

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, June 17, 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
- Donna Fisher, Human Resource Director

Visitors:	David McGinty	Jim Maddox
	Sandra Leavey	Brian Jarrard
	Margaret Bachman	Lucy Ware
	Rob Bachman	Sam Reyna
	Desiree Pearson	Karla Clark
	Pamela Dancy	Nicole Mireles
	Con McCleester	Carol Parker
	Diane McCleester	Mark Parker

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:

Desiree Pearson resides on South Front Street. She asked if there were any updates on the felonies for Councilman Pena or his lawsuits. She said it was called to her attention that Ms. Pam Dancy finally went to the City and signed her letter after all that time of the wishy-washy back and forth with her carport. She said she was very proud of Ms. Dancy.

Sam Reyna resides at 2002 North Avenue G in Freeport. He said it was about the Mayor Pro-Tem. He said the

home rule charter section 3.05 at the meeting of the City Council and return of the annual election or canvass each year, the members of the City Council should select on a rotating basis among the wards a member of the City council who has been on City Council for at least two years to serve as Mayor Pro-Tem until the meeting of the City Council at which the returns of the Council election for the next succeeding year have been canvassed. Mr. Reyna said Councilman Pena is the only member of the Council that qualifies to be Mayor Pro-Tem because of his two-year tenure on the Council. He said the rigid interpretation of the charter permits no other interpretations. He said the charter ordinance can not be changed or modified unless the majority of the Council adopts the amendment to the charter ordinance. He said then it has to be placed on the ballot to be approved by a majority of the qualified voters. He said the majority of the Council has no respect for Councilman Pena and do not want him appointed as the Mayor Pro Tem. Mr. Reyna said he does not like him either, and he thinks he is full of BS. He said he did not like what he did to Nicole but all this ongoing fighting and growing conflict between Council members and Councilman Pena should come to a Christian halt. He said they have to come together and move past their conflicts, otherwise they will always be divided. He said to unify and promote solidarity and concentrate on their promises to solve the City problems. He said to the Council, to please not start amending the charter on their own and if they want to amend some charter ordinances, use the proper channels above all, abide by the charter. Mr. Reyna said the qualifications to be appointed Mayor Pro-Tem is two years on the Council.

Karla Clark resides at 411 Sailfish. She said she just wanted to make a statement. She said on Skinner Street there are some blinking stop lights that are really nice, and they are good for that area, but she was wondering why there are none on Avenue A and on Velasco. She said there is a lot of traffic in Velasco. She said the old Surfside road that goes out of town towards beach Buc-ees is kind of in a bad way with the trains going through, and it is hard to even get out that way, either way you go down Velasco or through there. She said she did not know if it was maintained by the City, but it is something she thinks should be looked at.

Nicole Mireles resides at 2002 North Avenue G. She said she actually took vacation today to go to the senior citizens function they had at the Riverplace. She said this is actually the second one she has taken off from work to go. She said those ladies were doing a fantastic job. She said she had so much fun and actually danced. She said she really enjoyed it, and she hopes they keep it up. She said the other thing she wanted to say was that she saw on Facebook, or it had been brought to her attention that a lot of people around the City are criticizing us. She said she says us because she lives in Freeport and this is her City. She said they are asking if they are getting prepared for the hurricane and this and that and the other. She said one of the things she would like to say to whoever is around. She said she would like to say that as citizens we need to take responsibility for our own debris around our houses. She said this is just something that is done. She said she goes up and down her neighborhood because she likes to know everything about her neighborhood. She said it is ridiculous, and it offends her for people to get on Facebook and start criticizing the city when she knows the City is doing the best they can. She said she just wanted to say to please take care of your business at home and let's all work together. She said we can all work together if you got big stuff. Ms. Mireles said it makes her sad to see some of the Code Enforcement officers drive around with their trucks full of stuff in the back of their truck. She said she knows it is not their responsibility, but they do it. She said she did not know what was going on with the trash pickup or not. She said it is ridiculous and there is just a lot of debris out there, and it makes her kind of scared with the hurricane coming in.

PRESENTATIONS/ANNOUNCEMENTS:

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

City Manager Lance Petty presented the Employee of the Month for the Month of May 2024 to Officer Brittany Baker.

Receive for filing the Audited Financial Report and Auditor's Opinion for Fiscal Year ended September 30, 2023. Presentation by BrooksWatson and Company.

Finance Director Cathy Ezell said yes the report was late, and she wanted to go over why it was late this year. She said one thing that happened last year in October of 2022 was they converted payroll over to Incode. She said little did they know that the system was not set up correctly until they started preparing for the audit and that meant a lot of manual entries, so that delayed them coming in. She said she also wanted to give kudos to the new auditors and this was their first year and when she says they went through everything she is not kidding. She said things were found that go back to before her and everything had been corrected from the previous year, but they worked diligently to go over everything with a fine toothcomb this year. She said she just wanted to give kudos to BrooksWatson and company.

Mike Brooks with BrooksWatson and Company presented to the Council the Audited Financial Report and Auditor's Opinion for the Fiscal Year ended September 30, 2023. Mr. Brooks said he is proud to say the City did receive an unmodified audit opinion for the year. He said this is the highest level of assurance that they can give that these financial statements are free of any material misstatement and all footnotes are disclosed. He said the financial highlights were that as of the end of the year, the total citywide assets exceeded total liabilities by approximately \$42.3 million. He said the City's governmental funds where this excludes the water and sewer fund had a combined ending fund balance of \$22.6 million and increased \$6.4 million from the prior year. He said the unassigned fund balance in the general fund was \$10.5 million and the City had an overall increase in net position of \$12,263,703 for the year. Mr. Brooks said he provided two letters and one is the required auditor disclosure letter and this gives them an opportunity to discuss any issues there were with the completion of the audit. He said overall the audit went well and there were some delays at the beginning, but as far as just the interaction and cooperation with the City, everything went very smoothly and the other letter is the findings and recommendations, so they did have a few things that they identified and that they are sharing with the Council and the City as well.

Finance Director Cathy Ezell said this shows the City is in good financial shape as of the year in 2023, and it shows that the budget that was adopted was very conservative and the departments stayed on their budgets and actually there were overall savings within the City as a whole that attest to the hard work of the City's department heads that they put up with her and her saying no but also that the revenues came in higher than projected. Ms. Ezell said this shows that the budgets she has brought forth for the City Council are done conservatively, and it takes a lot of hard work to produce those budgets and then to end up with these results where there is quite a bit of money put into fund balance to help fund the next fiscal year.

Mayor Cain said all the hard work is appreciated from everybody involved. Mayor Cain said to the Council as they looked through the packet if they had any questions for Ms. Ezell to feel free to reach out to Mr. Petty and he will get the answers. Mayor Cain said legal said that it would be appropriate at this time even though it does not specify on the agenda to make a motion to accept the audit.

A motion was made by Mayor Cain to accept the audit as presented, seconded by Councilman Matamoros with discussion that followed.

Councilman Pena asked if a vote can be taken on something that is not on the agenda as an action item? Interim City Attorney David Olson said it does say receive for filing so he thinks that is broad enough for the Council to accept, and they are not taking formal action but just accepting the audit. Mr. Olson said to Councilman Pena if he does not feel comfortable doing it, this could be done on the next agenda.

Mayor Cain withdrew his motion and Councilman Matamoros withdrew his second. This item will be placed on the next agenda.

Presentation by K & L Subdivision Project.

Brian Jarrard of Jarrard Development gave an update to the Council on the K & L Subdivision Project. He said he is excited to be able to keep moving forward. He said the location of the property was near Skinner Street and Avenue K and L and approximately 19 acres on which they have been working on the development, agreements, entitlements, ownership, feasibility, and development plans over quite some time.

Karla Clark resides at 411 Sailfish. She said in the presentation it said that construction would start on 10/2024, lots would be developed by 03/25, and homes started 04/25 of next year. She asked if it was still not decided who the builders would be? She said the address that was given was for a model home and not the builder, and asked if this was correct? She asked who is funding this, and where is the money coming from? Ms. Clark asked Mr. Jarrard as the developer, is he paying for the development and 100% of the streets, water, sewer lines, and property? Brian Jarrard said yes, that is correct. Ms. Clark asked how much is being paid for the land? She said she knows it is an EDC property. Mayor Cain said this property is the City and there will be a development agreement. Ms. Clark said they do not know the numbers and did not know how all this could be done by October and asked if it is going to be on the budget for 2025? Mayor Cain said yes and he understands they are not voting and not making anything and this is simply a presentation. Ms. Clark said this is a tight window.

COUNCIL BUSINESS – REGULAR SESSION:

Consideration and possible action on the approval of City Council Meeting Minutes, from June 3, 2024 and Special City Council Meeting Minutes, from June 7, 2024.

A motion was made by Councilman Matamoros to approve the City Council Meeting Minutes, from June 3, 2024 and Special City Council Meeting Minutes, from June 7, 2024, seconded by Councilman Davis with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action approving Resolution No. 2024-2866 for the appointment of the alternate position on the Board of Adjustment.

City Manager Lance Petty said staff recommended appointing an alternate member to the Board of Adjustments. He said the Board of Adjustments has an alternate position available. He said the alternate position for Urbano Gomez expired May 31, 2024. Mr. Petty said the City Board of Adjustment shall have jurisdiction to hear all matters and make all findings regarding this article. He said the board is empowered for purposes of this article to enforce City regulations. He said there are two applications for this position.

Margaret Bachman resides at 96 Dolphin Lane. She said she feels that any City government needs to have people that are willing to hear both sides, and she is that type of person. She said she always wanted to hear both sides of every story before she makes a decision and that is why she feels she would be a good candidate for the alternate on the Board of Adjustments.

A motion was made by Councilman Matamoros to approve Ms. Margaret Bachman as the alternate for the Board of Adjustments, seconded by Councilman Rossow with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

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

Lucy Ware said she was at the Council six months ago and everything has changed since then. She said she wanted to explain a little bit of what was going on. She said in the paper she handed to the Council the red is what she is trying to acquire and some of it belongs to the City, and some of it still belongs to the Velasco Drainage District. She said when she went to the title company, and they said the deeds and the legal description did not match. Ms. Ware said she had two surveyors look into it, and they were both saying the same thing. She said she had talked to Mr. Olson, and he was going to look into that to see what could be done to get it to match. She said the last time she offered \$45,000. She said the BWA had an easement and on that

easement she talked to BWA to find out how far she could build from there and the surveyor told her 20 feet. She said this is why she was saying there is less property than what she was originally getting. She said it is like a 60-foot lot, but it turns into really like a 40-foot lot. She said when she talked to BWA she said they said that the person that makes the determination is the City. Ms. Ware said that they will not tell her, but if she does build within 20 feet, and if they have to go and do anything, they can make her move. She said so they said they told her they could not tell her where to build, but that the City would have to be the one to do that. She said that if it is a problem, and they need to get in, they are going to get in. She said they recommended 20 feet but could not tell her. She said her question was if she is going to build, and she plans to build two houses, one on the two lots that she already owns. She said at first she was going to put one in the middle, but she decided she would put two houses there. She said she also has a property that sold right here recently and, from the appraisal was \$5 a square foot and this one is actually a little more. She said it was \$12.88 a square foot that it sold for, but it also had a 80-foot pier that fits two 50-foot yachts. She said if she compared it again and that she is not an appraiser, but she is a realtor, it would come up higher \$62,000 is what her property is worth the one she is trying purchase from the City. She said last time she offered \$45,000 and this time she would like to offer \$55,000. She said the City is trying to sell it to her for \$71,600. She said she would like to try and take care of this tonight if possible. She had been trying to do this for over two and a half years. She asked if this could be taken care of, because she would like it to close within 60 days. She said if she can get all the legal descriptions all set up and also get the Velasco Drainage District to deed over the property to the City that she is buying from the City since it actually belongs to them.

Councilman Jarvis Davis asked City Manager Lance Petty if he had any information on or anything prior to what had been discussed? Lucy Ware said she had a copy of the last minutes. City Manager Lance Petty, said the only new thing he had was that the City had the property manager do some research on it, and she was able to pull a deed where the property was deeded over in 2014. Ms. Ware asked if it was ever recorded? Mr. Petty said it showed to be recorded. Ms. Ware said the title company could not find it, and they may have made a mistake, but she would like a copy of it. City Manager Lance Petty said it was completed on May 7th 2014 and would give Ms. Ware a copy of it. Mr. Petty said as far as the easement goes, typically it is a 20-foot easement, and it is going to be 10 feet on both sides of the center line of the water main and that allows them enough room to get in the property and do the work that is needed and so it will be 10 feet on either side of the main.

Councilman Pena said he was looking at this, and he knows that they already discussed this and came to the value previously.

Lucy Ware said the value the appraiser said is subject to a survey depicting the location of the BWA waterline easement and abandoned storm drain traversing the property and the value contained herein is subject to change based on their survey.

Councilman Pena said he is more concerned about the easement and the functionality of it all, whether it is being used now for any meaningful drainage or might be available to the City going forward. He said he knows there have been a lot of drainage issues. He said and if there is no purpose in it effectively, he is inclined to try and preserve it, but if there is any kind of functionality for it, he thinks it is in our best interest as a city to preserve it. He said that he noticed that a lot of the homes that are built on the North side of the river have piers and docks and none of them are public. He said that some local residents were asking about why they not have an additional fishing pier out there. He said he thought there is enough space to put another fishing pier for the public to go through there on the north side or, for that matter on the boat dock. He said it will really help maximize the use of the public use of the river. He said those are just some of the thoughts that he had on this. He said he wanted to bring up his concerns about the easement and the overall use and accessibility to the river.

City Manager Lance Petty said he thinks the easement they are talking about is for the BWA water line so it would not be for drainage. He said it would be for the pipe that runs across the river through that property in case there are any issues with it and if it has a leak in the middle, they can get tractors in there and expose it and

make the repairs without causing any damage to her property if she purchased that property.

Councilman Rossow asked if there was a \$5,000 difference? Lucy Ware said no, for all it is \$71,600 is what the Council had said that they would sell it to her for, and she said she would do \$65,000. Ms. Ware said the difference is a little over \$6,000.

Councilman Matamoros said to Ms. Ware in the packet that is available to the public and asked if that was her signature and her initials agreed to the \$71,600? Ms. Ware said it was, and it was on the contract that she signed with Mr. Kely. Ms. Ware said she also learned today that the city has a lot of money. Councilman Matamoros said with a lot of responsibilities. Ms. Ware said she is also going to put two \$500,000 homes there to give the City some more taxes and pay water bills. Councilman Matamoros said to Mayor Cain that he is inclined to just to leave it as is. Councilman Matamoros said they had agreed upon a price with the signature, but those are his thoughts.

Councilman Jarvis Davis asked why the price changed ? Councilman Davis said to Ms. Lucy Ware they agreed on the \$71,000 something. Ms. Ware said she had been trying to get the city to come down, and she said she does not think she should have to pay \$71,600. Ms. Ware said she does not want to bring a lot of little petty stuff in there, but people have not paid for stuff, people have gotten it for very cheap. She said different things have happened so she does not know why she has to pay the market price for it. She said she would be building two big houses there. She said she is not building them to sell them, but she is building them to have as a second home and her parents will stay in the other one if they are alive long enough, because she does not know, because this has taken forever, and it is her dream to have her dad stay there.

Councilman Pena said he had an idea, and maybe they could triangulate this, split in the middle, keep the price as it is and upon completion of those homes Ms. Ware would get a credit for performance of the \$6,000 from the City. He said it was a win-win. Mayor Jerry Cain asked if there was a time frame on that? Ms. Ware said she had three years. Councilman Pena said he would say to put it for two years as he is interested in making sure they develop. Councilman Pena said the gentleman gave a presentation on the development over on Skinner Street, and that was a giveaway for \$150,000 for 19 acres, which he is still baffled by. Lucy Ware asked the Council if they gave him 19 acres for \$150,000? Councilman Pena said he is not interested and has always said this in giving away the City of Freeport most valuable property which is waterfront property. Councilman Pena said there was an agreement and appraisal that was agreed upon, and it was signed. Councilman Pena said he can appreciate Ms. Ware asking again and there is no harm in asking, but he thinks a fair compromise is okay if the market is trending downward, and you're going to build more than you were before, two versus one, then at least in his position he would consider a credit once those structures are built. He said he would do two years for one structure not both. Lucy Ware said the other one is already her property. Councilman Pena said he is just trying to say it is a give and take and he is happy to honor the original price point, but he is also happy to consider the price reduction in the form of a credit upon performance, because the idea of acquiring this property is truly to build, and if that, truly is the case then really on a \$500,000 home 1% is nominal to the developer, the builder, homeowner, but to the City they are trying to capture much revenue as possible, and it is the Council's job to make sure that they are just watching the bottom line for the city, and it is nothing personal he would like to do things by the book. Councilman Pena said he would just like to say that he would certainly provide a pathway forward for Ms. Ware to get her credit for the performance of building the homes. Lucy Ware asked if she was a developer she would get it cheaper? Councilman Pena said the other property is not on the river, but he is just happy to concede the points as long as the construction occurs and receives a certificate of occupancy. Ms. Ware said to Councilman Pena that he was being prejudiced because if she was a big developer she would get it cheaper and so, that is prejudice is what it is. She said she has built a house in Freeport on 722 West Seventh Street, and it is very beautiful, and it just sold for \$284,000 and it looks very nice.

Pamela Dancy said the property right next to the one that Ms. Ware wants to buy was sold to an individual and

in his contract it said he had three years to build something. She said he got a very good, good, good price on that, and he had not built Jack just a driveway. Ms. Dancy asked, so if they are trying to collect money for taxes, why is the city not on top of him for not building on that property? She said she was curious about that. She said she had asked this before when Mr. Kelty was here. She asked how come these properties are sold and put in the contract they have three years to do something or the city would be able to buy it back for the price that the city sold it for? She said and nothing ever gets done. She said Ms. Ware is going to build, and they are going through all this, but there is a man that has a piece of property that was sold for \$45,000 and, had not built Jack and there is not any property taxes on that.

Sam Reyna said Mejia had the right to buy half of the right away, and he decided to let Ms. Ware have it, and he did not want any part of it. He said he did ask him when he was going to finish his house and he was tied up in building that new building over by Oyster Creek so his money was kind of tight but he would be building. Mr. Reyna said Mejia had the right to buy half of the right away but that Lucy Ware went ahead and bought it. He said Ms. Ware has been jumping through these hoops for two years. He said that property should of been sold to her two years ago. He said she made a good offer then all this time it has been sitting there and not getting no property tax on it and if they do not come to some kind of agreement it is going to sit there for another two years. He said he believes the Council should come to some kind of agreement with Ms. Ware. He said \$71,000 was a little bit too expensive. Mr. Reyna said to make some kind of agreement with it or work with it, or negotiate with it. He said to welcome her to the City Of Freeport, and she is putting houses on so we can get some property taxes.

Mayor Cain said when originally negotiating this, one of the things that really pushed him to go ahead and accept it and move on was the fact that Ms. Ware was telling the Council she was going to start building immediately. Ms. Ware said she is, and she already has her house plans done. Ms. Ware said the Council is the one that is changing. Mayor Cain said two years ago he if not mistaken there was nothing holding Ms. Ware back. Ms. Ware said yes, it was the city holding her back because she was trying to get it for less money. Mayor Cain said that was not the City, that was her wanting to get it for less money. Mayor Cain said and that was his concern. Ms. Ware asked what was Mayor Cain's concern, if it was that she did not have the money? Mayor Cain said no, that something was supposed to be started two years ago. Ms. Ware said just like Mr. Mejia was supposed to start 5 years ago. Mayor Cain said Mr. Mejia is a different contract, and he dealt with a different Council. Ms. Ware said she is also dealing with a different Council. Mayor Cain said and that is correct. Mayor Cain said he does not completely disagree with what Councilman Pena said and if Councilman Pena was to make a motion he would probably second it if Ms. Ware paid the price that was initially negotiated. Ms. Ware said the price was not negotiated and it was the price the appraiser came out with but it was never negotiated. Councilman Pena said it was the price that the Council had agreed to sell it using the information from the appraisal and so the negotiation was in the form of utilizing a professional appraisal, so there would not be any bias or, for that matter ignorance in the real estate domain, and that is why the Council hired this professional to provide that number. Councilman Pena said the Council leaned on that and voted on that.

A motion was made by Councilman Pena to keep the value at \$71,000 with the incentive of a two-year build of any one or two or three structures at a minimum of one and then, at the completion of that, give a \$6,000 credit.

Councilman Pena amended his motion for the amount of \$71,600, which was agreed upon two years ago, seconded by Mayor Cain with discussion that followed.

Ms. Ware asked how long it would take to close it? She asked how long it is going to take for the paperwork to get ready to close? Interim City Attorney David Olson said they are just talking about drafting a deed with conditions and can have it by the end of the week.

Councilman Matamoros said he has some concerns. He asked if the Council is ready to go down this slippery

slope where everybody who has been sold something wants to come back and ask for a rebate? Ms. Ware said not to give her a rebate and she will pay \$71,600 and it was not a big deal.

Councilman Pena said well, if Ms. Ware just agreed to pay the \$71,600 and there was no need for a motion, and could move on to the next topic. Ms. Ware said she would call Carlos and see if he wants to lend her some of the money the Council gave him.

Councilman Pena said he would retract his motion and Mayor Cain said he would retract his second. Mayor Cain said no motion on item number six.

Consideration and possible action approving continuing the Cooperation Agreement between the City of Freeport and Brazoria County for the participation in the Brazoria County CDBG and Home Program for Federal Fiscal Year 2025-2027.

Finance Director Cathy Ezell said the City of Freeport has historically participated in the Brazoria County's CDBG and HOME programs. She said the county has to re-qualify for the Community Development Block Grant and the HOME Program funds from the U.S Department of Housing and Urban Development for fiscal years 2025 through 2027. Ms. Ezell said the City in 2022 received \$250,000 for sewer line replacement on Avenue H and Avenue G. She said this year, it was applied for \$200,000 through this program to install insta valves in the water system. She said this is something that a bunch of cities in the community do participate in and so every two years the funding is received. She said the only downfall to this is it does not allow to apply on our own to the CDBG program. She said pretty much the county gets it, and then it allocates it to all the cities that are participating. Ms. Ezell said it is a recommendation to continue to participate in this program.

Councilman Pena asked if the City were to pursue its own independent cooperation agreement is Ms. Ezell's estimation that the City would get approved and potentially gain more money? Finance Director Cathy Ezell said yes and no, the issue with CDBG is that it is a point-based system, and the county is pretty much guaranteed that they will get this funding every two years and every two years the City will see funding. She said if the City was to go out on their own it is less likely that the City will get the funding that they are getting because of the fact that it is a CDBG fund that is done on a point based system and have to have certain qualifications to meet certain projects that meet their qualifications. She said the county is a little bit less stringent for the City to get the money. Ms. Ezell said the City just presents them a project as long as the funds fall within their guidelines and benefit the entire city as a whole or an area where the low to moderate income, which in the City of Freeport the whole city is considered a low to moderate income so pretty much guaranteed these funds. She said and if going out on our own, we are not guaranteed. She said it becomes a more competitive process, and it does not prevent the City from doing the programs that were done for the water wastewater and those are different programs than the CDBG funding and that is how they got the \$5 million for the wastewater treatment plant and the \$5 million for the sewer line, and then we still have stuff through the HGAC where we got the \$1.8 million for the water plant on Avenue F. She said there is still funding activities and this is pretty much kind of a guaranteed thing as long as the qualifications are met of the application and if not then we can resubmit another project and get within that money that allocation. Councilman Pena said it made sense to him to stick with the County.

A motion was made by Councilman Pena to approve continuing the Cooperation Agreement between the City of Freeport and Brazoria County for the participation in the Brazoria County CDBG and Home Program for Federal Fiscal Year 2025-2027, seconded by Councilman Matamoros with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action to award the bid for the installation of electrical service at Fire Station #2 to Danford Electric in the amount of \$48,662.66 and allow the City Manager to sign the contract.

Fire Chief Chris Motley said this was a sealed bid process on this because it is above \$30,000 and so, this is for fire station number two to continue forward on getting electricity to run to it and doing the other project as well with the engine base. Chief Motley said so his recommendation is for Danford to be awarded the electrical

agreement on this. Mayor Cain asked if this would be to the new building? Chief Motley said yes, all new services from the poll to each building.

A motion was made by Mayor Cain to award the bid for the installation of electrical service at Fire Station #2 to Danford Electric for the amount of \$48,662.66 and allow the City Manager to sign the contract, seconded by Councilman Matamoros with discussion that followed.

Councilman Pena asked if Danford Electric had done any work for the City of Freeport previously? Chief Motley said yes, they have done work in the fire station along with Pennys Electric, who also bedded either from air conditioning to electrical services install. Councilman Pena said he has not had a chance to look at the agreement between the City and Danford and previous engagements on this particular engagement. Councilman Pena asked if there was a contract or would it be developed? Interim City Attorney David Olson said yes upon approval. Councilman Pena said, upon approval is kind of the rub he wants to make sure that they are insured and bonded and have been vetted. Chief Motley said they had completed all the documents required in the seal bid and listed along with the interest questions and things like that. Councilman Pena said he knows that in a previous contract engagement there had been a lapse in due diligence, and so he just wants to make sure that, has been done and if it has not been done, that it will be done before the first check is printed and signed. City Manager Lance Petty said absolutely. Chief Motley said everything had been looked at that was submitted in reference to the contract or the seal bid process. Chief Motley said everything in the seal bid that was required documents they did submit everything to meet that agreement. Councilman Pena said he wants to know when the seal bid is reviewed, if the credentials are actually vetted for veracity. Chief Motley said it was from City Hall and himself as well, and he looked at it separately as well.

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

Consideration and possible action approving Resolution No. 2024-2867 deeming items surplus and donating to local agency.

Police Chief Jennifer Howell said these are some more of the radios that she had previously come about regarding Oyster Creek for the Police Department to donate some of those to them. She said they still have some of those additional radios and, having some recent conversations with Surfside PD and Surfside EMS and realizing their need for radios they would want to deem these items as surplus to be able to give them some to help with better communication, because they do currently dispatch for Surfside EMS and, due to lack of radios it has come up with some issues before.

Mayor Cain asked if these were being donated to Surfside or to Oyster Creek? Chief Howell said this would be for Surfside, but previously it was Oyster Creek.

Councilman Pena asked if anybody donated any of their materials to the City of Freeport? Chief Howell said not since she had been there but they also have not asked for anything as well. Chief Howell said generally they go after the grants, which is how they obtain these radios and once they hit the end of life then they go after a grant for an updated radio, and then they can give those to smaller departments. Councilman Jeff Pena said he does not know if this is specific to this particular agenda item or maybe just city management. Councilman Pena asked typically on any surplus items there have been auctions done before, right? Councilman Pena asked where that money goes to? He asked if it goes to the general fund? Councilman Pena said he is curious as to why they would not want to try to do the same and maybe have it just returned to the Police Department's budget. Chief Howell said, while ultimately going to general fund, but the first priority is always going to be taking care of the community and having conversations with Surfside EMS to find out that they had one radio for all their EMS that to her is just a huge priority. Chief Howell said that also citizens going to Bryan Beach also go to Surfside beach as well, and she would want them to be able to have appropriate communication. Councilman Pena said fair enough. Mayor Cain said help the neighbors. Chief Howell said they do help them out greatly, as well as far as assisting on calls for service along 332 with the police department and so it truly is

being able to help the neighboring agencies as they help them.

A motion was made by Councilman Pena to approve Resolution No. 2024-2867 deeming items surplus and donating to local agency, seconded by Councilman Davis with all present and voting "Aye" 5-0. The 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 thanked everybody for coming out and also the City staff for getting the AC working again and a shout-out to his sister for bringing a fan for all those up there who were sweating to the oldies. He thanked everyone that is volunteering on boards. He said he knew the senior picnic was today and there was some really strong attendance, and he encouraged everybody that is just turning 55 to also join. He said he thinks they will find that there is a lot of really good neighbors and camaraderie that happens at those events. He said he applauds the City staff for working hard to putting that together and, for that matter, the board of the seniors for all the hard work that they do. He said they do a lot of work. He said he would say something that he has said in the past that you do not have to like him or agree with him, but if you seek the truth, that is where he will found. He hopes the Council and the public will look at two things. He said Mr. Sam Reyna called him earlier today to tell the truth about the charter rules and when the chair of the Charter committee, who arguably knows the charter better than most, is reminding the City Council to follow the rules of the charter then he hopes that that is adhered to and heated. He said with the City audit there was an opportunity to curb the rules, but he simply asked to do it by the book. He said he tries to remain consistent. Councilman Pena said he was informed that even at the most recent Concerned Citizens meeting there was also consensus on the matter by residents in attendance. He said you do not have to like the rules or those that were elected by the public to enforce the rules, but you do not get to bend them and redefine them to meet your personal vendettas. He said when an item is illegally voted upon and or corrections need to be made, the prompt attention to correct in the era is required and any subordinate policies or ordinances that would create a legal liability to the city become secondary. He said he is hoping that this can be on the next agenda. He said he got word recently that the City is accepting BIDs for a new city attorney. He asked if this was right? City Manager Lance Petty said that is correct. Councilman Pena asked and just wanted to make sure he understood what that process will be and if he could receive documentation on what that solicitation looks like. He asked where he could find that, and where could anybody find it? City Manager Lance Petty said it can be found on the City website and the Facts newspaper as well. He there is also a push to make sure that there is safety in the City residents and commercial buildings. He said he knows that recently the EDC building was demolished, the front, back, and the roof and the sidewalls were still up and were being supported by wood brackets or braces. He said the curious thing is that it was brought to his attention by a passing resident who brought it to his attention within the first 10 seconds of them laying eyes on that and that the wood was untreated wood. He said it is an outdoor project that is supposed to be storming as it always does in hurricane season, and he would just think that they would have treated wood on there to make sure that that wood is not compromised, or for that matter, the support that that wood is supposed to be providing and hopes that the EDC is listening to this. Councilman Pena said he will be releasing the reports that he requested, and he wants to thank the City for providing those that reflect the Braztex in fact did owe over \$250,000 to the City of Freeport. He said he promised that and four law firms agreed the money is owed and to not be misinformed by the Braztex clan. He said that in an attempt to distract and misinform the public is their goal. He said he can assure many members on concerned citizens are the ones

that actually provided the Council with the information to investigate. He said they were simply the messengers as they are elected to do. He said some of those very members of Concerned Citizens were there earlier tonight and are still there. He said there were no felonies against him. Councilman Pena said he has only been investigated and charges have been made, but like all Americans, you are innocent until you are proven guilty. He said he would have his day in court to prove his innocence. He said on a serious note he would like to request the censure of George Matamoros as he has demonstrated perverse unstable lack of self-control during the closed session at the last three Council meetings and details of that will be coming. He said in the same vein he would like to request security during the executive session in order to ensure the safety of himself and the rest of the council from George Matamoros lack of self control.

Councilman Davis Ward B announcements and comments.

Councilman Davis thanked everybody that came out and congratulated everybody for stepping up, taking the challenge, and being a part of the team. He said more good citizens are needed like that. He said he appreciated everybody and the last two meetings have been kind of calm. He said the citizens go up with respect and things get done better like that. He asked who polices the two year and three year about what was being talked about? He asked if that was something for him to ask later? He said he would like to find out about when people get a contract and something has to be done in two years and then they go back and say that. City Manager Lance Petty said City staff will keep up with the fact that in a signed contract and an have it put on a calendar where they are keeping an eye on things and following up on. Mr. Petty said like the other gentleman that was being discussed, he would pull that file tomorrow and see where it stands and get caught up in that situation. Councilman Davis said that is one thing to get in touch on. Councilman Davis said that the current Council did not do that, but anything coming in with contracts from here on out with this council he would hope that it is taking care of that and hold people accountable to their word.

Councilman Matamoros Ward C announcements and comments.

Councilman Matamoros said he would like to thank all the residents who attended in person, viewed online, made comments, during citizen comments or agenda items. He said he would like to congratulate Ms. Bachman for stepping up and volunteering her time to the boards and commissions. He said he truly appreciated it. He said he knows there are still a couple of open positions within Main Street and, so if anybody is interested in volunteering their time and effort, please turn in an application. He said he knows we do have something possibly brewing in the Gulf and to please be aware of that situation with the possibility of heavy rain. He said now is the time to do preparation in making sure there is nothing blocking the gutters and things like that. He said he knows vehicles are probably the second most important thing that blocks a gutter, which will restrict water flow, and he wants to make sure that those are clear. Councilman Matamoros said the last special meeting the Council approved the parks project, and he is excited about that and is excited that the EDC took that project on and approved it. He said there is a lot of playground equipment throughout the City Parks that is in really bad condition and some of it was playground equipment when he was a kid that he would play on, and it was still being utilized. He said he was 46 years old, and so he was excited to see the new equipment being put up. Councilman Matamoros said he is excited that they are taking care of the youth of the city and that the EDC is making this investment into this, which will make it easier for them to bring more families who see nice parks and things like that. He said it makes it easier for the Council to get more developers who want to come and build, and with their help they can also help improve the parks and then the infrastructure. He said he would like to thank his employer Phillips 66 for giving a \$50,000 donation. He said this was something he spoke with corporate about and asked if they could assist. He said hopefully they are able to get some other corporate sponsors. He said he knows they are very interested, and they want to see some different things with accommodations for disabilities and things like that. He said he is happy that this is being undertaken. Councilman Matamoros said he appreciates all the hard work that Mr. Petty, EDC board, and Executive director of the board Mr. Robert Johnson put in this project. He said he cannot wait to see the fruits of all that labor with phase one and hopefully have phase two.

Councilman Rossow Ward D announcements and comments.

Councilman Rossow thanked everyone for coming out to be a part of the Council meeting. He said this past

weekend they had the Juneteenth celebration where Mayor Bass fed over 300 people fish that Phillips 66 donated for that event. He said it is a huge event and if you have never been to a Juneteenth event at Bates Park in Angleton you are missing a treat because everything is free like snow cones, everything is free. Councilman Rossow said he attended the senior citizen picnic today and he had a good time. He said his wife danced, and he had two left feet, so he did not and was not even trying to get out of there. He said on July the 15th there is a seminar at the Civic Center in Lake Jackson for hurricane preparedness, and it is free to the public, and it starts at 5:00P.M. and bingo starts at 6:30P.M. He said him and his wife went out and ate some fried chicken from Churchs it was a long line and a lot of people were there, and the chicken was good uncharacteristic of Churchs. He said he is so glad that they are investing into the youth which is the future now the elders are doing a good job. He said Ms. Ona the president was pretty cool. He said you have to be 55 to go and they had all kinds of entertainment for the people is glad to see the Council investing in the youth and future.

Mayor Jerry Cain announcements and comments.

Mayor Cain thanked everyone that came out. He said he wanted to remind everybody that this coming weekend is the Fort Velasco exhibit in Downtown. He said Mr. Wade Dillon takes a lot of pride and puts a lot of work into that, and he invites everybody to come and experience it. He said he would like to congratulate the new fried okra place up the road for opening. He said they sell good chicken and biscuits. He said he went over Friday just to get okra, and he was told that he had to wait until Monday. He said that rooftops is what it is going to take to move this city along. He said churchs is a chicken place, but it is a start. He said from the line they had he could tell it was a great start. He said there is a storm out there at this point in time and it is unknown if it is going to be a rain event or if it is going to be a named storm. He said to start getting prepared now, and there is nothing worse than waiting until the last minute.

City Manager Lance Petty announcements and comments.

City Manager Lance Petty said as for the storm the Public Works has done their due diligence of being ready in time for the storm to come in. He said they do have the bypass pumps sitting out already and all the storm water pumps are up and running at full capacity so they do not anticipate any problems. He said he had taken the liberty to get everything up and ready to go ahead of time. He said the lead and copper survey that is going on right now on the utility line is about 65% complete. He said they are ahead of schedule, and it will be TCEQ compliance of October 2024 is when those reports finish and they will be ahead of schedule for that. Mr. Petty said the wastewater treatment plant contractors began mobilization and construction will be starting for a new wastewater treatment plant. He said the wastewater collection line replacement project that is about 70% completed and they still have lines and manholes to take care and a lot of dress up. He said there are a lot of calls from residents with issues with the dress ups that they are providing, and they do have issues with that and not getting to it in a timely manner. He said it is important to report that to be able to stay on top of that as well with the contractor and get them out there. Mr. Petty said the parks project equipment was delivered this afternoon to Stephen F Austin and Peppermint Park and the installers are out of Oklahoma, and they plan on starting at 6:00A.M. and they were told there was some rain. He said they were not from here, so they may find out. He said they are anticipating to start installation first thing in the morning at 6:00A.M. and the two parks do have the equipment on the ground and are ready to go.

Mayor Cain thanked Councilman Matamoros for his hard work put into the Parks Project.

A motion was made by Councilman Pena to invite Chief Howell or any Commissioned Officer in Executive Session. Motion died due to a lack of a second.

CLOSED SESSION:

Executive Session regarding a.) (Deliberations about Real Property) Discuss Old City Hall, 200 West 2nd Street pursuant to Section 551.072.

The regular session closed at 7:38P.M. and Council entered into the Executive Session.

COUNCIL BUSINESS – REGULAR SESSION:

Take any action resulting from Executive Session.

Executive Session ended at 8:21P.M. and Council entered back into regular session.

There was no action from Executive Session.

ADJOURNMENT:

Adjourn

A motion was made by Councilman Matamoros to adjourn the meeting, seconded by Councilman Davis with all present and voting "Aye" 5-0. Mayor Cain adjourned the meeting at 8:21P.M.



Jerry Cain, Mayor



Clarisa Molina, City Secretary