Pro Tem issue. She asked what happens when the Mayor can not go to a meeting? She asked if the meeting is cancelled because there is no one to preside over the meeting? She said she is a little concerned. She said she knows there is a lot of concern about Councilman Pena's behavior and that a lot of people feel like he does not represent the City in a very positive way. She said his ward does not agree and they voted to put him in office twice. She said at the end of the day

he is still representing the City as a Councilman period whether he is the Mayor Pro Tem or not. She said the rules should be followed and if the charter says that he is the only Councilman that is quote on quote eligible to be the Mayor Pro Tem then to give him a chance just like if they are saying that someone can be selected to be the Mayor Pro Tem then there is a compromise to sit him down and talk to him and let him know if he is going to be the Mayor Pro Tem representing the Council and the City. Ms. Marshall said to tell Councilman Pena what the Council's expectations are. She said as the Mayor he had the right to do such but the other Councilman even though they might be very well verse very well refined or whatever according to the charter that they are not eligible to act as Mayor Pro Tem and she feels like the Council should really need to honor the rules and do what is right. She said she understands that a lot of people have these personal issues with Mr. Pena rightfully so however, the charter does not say if he is not liked he does not need to be the Mayor Pro Tem.

Thomas Pearson said what time is the Council meeting going to start because Councilman Pena cannot get there on time.

Mayor Cain said a question was raised about what happens should he be absent. Interim City Attorney David Olson said if the Mayor is absent and a Mayor Pro Tem had not been selected he thinks the first item of business before anything is done would be a motion to appoint somebody to preside over the meeting.

Councilman Matamoros said everything that was done at the previous meeting was compliant with the laws and ordinances of the City. He said he believed that this item should not had been brought up for another three months and with the guidance from legal that states if the Mayor is not present for a meeting a person would be elected to run that meeting at that time.

A motion was made by Councilman Matamoros to appoint Councilmember from Ward A Jeff Pena as Mayor Pro Tem, seconded by Councilman Davis with all present and voting "Aye" 3-2 motion passed. Mayor Cain voted "Nay". Councilman Matamoros voted "Nay".

Mayor Cain congratulated Councilman Pena for being selected Mayor Pro Tem. Councilman Pena said thank you and is looking forward to the healing to begin.

Consideration and possible action approving the proposed 2024 Annual Street Lighting Plan.

GIS Coordinator Laura Cramer said she was presenting the proposed 2024 illumination light plan. She said at the last meeting there were two changes by Councilman Matamoros and the map was revised.

A motion was made by Mayor Cain to approve the proposed 2024 Annual Street Lighting Plan, seconded by Councilman Matamoros with discussion that followed.

Councilman Davis asked if this was approving streetlights? GIS Coordinator Laura Cramer said yes. Councilman Davis asked what the number of streetlights is? Ms. Cramer said a total of 50. Councilman Davis asked how these are spread out? Ms. Cramer said there is a chart in the memo that shows how they are divided up between the different wards over the different years. Councilman Davis said he saw that, but who makes the decision? Ms. Cramer said the Council approved it. Councilman Davis said Ward B is going to need more lights next year. Ms. Cramer said Ward B was pretty lucky that they are generally pretty well covered.

Councilman Pena said he was curious to see if it would be possible to add any or more some of the lights in Ward A. He said he was looking at the map and right there on Fourth Street and he knows they are trying to get as much lighting in the residential area and for that matter the downtown area and he noticed that in the downtown area in the downtown zone that there was a section there he knows is very dark and dangerous and that is on Fourth Street. GIS Coordinator Laura Cramer asked where on Fourth Street? Councilman Pena said where the Fire Station is over to Cherry Street. He said there are a couple of churches that are there and he knows that is where the fire department is one of their main routes and it is well lit when the fire truck goes by but otherwise it is pitch dark and he is just trying to ensure that there is no haven for illicit activity through that

darkness at night and just make the downtown a little safer. Ms. Cramer asked Councilman Pena how many lights he would like to put on that same block? Councilman Pena said he knows on Broad parallel to it that there are five lights on Broad between Navigation and Cherry and in this case, there is only two so if they can add additional three that would be great. Ms. Cramer asked which three would he want to remove from Ward A? Councilman Pena said he would say the ones on Second Street and the railroad track there is two there right by the bridge. Ms. Cramer said those were approved last year and in the process. Councilman Pena said he does not want to take any away from the 11th Street because he knows there are some families and children there. Ms. Cramer said the ones that were add for Ward A are basically all on Second Street. Councilman Pena said if they could just move two of the ones from Second Street over to Fourth that would be helpful or if there is any other Councilman from any other ward that wants to donate. Councilman Pena said he really likes the idea that the main corridor of Second Street is well lit and has a lot of heartburn removing those but it is very dark on Fourth Street and that is a high traffic route especially with all the construction on Navigation. Councilman Pena asked if anybody had three lights that they can help for the Downtown development and so that it is safer at night? Ms. Cramer said there is a light there mid-block between Cherry and Oak and maybe that one could be removed and then remove two of the four closest to Velasco. Ms. Cramer said maybe keep the one near Velasco the one between Cedar and Beech take that one and then remove the one closest to the railroad between the railroad and Walnut and then she will put three in on Fourth Street. Ms. Cramer asked between Cherry and West Park or East West Park? Councilman Pena said between East and West and then between West and Cherry. Councilman Pena said that is where it is really dark between West Park and Cherry it is almost a fully City block there and that is where it is really dark. Ms. Cramer asked if he would like for her to bring this back again for approval or for her to just make the changes. Councilman Pena said he is confident.

An amended motion was made by Mayor Cain to approve agenda item number five with the changes Councilman Pena has made for Ward A, seconded by Councilman Matamoros with all present and voting "Aye" 5-0. the Council unanimously approved the motion.

Consideration and possible action on reopening the Arbutus Street right of way between 2nd Street and Broad Street and approving the city attorney to draft an ordinance and the Mayor to sign and City Secretary to attest to such ordinance.

GIS Coordinator Laura Cramer said this is a housekeeping issue back in 1964 they closed that portion of Arbutus business between Broad and Second and have done some recent infrastructure work, and it really needs to be open if they are going to be spending money on it.

Mayor Cain said it is a really nice road to be closed.

A motion was made by Mayor Cain to approve reopening the Arbutus Street right of way between 2nd Street and Broad Street and approving the city attorney to draft an ordinance and the Mayor to sign and City Secretary to attest to such ordinance, seconded by Councilman Davis with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action to close and abandon the alley right of way in Block 176, Freeport Townsite and sell the alley right of way to the neighboring property owner and approving the City Attorney to draft an ordinance and deed and the Mayor to sign and the City Secretary to attest to such documents.

GIS Coordinator Laura Cramer said this is an essence a housekeeping issue as well. She said Freeport apartments located at the intersection of Broad and Yaupon the apartment complex encompasses the entire block but she was not able to find any documentation where the alley right of way has ever been closed. She said the apartment complex had reached out providing a letter that the City would not demo their buildings and can not hold a future Council limit them. Ms. Cramer said the cleanest way is to close and abandon and sell. She said that kind of takes the City out of that picture.

A motion was made by Mayor Cain to approve to close and abandon the alley right of way in Block 176, Freeport Townsite and sell the alley right of way to the neighboring property owner and approving the City

Attorney to draft an ordinance and deed and the Mayor to sign and the City Secretary to attest to such documents, seconded by Councilman Pena with discussion that followed.

Councilman Matamoros asked what the figure was that the City was going to sell it for? GIS Coordinator Laura Cramer said \$2,100 and the City paid for the survey which was \$600 which was appraised for \$1,500. Councilman Matamoros said he considered this too low because they are going to turn around and sell it and make a profit. He said he is not against selling it and is not against closing it and then selling it but he does not want them to make a huge profit off of it at the expense of the City.

Councilman Pena asked GIS Coordinator Laura Cramer if the apartment complex brought this concern to the City? Ms. Cramer said yes. Councilman Pena asked how long they had been the owners? Marina Cervantes is the property manager and the asset manager for the current owner and she said this was purchased back in December 2022. Councilman Pena asked if they owned any other properties in Freeport. Marina Cervantes said no. Councilman Pena asked if they had made any renovations? Ms. Cervantes said yes. Councilman Pena asked if she had any kind of budgetary? Ms. Cervantes said a little over \$500,000 so far. Councilman Pena asked if they got permitted for that? Ms. Cervantes said yes and this a refinance issue. Councilman Pena said he knows that hard money loans do not do their due diligence on surveys and titles and so it is the reason why they are high interest loans because there is less due diligence and it is a higher risk but when you go to a bona fide bank the bona fide bank with Fannie Mae will require that any encumbrances on a survey are removed otherwise they will not lend on it. Councilman Pena said his line of questioning was and how long have they owned it and what have they done to improve it. He said he likes to hear that there is investment in Freeport but also likes to hear that they have put in a pretty good amount of money in there and more importantly through code enforcement that it was validated. Councilman Pena said if the City in any way or anybody there with the City can confirm that this apartment complex did in fact utilize the code department to facilitate their repairs that will give him that much more of confidence that they are being a good actor. He said as far as them trying to recapture any profit from that strip there he does not know that that particular encumbrance for as old as it has been adds any greater value than it was already there. Councilman Pena said he was surprised that she was able to actually even buy this because the title company should not have allowed it they would have said red flag until that was removed it could of not been purchased. Ms. Cervantes said correct. Councilman Pena said if she had an attorney working on their behalf they should of flagged that and said until that encumbrance is out you guys are going to be in a pickle so you might want to get with the City first before this is purchase and put in all this money. Ms. Cervantes said there was an exclusion in the title. Interim City Attorney David Olson said there was an exclusion in the title there be an exception under schedule C dealing with this issue and the title company is not going to warrant title for the Broadway. Councilman Pena said that was probably an exclusion on the schedule. Councilman Pena asked he guesses they are trying to make sure to move that particular language in the schedule C? Interim City Attorney David Olson said that is what they are asking.

A motion was made by Councilman Pena to approve to close and abandon the alley right of way in Block 176, Freeport Townsite and sell the alley right of way to the neighboring property owner and approving the City Attorney to draft an ordinance and deed and the Mayor to sign and the City Secretary to attest to such documents, seconded by Councilman Davis with discussion that followed.

Mayor Cain said he felt like this is something that the City fell flat on years ago. He said this is the alleyway that goes right through three of the apartment complexes. He said he appreciated the fact that there was an appraisal instead of just throwing a number out there and appreciates the fact that they are willing to pay the amount that was paid for the appraisal as well.

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

Consideration and possible action by City Council approving the sale of property located at Block 70, Lot 2, Velasco Townsite and approving the city attorney to draft a deed and the Mayor to sign and City Secretary to

attest to such deed.

GIS Coordinator Laura Cramer said the City was contacted by the adjacent property owner of the subject property with an interest to purchase because it is owned by the City. She said the survey and appraisal is attached to the documentation and looking to seek for approval. She said there is no roadway access. She said it is landlocked and there are no utilities. She said the gentleman that is purchasing is aware of this.

Councilman Pena asked where is this at? GIS Coordinator Laura Cramer said South Avenue H like heading toward Oyster Creek Division on the left hand side. Councilman Pena asked what the purchase price was? GIS Coordinator Laura Cramer said \$400 for a 25ft lot. Councilman Pena asked what is their goal with it? Mr. David Ellis said he is a fifth generation Velasco person, and so he is looking at it for retirement and not to develop just yet but in the future. Councilman Pena asked if a lot was just sold recently over there off of Avenue H a few months ago to a couple that came out, and it was landlocked that had a ditch to it? Ms. Cramer said yes but he had access from the property but it was directly behind them. Councilman Pena said he thinks it was for \$500 and landlocked except accessible to the owner alone and in this particular case it is landlocked and completely same sized lot and he would ask for the same price as it is not much more. Ms. Cramer said she is sure Greg Flaniken did this because the other property owner had access to the lot.

Mayor Cain asked if he owns the lot next to it as well? Mr. David Ellis said yes. Mayor Cain asked if that is also a 25ft lot and landlocked too? Mr. Ellis said yes both of them are.

Councilman Pena asked if there was a structure on that? Mayor Cain said a lot of brush.

A motion was made by Councilman Pena to approve the sale of property located at Block 70, Lot 2, Velasco Townsite and approving the city attorney to draft a deed and the Mayor to sign and City Secretary to attest to such deed, seconded by Councilman Rossow with discussion that followed.

Councilman Matamoros said as he viewed the packet beforehand he noticed that there is not a street and utilities. He said Mr. David Ellis stated he wants to build on it at a future date. Councilman Matamoros asked how is he going to acquire a street and utilities to be able to build that? Mr. David Ellis said that will be in the future and going through with City planning or City Council to develop the street where Avenue H ends to take it further and he thinks there is six lots left that are not developed and it would need all the utilities it would need electrical, water, sewer and street. Councilman Matamoros asked if Mr. Ellis was willing to put that money in? Mr. Ellis said yes.

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

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.

City Manager Lance Petty said staff has brought this to the Council twice now and the first time it was asked to reach out for some other architects or engineers, which he did at the request of Kimley Horn the City Engineer. He said Project Luong was recommended for additional proposal for the project, and they did not respond. He said he talked to them on the phone, and they never showed up. Mr. Petty said this was brought back to the City Council again and the Council wanted him to reach out to more firms. Mr. Petty reached out to Dan-Tex Design, Espinal Architects LLC, and J Hannah Design Group and each firm has been non-responsive. He said the Pixie House has 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. He said the City has 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 if approved IAD Architect and Design will be tasked to provide the required documents for the advertisement. He said staff will take back the proposals back to the Council at a later date for selection of a contractor to perform the renovation. Mr. Petty said it is a budgeted item and he has had numerous contractors reach out to him that are interested in doing the work but per procurement he must have the engineering drawings and a scope of work to BID this project out because the cost of it.

Mayor Cain asked if the City Engineer Kimley Horn did not want to look at this? City Manager Lance Petty said yes, they do not do that in house so they sub that out. Mayor Cain said it is a bad look.

Councilman Pena said he can think of two other architects Gensler that just did the EDC Project and they charged \$25,000 for those 8.8 acres and here this 5,000 to 10,000 square foot lot in this project and is thinking and asked why pay twice as much for a property that is a fraction of what Gensler just did? Councilman Pena said if there was no response from those firms he is happy to provide additional firms out of Angleton and Lake Jackson that did work for the City previously and he did not hear those names announced but is happy to provide those to help save some more money.

A motion was made by Councilman Pena to table this item and get some additional BIDs , seconded by Councilman Rossow.

Consideration and possible action approving the agreement and Resolution No. 2024-2855 to permanently close at-grade public road crossing for west 1st street at railroad milepost 15.435 with Union Pacific Rail Road.

City Manager Lance Petty said he brought this to the Council a couple of meetings ago and the Council requested that an engineering study be done on the drainage portion of it. He said he got with Union Pacific the next day and they sent over the drainage study. He said they had already had it completed by their engineers. He said this is attached and ready for approval by Council and it will close at at-grade public road crossing located at West First and South Magnolia. Mr. Petty said they stated that in the future down the road they will look at painting the bridge that is rusted in the future. Mr. Petty said this is something he knows the Ex-Mayor had requested from them.

A motion was made by Mayor Cain to approve the agreement and Resolution No. 2024-2855 to permanently close at-grade public road crossing for west 1st street at railroad milepost 15.435 with Union Pacific Rail Road, seconded by Councilman Matamoros with discussion that followed.

Councilman Pena asked if the City had their engineers and or drainage staff look at that report to bless it to ensure that it did not create additional problems of drainage or flooding and for that matter the drainage district as well and get their blessings on this? City Manager Lance Petty said the City engineers yes but not the Velasco Drainage District. Councilman Pena asked if they did not think it will create any additional problems? Mr. Petty said no they have underground piping that goes through there.

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

Consideration and possible action for Freeport PD to go into contract with American Red Cross as a training provider.

Police Chief Jennifer Howell said recently they had one of the telecommunicators that attended the course to become a CPR instructor and CPR courses are now a requirement for telecommunications to obtain every two years and so, to be able to do that in-house at a more efficient cost they created to make her an instructor in addition it is not currently mandated for the remainder of the staff to be CPR certified but would like to change that and make that a mandate for all the PD staff and then offer that out to the rest of the City employees in addition to the public and this would allow the opportunity to do so.

Mayor Cain said he thinks this is a great idea and should have been mandatory already.

A motion was made by Mayor Cain to approve the Freeport PD to go into contract with American Red Cross as a training provider, seconded by Councilman Matamoros with all present voting "Aye" 5-0. The Council unanimously approved the motion.

First Reading of the Parks Project.

EDC Director Robert Johnson said Mr. Petty and himself have approached various large businesses in the local area about contributing to the improvement of three of Freeport's local parks. He said the parks slated for improvement are Peppermint Park, Arrington Park, and Stephen F. Austin Park. He said these parks were selected based upon need for improvement and use by the public. Mr. Johnson said to date, only Phillips 66 has contributed to the Parks Improvement endeavor. He said their generous contribution amounted to \$50,000.00. He said the park playground equipment had been priced and after deducting the contribution of Phillips 66, the amount requested by the EDC to purchase park equipment was \$249,789.85. He said the Freeport Economic Development Corporation is requesting Council approval for this joint City and EDC project in the amount of \$249,789.85. He said the purpose of this Parks Improvement program is to promote quality of life within the City of Freeport and enhance the welfare of the citizens of the City by providing park amenities and resources that improve conditions at the aforementioned parks. Mr. Johnson said he wanted to remind the Council that this was discussed before when Lance and him were going out to solicit contributions the parks project had removed and there still is a business that is interested in contributing but they wanted to come in at the tail end. Mr. Johnson said Mr. Petty received a sale of park equipment and it is a really good price on this. Mr. Johnson said what they want to do so that the project does not stall waiting on other contributors to the parks project they divided the parks project so they could replace the park equipment and playground equipment right now and then wait to do the walking trails and fencing until they solicit more donations. He said as part B of the project is also to do ADA compliance and look at that because the potential donors that there is right now are very interested in accessibility and ADA issues. Mr. Johnson said the Freeport Economic Development Corporation voted unanimously to authorize this last year and they budgeted \$400,000.00 in the budget and in this \$249,789.85 would go towards that.

Mayor Cain thanked Mr. Johnson for working on this. Mayor Cain said he thinks this would be a great benefit towards the City. Mayor Cain said he commends the EDC, Mr. Johnson, and Councilman Matamoros for spearheading this whole project.

Consideration and possible action approving Resolution No. 2024-2858 authorizing the application to the Texas General Land Office (GLO) Beach Maintenance Reimbursement Program the Finance Director as the Official with Full Authority to Act for purpose of the program.

Finance Director Cathy Ezell said the GLO Beach Maintenance Reimbursement Program is now accepting applications for Fiscal Year 2024-2025. She said the application requires a resolution to authorize the application for the program funds and declare an official with full authority to act for the purposes of the program. She said the Beach Maintenance Reimbursement Fund Program administered by the GLO allocates approximately \$750,000 per year to help communities keep their beaches maintained. She said this is about \$8.5 million over the last ten years. She said the contracts are renewed annually. She said the City had participated in this program since 2013, and they have received a little over \$102,000 since the inception of this program. She said this fiscal year there is \$12,000 budgeted for that grant revenue, so this is to continue to receive beach maintenance funds for Bryan beach.

Mayor Cain said the financial impacts from 2012-2013 and asked if 2012 was when it started? Finance Director Cathy Ezell said yes. Mayor Cain said he is always for getting reimbursed. Ms. Ezell said it is not a lot but it helps and it helps Lance and his people when there is those \$12,000 coming in and it allows if there is something else that they can allocate the funds to. She said it is Lance's Department and the PD that they have to track whenever they do the beach maintenance and patrol beaches or should she say Rudy's Department they keep track of all their people, their time, and all the equipment that is used. She said so the Police Department

and Public Works put a lot of work into this to get these funds.

A motion was made by Mayor Cain to approve Resolution No. 2024-2858 authorizing the application to the Texas General Land Office (GLO) Beach Maintenance Reimbursement Program the Finance Director as the Official with Full Authority to Act for purpose of the program, seconded by Councilman Pena with discussion that followed.

Councilman Pena said he is glad that this is in place so that in fact there can be improvements to make sure that the beach is safe and clean and if there is any way to get additional money to please let the Council know.

Mayor Cain called the motion to a vote, with all present voting "Aye" 5-0 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 there this evening to speak out and speak up and present to the Council as always, and he applauds their participation and knows it is nerve wracking, and so he appreciated them coming out. He said he wanted to invite every resident who voted in the last election to follow suit just so they can watch the videos. He said they are the next door neighbors that are there, and he knows they care as much as they do and everybody can work together to move Freeport forward. He said he is hoping that that does happen. He said he knows there has been a comment in the last couple of meetings, and he will tell everyone that he has his own personal reasons as to why he tries to pray in private, and he also says the Pledge of Allegiance to the flag of the United States as well as the Texas flag. Councilman Pena said if anybody wanted to have any personal prayer time with him, he invites them to call him, and he is happy to do that before the meetings, on the weekends, and any time. He said prayer is good, but as far as the Pledge of Allegiance, he is happy to also pay his respects to the Country and to the State every time. He said he also wanted to make sure he addressed that, and he invited anybody and everybody to pray with him and for that matter pray for him and pray for the City. He said he thinks the prayers are working. He said he thinks maybe the audience may had seen some of that tonight but that is at least a step in the right direction. He said he does not believe there will be a 180 just yet but is hopeful to have hope and always have hope in Freeport. He said he also wanted to address another issue and complaint from a resident business owner that when there was the large trash removal that Cherry Street was blocked and part of Second Street because of how the traffic flow and it really hindered the downtown restaurants of Sweet T's and as well as the convenience store across the street Arlenes. Councilman Pena said he was asked to ask for clarification on that or for that matter to help ensure that does not happen again. He said he was not sure why that traffic was directed that way he wanted to make sure that he brought this forward as it was requested of him.

Councilman Jarvis Davis Ward B announcements and comments.

Councilman Davis said he wanted to thank everybody that came out. He said he wanted to thank all the residents and Ward B for voting for him, and it was an honor and privilege. He said he saw some things happening there today and this might have been one of the best meetings he had been to, but he prayed before he got there. Councilman Davis asked the Council to stop him if he was off track as this was the first time. He said he prayed before he got there and asked Jesus to be in the mix there. He said he was moved by what Ms.

Marshall had said and that was confirmation that Jesus was in the building, and he thanked her for being brave, obeying, standing, and saying what she said. He said he thinks the healing process is starting today and the ball is in the Council's court, and he thinks the sky is the limit for the board. He said the Council needs to unite and get together. He said united they stand and divided they will fall. Councilman Davis said he was going to be challenging Councilman Pena, and he will give him a call to understand why they need to be up there united when they pray and do the Pledge of Allegiance. Councilman Davis said he would give Councilman Pena a call to get his take on that but he challenged him to get up there and stand with the Council as they did with him today. He said he hopes they can watch their tongues on social media and between each other and come together. He thanked everyone for their support, and he said to the Council he looks forward to working with the Council.

Councilman Matamoros Ward C announcements and comments.

Councilman Matamoros said he would like to thank the residents and visitors who attended in person and viewed online. He said he also wanted to thank those residents who spoke during citizens' comments and agenda items. He said at the end, when residents go up there and speak they listen but do not comment at that time because they are not allowed. He said he was going to make a comment, and it is very disrespectful for a Council member to show up late, and it is not occasionally, it is every time. He said it was very disrespectful, and so he would actually like to see the Council institute a policy where they take a roll call. He said if a Council member is not there at the beginning of the meeting they are not able to participate. He said all the Council have their lives outside the City Council, and they all make it there on time, but it is very disrespectful. He said he wanted to add that he was looking forward to the last reading of the parks project. He said he had stated that this is something that is near and dear to his heart and is looking forward for the Council to approve this project and get it going for the youth and children of Freeport.

Councilman Rossow Ward D announcements and comments.

Councilman Rossow said he was glad to be there. He said he was glad for all those that decided to attend the meeting in person and even the ones that are on the net on worldwide web. He said he failed to congratulate and give his commends to the people who showed up on May 2nd for the National Day of Prayer. He said our Ex-Mayor did an awesome job for that program. He said this was a great day and thanked Crystal Ruiz and all those involved. He said he attended the Parks and Beautification meeting, and he happened to be the liaison for that board. He said there was a meeting this past week and everything went fine, and they are on course to beautify the City. He also said to not forget about yard of the month and business of the month as all that is in play now. He said it was going to get hot and summertime was coming and encouraged everyone to work in their yards while they can right now because it is going to get hot. Councilman Rossow said he went to bingo this morning and not that he likes bingo. He said he does not like bingo and tells everyone he does not like bingo but his wife loves it so much to where being retired he has to go with her. He said he played and he won the first game. He said today was their 46 year anniversary. He said he wants to get to the bottom of this port taking and he wants it to stop and it can be stopped. He said he does not know who can stop it but he knows it was brought up this meeting and he thinks this is the third meeting where one of the citizens got up and said that the port was trying to take more land. Councilman Rossow said the citizens said that one of the commissioners went up to the Council and lied to them so he thinks they should get to the bottom of this so they can stop hearing the same old song he is tired of hearing it and it can come to an end.

Mayor Jerry Cain announcements and comments.

Mayor Cain said he would like to thank everybody that came out tonight and those that watch on the worldwide web. He said he would like to congratulate the newest Councilman Davis. He said he thinks Councilman Davis is going to do a great job there. He said he also wanted to congratulate Mr. Rossow but he had been there for a minute. Mayor Cain said he hopes, and he prays that the Council will hear the words that have been said today about them working together. He said he heard it from four or five different people, some of them from the Council and some from the audience. He said never once did he hear that they want everybody to vote the way they vote. He said it is okay to not vote the way they vote or how others vote but they do it respectfully they walk out and move on. He said they are all but one vote, but together they are the Council of the City of

Freeport, and he expects all the Council to work together. Mayor Cain said to Councilman Pena that he wanted to invite him to the next meeting at 6:00P.M. to join the Council to pray and say the Pledge of Allegiance with them.

Councilman Pena said he would like the prayer to be done by a non Council member if possible simply because he would like to have that separation. He said there is wonderful clergy in the City and he thinks that if they are there it might also just bring that additional balance and maybe their church members will also attend and if this request could be done he is all for it.

Mayor Cain said if there is someone in the audience at future meetings that would like to lead everybody into prayer to please let him know prior to. He said he does not have a problem with this request. Mayor Cain said he also wanted to thank his beautiful wife because she was mad the other day because he did not thank her for putting up with all the meetings he is going to and all the time he is involved in being up there and for all the hard work she did during the election that just passed. He knows she is watching from home and thanked her.

City Manager Lance Petty announcements and comments.

City Manager Lance Petty said to just reiterate the parks project is going to be a great project. He said all the equipment is reserved to be shipped and once the second reading is completed he would make the phone call, and it will ship that next day. He said the installation crew is already schedule to be there June 17th to install all the equipment. He said he would be putting out a notification to the residents in those areas because they will be shocked to look up one morning and all the play equipment is removed, and they would think they are shutting the park down. He said that they have to get the equipment out of there and get all the land leveled off and haul some dirt to level it off to get it ready for the new park equipment to come in, but that will get accomplished and it will be a quick smooth process. He said as far as the Port goes the Port documents they do have a verbiage in there for encroachment upon the City but there are rules set aside where they can encroach upon a City in a certain matter and he did send this to Mr. Rollerson this week for his review at his request. He said this Friday City Hall will be closing at noon and this is for the annual employee picnic that is schedule every year and this year it will be at the Golf Course from 1:00P.M. to 5:00P.M. and there is usually crawfish, shrimp, and Chick Fil A. He said usually the employees just play volleyball hang out and have a good time.

CLOSED SESSION:

Executive Session regarding a.) (Deliberations about Real Property) 1.) 200 West 2nd Street, 2.) Jim Maddox Properties, Freeport 19 LLC, 3.) O.A. Fleming Property pursuant to Section 551.072.

The regular session closed at 7:47P.M. and Council entered into Executive Session.

COUNCIL BUSINESS – REGULAR SESSION:

Take any action resulting from Executive Session.

Executive Session ended at 8:04P.M. and Council entered back into regular session.

There was no action from Executive Session.

A motion was made by Councilman Pena to adjourn the meeting, seconded by Councilman Davis with discussion that followed.

Councilman Rossow said he wanted to make a motion he voted wrong. He said he had said the wrong thing at the wrong time on item number four.

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

Interim City Attorney David Olson said now there can be a motion on the floor to readdress or reintroduce one of the items that had already been previously discussed. Councilman Pena said he thought it had to be on the next agenda. Mr. Olson said it is still an active meeting and they can always go back.

A motion was made by Councilman Rossow to readdress Item Number 4: Consideration and take possible action to select the position of Mayor Pro Tem, seconded by Councilman Matamoros with all present with all present voting "Aye" 3-2 motion passed. Councilman Pena voted "Nay", and Councilman Davis voted "Nay".

A motion was made by Councilman Matamoros to select for Mayor Pro Tem Council member Jeff Pena, seconded by Councilman Davis, with all present and voting "Aye" 2-3 vote, motion failed. Mayor Cain voted "Nay", Councilman Matamoros voted "Nay", and Councilman Rossow voted "Nay".

ADJOURNMENT:

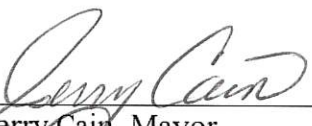
Adjourn

A motion was made by Councilman Matamoros to adjourn, seconded by Councilman Rossow with discussion that followed.

Councilman Pena said he just wanted to comment and said he hopes Freeport is watching tonight and there was an opportunity to let things possibly heal, and they are going to heal, because he thinks there are some good people in the City that want to heal. He said it does not mean he is going to stop asking for transparency and accountability whether he is Mayor Pro Tem, Mayor, or City Councilman. He said he wished he was just a private resident, because then he could actually speak even more freely, because all he has done is and was silenced and here they are just playing silly games but the exposure of the truth will come out on every last one of the individuals who lack integrity and honesty. Councilman Pena said it is a shame and this is why he prays for Freeport on his own.

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

Mayor Cain adjourned the meeting at 8:12P.M.



Jerry Cain, Mayor



Clarisa Molina, City Secretary