

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, September 16, 2024 at 6:00 PM at the Freeport Council Chamber located at 430 N. 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
Crystal Ruiz, Executive Administrative Assistant
Jennifer Howell, Police Chief
Rudy Ragle, Public Works Director
Laura Cramer, Special Projects Supervisor
Chris Motley, Fire Chief
Robert Johnson, EDC Director
Ashlee Ferguson, Assistant Finance Director

Visitors:	David McGinty	Karla Clark
	Toni Torres	Kenny Hayes
	Con McCleester	Sam Reyna
	Diane McCleester	

Call to Order:

Call to Order - Jerry Cain, Mayor

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

Invocation - Councilman

Councilman Rossow led the Invocation.

Pledges - Pledge of Allegiance to the United States; Pledge of Allegiance to the State of Texas.

Councilman Rossow led the Pledge of Allegiance to the United States and the Pledge of Allegiance to the State of Texas.

Audience Participation – Anyone who has registered to speak prior to the meeting being called to order and desires to address the City Council will be heard at this time, or during the discussion of an item listed on the agenda. These forms are located by the City Secretary. After completing the form, give it to the City

Secretary. She will give it to the Mayor. The Mayor will call on you when that item is presented, once a motion has been made by Council then public participation will not be allowed. You will have four (4) minutes to make your comments regardless of the number of agenda items to be addressed.

Sam Reyna resides at 2002 North Avenue G. He said he had put this together for the last Council meeting, but he was not able to address the Council, but he agrees that affordable housing is needed and that will boost the economy. He said he does not agree with the tax increment finances to get it done. He said there are a lot of disadvantages of the TIRZ. He said probably the most notable drawback is the fact that all the property taxes above beyond the base tax value number go into the TIRZ and the City has to pay for support services such as the police and fire departments out of the general fund. He said City taxpayers outside the City TIF district find City property tax higher because of the diversion of funds to the TIF districts. He said the DTE district has \$500,000 in the tax increment fund and believes it is \$468,000 now, but the TIRZ district has been active for five years, and it is an average of \$100,000 per year. He said the lifespan of the DT TIRZ district is 30 years and the termination date is 2049 at 100 per year that is \$3,000,000 that is being taken out of the funds. Mr. Reyna said in the next 25 years, property value in the zone will double or triple, so looking at \$6,000,000 plus, and now they are creating another TIRZ district and a lot of property tax revenue will not be going into the general fund. Mr. Reyna asked how they would support the police and fire departments because soon they will be needing new vehicles, up to date equipment, and plus cost of living. He said if the City does not receive State and Federal grants the City will not be able to support the budget and sooner than later they will be over budget and sometimes, to remedy the situation, the departments will need to eliminate overtime pay and maybe even layoffs. Mr. Reyna said the City is over spending and sooner or later they will be in trouble with the IRS for not paying taxes on time and this was his prediction for the future, but after the last Council meeting, this problem exists now. He said the PID and TIRZ article was in the Facts Friday and the article stated "the PID and TIRZ will not cost the City anything because a developer is responsible for paying for all costs associated with them". Mr. Reyna asked who is paying for the P3 works? He said administration services. He said the three-year agreement with the City and the TIRZ district will cause the City money. He said, like his President Trump says, it is fake news.

Consent Agenda:

Action regarding Minutes, September 3, 2024 - Clarisa Fernandez, City Secretary.

Action regarding BISD Homecoming Parade.

A motion was made by Council Matamoros to approve the Consent Agenda, seconded by Councilman Rossow with all present and voting "Aye" 4-0. The Council unanimously approved the Consent Agenda. Councilman Pena was not present for this motion.

Proclamations - Presentations and Updates

Employee Recognitions – Employee of the Month, Ashlee Ferguson Assistant Finance Director, Lance Petty, City Manager.

City Manager Lance Petty presented the Employee of the Month to Finance Director Ashlee Ferguson.

Proclamation for National Hispanic Heritage Month, Jerry Cain, Mayor.

Mayor Cain read a Proclamation for National Hispanic Heritage Month being September 15, 2024–October 15, 2024.

Upcoming Events:

September 16th - Seniors Game Day @ RiverPlace 10am to 12 pm

September 19th - Homecoming Parade 5:30pm and Bonfire 7pm

September 20th - Tidalwave Fundraiser Carwash 8am to 9pm

September 26th - Back the Blue Football Game @ Hopper Field 6pm

September 28th - Fentanyl Walk @ Freeport Municipal Park 9am to 2pm

October 1st - National Night Out @ Freeport Municipal Park 6pm to 8pm

City Manager Lance Petty gave an update on upcoming events.

Business

Consideration and possible action approving the Purchase of Three Pumps for Lift Station #15.

City Manager Lance Petty said staff recommended the approval of the installation of the three pumps for lift station #15. He said lift station #15 is currently operating on one pump. He said the lift station is designed to operate on four pumps. He said staff is asking the Council to approve the purchase of three pumps from Hahn equipment. Mr. Petty said the City of Freeport owns and operates 29 lift stations throughout the system. He said each lift station is vital to the operation of the sewer system. He said through contractual services, Veolia is responsible for providing the operation, maintenance, and preventative maintenance on each of these lift stations. He said, although lift stations throughout the system continue to operate, the City currently has one lift station, which is number 15 that needs emergency repairs now. He said this lift station is located on SKinner Road next to Fire Station #2. He said the lift station is currently operating on one pump and a bypass pump for an emergency rain event. Mr. Petty said the lift station was designed for four pumps (Flyght) and Veolia has been operating on one pump for quite some time. He said staff had tasked Veolia to get pricing to bring this station back to normal operation but have been unable to do so and therefore City staff have taken over this improvement. He said staff had received prices for the installation of three pumps to bring this lift station back to normal operation. He said this improvement would eliminate the bypass pump and a monthly fee of approximately \$3,500 and without the installation of the additional pumps, this facility would be set up for failure, which would jeopardize the City's ability to continue the Sanitary Sewer Overflow Program. He said the estimated costs associated with bringing this lift station back into normal operation is \$156,236.00 from Hahn Equipment. Mr. Petty said Hahn Equipment is a sole proprietor of Flyght Pumps and will not require advertising. He said if the Council approves this, the pump lead time is three months to get these pumps in and installed, and it will be a turnkey project. He said staff did meet with the Council in a workshop in February where they went over some of these items and during that workshop staff at that time did review the funding options for this project and funding will be provided from the interests 2021 bond funds.

Mayor Cain asked if he was not mistaken if this lift station was the one behind McDonald's? City Manager Lance Petty said yes it is. Mayor Cain said by the Little League baseball field.

Karla Clark resides at 411 Sailfish Lane. She said one of the things she had spoken about before and wanted to say again was that in her area out in Bridge Harbor there is a very much of a need on the sewer lines that come across from Surfside that go over to Oyster Creek and dump into the lift station there. She said she knew she had talked to Mr. Lance about this, but something must be done with that. Ms. Clark asked if that was a lift station or not? City Manager Lance Petty said that is Oyster Creeks wastewater treatment plant. Ms. Clark asked if it is just a line that Surfside is feeding in comes across and goes to the Oyster Creek? Mr. Petty said there is a force main that pumps to Oyster Creek. Ms. Clark said they are still taking the trucks to their candy cane things, and dumping them in to go across theirs.

A motion was made by Councilman Matamoros to approve the Purchase of Three Pumps for Lift Station #15, seconded by Councilman Rossow with discussion that followed.

Councilman Davis asked if it was said it was operating off of one currently, and how long has that been? City Manager Lance Petty said yes, and it had been over a year. Councilman Davis asked if it should be

operating off of how many pumps? Mr. Petty said four pumps. Mayor Cain said it is designed to be run with four. Mayor Cain said this is something that has been a need in the City for quite some time, and it is not something that just popped up overnight.

Councilman Pena asked how long this pump has been running on one? Councilman Pena asked a little over a year? City Manager Lance Petty said yes. Councilman Pena asked and before that? Mayor Cain said two. Councilman Pena asked if there had been any flooding issues in that space with the single pump operations? Mr. Petty said yes as far as the lines backing up, yes. Councilman Pena said he was just curious and asked why they are going to three if one has always worked? Mr. Petty said, because it is set up for failure that way a bypass pump that is sitting on top of the hole does not pump a third of what a pump in a whole is designed for. Councilman Pena asked if there were any flooding issues with this last storm due to the current apparatus? Mr. Petty said every time there is rain they have issues. Councilman Pena asked how long ago was this issue, over a year? Mr. Petty said yes, and he met with the Council in a workshop in February this year when it was discussed. Councilman Pena asked if that was the one that the meters were being talked about? Mr. Petty said yes. Councilman Pena asked if that was on the agenda of that particular workshop? Mr. Petty said yes. Councilman Pena said he was trying to jog his memory about that and asked if it was the one that was on the third floor of the old City Hall? Mr. Petty said yes. Councilman Pena asked if this particular expenditure was in the budget for this year? Mr. Petty said, as it was discussed in the workshop, it will be paid out of the interest 2021 bond funds. Councilman Pena asked if that was allotted in the budget that was passed last week or the last meeting? Mr. Petty said no, it is not allocated towards it, but the funds are there to pay for it. Finance Director Cathy Ezell said a budget amendment will be required to fund this project with the interest and the interest was earned \$151,000 in 2023 and so far this year it has earned \$125,000 in interest and therefore, the project is covered as it was said in February, and now it is covered by the interests in those bonds. Councilman Pena said he takes a page out of what he thinks is a really maybe a good policy or maybe bad, but when they were beating the drum over the last two and a half months that this was a conservative budget, he would have thought that this particular issue, which had been made aware of, and made aware of the Council and was on the minds of City Hall over the last ten months or eight or nine months but maybe more prior to is which is why there was a workshop. He asked why are they asking then for a budget amendment? Councilman Pena said if it was coming off the interest and is just wondering and asked how they could have saved that money for other projects? Mr. Petty said this documentation was received from Hahn Equipment on September 11, 2024, for costs associated with this project. Councilman Pena said he is just wondering why they did not get those costs sooner if it was such an urgent matter and asked why it was pressed as an urgent matter now? Councilman Pena said we need to make sure that it works and that the area does not flood. He said he is just trying to understand the sense of urgency and, for that matter if it is, they are led to believe this is an urgent matter and wondering why this was not on the budget explicitly and then last but not least, this particular BID there is only one quote and is curious as to why there is not more than one. Mr. Petty said it was because it is the sole proprietor of Flyght Pumps and so everything was designed by Flyght and they are the ones that installed the lift station, and they bolt straight up in there. Councilman Pena asked if the other pumps have such proprietary modification requirements? Mr. Petty said if they are Flyght pumps absolutely. Councilman Pena asked if we want to be pigeon holding ourselves that way with Flyght pumps or is there another solution where they can get to a pump that has more auxiliary options? Mr. Petty said there are options in submersible lift stations where you can change out your guardrails or your volute and things like that. Mr. Petty said they make an adapter to go on those and these are bolted down to the floor pumps. Councilman Pena asked how are those economically compared to these or this particular Flyght pump? Mr. Petty said they are all expensive and no matter which pump you go with, they are expensive and a Flyght pump is a good pump. Councilman Pena said he hopes they go forward with providing themselves with infrastructure components that do not pigeonhole the City or for that matter, cripple the ability to seek additional BIDs because then they find themselves with a vendor that could certainly be price gouging the City. Councilman Pena asked if the City had any sense of reassurance that the City is not being price gouged? Mr. Petty said yes the City is not being priced gouged on it. Councilman Pena asked if there are no other aftermarket parts or manufacturers that can fulfill this?

Mr. Petty said not for this particular lift station and others were reached out, but they were not interested in the project. Mayor Cain asked how old the pumps are or an estimate? Mr. Petty said they were old.

Councilman Davis asked if the rest of them were running on four? City Manager Lance Petty said there are other lift stations that some have five pumps and some have one or some have two that are designed that way. Mr. Petty said he did not have the up-to-date, from Veolia but there might be a lift station that is designed for three, but there are only two in the hole running because one is pulled out and being worked on or something like that, because sometimes they have to pull them to work on the impellers that have been worn before they can drop them back in the hole. Councilman Davis asked if two help instead of three? Mr. Petty said two would help instead of three, but what you have when you have that many lift stations and that is a busy lift station, and so the run time is the biggest thing, and if number one pump comes on when it shuts off, the next time it cycles number two comes on, then it goes to three and four so you do not have all the run time on just a couple of pumps that wears them down faster.

Councilman Pena said he is curious if any of the questions that have been asked already jog any additional questions from the rest of the Council or are they just satisfied with the information. He said he thinks he had a conversation with Mr. Petty when he first became City Manager right before. Councilman Pena said he told Mr. Petty that he was all for Mr. Petty being the City Manager and the question or comment he had for him was he just does not like surprises and does not like being lied to. Councilman Pena said this right here he feels surprised, and he does not think that there is anything being lied to him about on any of this, but he just thinks that there would be a better approach or a better systematic approach, because when he is looking at other lift stations and asked the total of lift stations? Mr. Petty said 29 lift stations. Councilman Pena said 29 lift stations, and they vary from one pump to five pumps to two pumps, etc. and asked what methodology are we employing that makes this efficient going forward? He said because it feels like what they are doing is they are playing the whack a mole game and that is how they are approaching these pump stations, and said to convince him that he is wrong on that. Councilman Pena asked if he had the wrong portrayal on this, that this is not a whack a mole solution here? Mr. Petty said it is not a whack a mole situation, Veolia is responsible and does preventative maintenance on the lift stations. He said these pumps were out, and they could not get the pricing done and Hahn equipment was contacted, and they came in and finally got some pricing. Mr. Petty said they were not surprising anybody and that is why there was a workshop to discuss these things, but no, they are definitely not playing whack a mole, but these are important and, like it was said, the more pumps you have in the hole depends on the importance of that lift station and how much flows into that lift station, so each pump is very important throughout the system and without the pumps it does not run efficiently. Councilman Pena asked in terms of this particular lift station was there any evidence of negligence by Veolia on this particular lift station that led to this? Mr. Petty said no, just wear and tear over time and the pumps get old. Councilman Pena asked, so in terms of the maintenance was it on schedule, and had it been maintained properly? Mr. Petty said they provided maintenance records after he sent a notification to them. Councilman Pena asked if Mr. Petty was satisfied with those? Mr. Petty said from their documentation yes. Councilman Pena asked if we know of any other lift stations that are going to be problematic here in the very near future that are going to require budget amendments? Mr. Petty said he does not know about the near future, but Veolia is supposed to let them know ahead of time when things are going out of service. Mr. Petty said he knew when he first started there was an issue with the central lift station and that is when new pumps were put in that lift station along with the permanent by pass pump at that lift station as well, so they corrected that lift station about five years ago. Councilman Pena asked if there is a point in the fiscal year during the annual maintenance review process and, or for that matter, just their annual reports where they give an update status on all of the lift stations so that they know what to expect and can plan accordingly budget wise and when was that? Mr. Petty said yes they should report those yearly in an annual report. Councilman Pena asked when that is normally received? Mr. Petty said one was received not this year but the year before in the capital improvements plan that listed all the deficiencies that they see out in the field and, in an ideal world, a lift station, you typically want to pull your pumps twice a year just to check the impellers and things like that and do the wash down and

floats and all that kind of stuff but is not sure if that has been done, and he has not seen any documentation on that but that does help in the overall care of the lift stations. Councilman Pena asked if Mr. Petty had said a report was received last year but not this year? Mr. Petty said not this year he did not receive one and just went with their last year capital improvements plan. Councilman Pena asked at what point of the year last year did they provide that report to the City? Mr. Petty said that was before the budgeting season last year. Councilman Pena said that makes sense, and he would have expected they would have provided one prior to this budget cycle and is asking why they did not? Mr. Petty said they did not, and they just said that was their report. Councilman Pena said that concerns him because he is thinking, why are they not putting the thumb on Veolia to make sure that they provide not only the proper maintenance but the documentation, so that they can plan accordingly budget wise and there has to be some kind of accountability on Veolia, but if they are not going to do that then that falls back on the City and just wants to make sure. He said these questions just kind of came up in his head, and he did not plan these questions, and he did not dig into this particular subject item on the agenda prior to this particular meeting and these were just questions that seemed to him as common sense questions, and he hoped everybody else could ask the same or any others or any additional.

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. 2024-2879 adopting the new City IT Policy Manual in alignment with the National Institute of Standards and Technology Cybersecurity Framework 2.0 (NIST CSF 2.0).

Mayor Cain tabled this item.

Consideration and possible action by City Council approving the sale of trust property within the city limits located at Velasco Townsite, Block 694 Lot 16.

Special Projects Supervisor Laura Cramer said on August the 27th, the Brazoria County Resale Committee met and voted to accept three offers for trust property in the city limits and so, bringing those forward to the Council today to vote to accept or to deny the offer. She said the first piece of property is in Velasco in the 1100 block of North Avenue N and will not be receiving very much money based on the value of the properties on any of these and the only good side of it is that it puts it back on the tax roll. Ms. Cramer said the City will be receiving on this first one \$293.00, and it is valued at a little over \$11,000.

Councilman Jarvis asked if Ms. Cramer to repeat the price? Special Projects Supervisor Laura Cramer said the City portion will receive \$293.78, and it will return the property back to the tax roll and currently there is no one paying taxes on that property that is in trust to all the taxing entities.

Councilman Pena asked what is the value in the appraisal of that particular property? Special Projects Supervisor Laura Cramer said according to BCAD it is a little over \$11,000. Councilman Pena asked what does that come to in terms of property tax revenue to the City specifically on an annual basis? Ms. Cramer said the current taxes owed are \$62.47 and when judgment was given on this piece of property the value was only \$3,300 and in the length of time from 2022 to 2023 it jumped from \$3200 to \$11,700 per BCAD. Councilman Pena asked what is the total square footage of the lot or the dimensions? Ms. Cramer said 3,125 square footage. Councilman Pena asked if that was a 25-foot lot by 110? Ms. Cramer said yes, a 25 foot by maybe 120. Councilman Pena asked who the bidder was? Ms. Cramer said it was a gentleman, the same one in all three, and did not recognize the name. Councilman Pena asked if they own any of the adjacent lots? Ms. Cramer said no. Councilman Pena asked if there were any other bids? Ms. Cramer said there were no other bids at the share sale and this is the only bid they have received since.

Karla Clark resides at 411 Sailfish. She said from what she understands and asked if the City were the interveners in this or did the City initiate the suit and asked if it went to tax sale earlier this year, and now they are coming back to purchase it at a diminished amount? Special Projects Supervisor Laura Cramer said

it was in 2022. Ms. Clark asked if these lots were buildable? Ms. Cramer said yes, they are 25-foot lots. Ms. Clark asked if a house could be built on this lot and asked if the neighbors were notified? Ms. Clark asked if the City initiated the suit? Interim City Attorney David Olson said it would have been the County initiating the suit and not intervening but acting as trustee for all the other taxing jurisdictions. Ms. Clark asked, so the City joined to that suit? Mr. Olson said yes the City is part of the suit, through the County. Ms. Clark asked, so the county and the schools approved it? Mr. Olson said from what he reads only the County has at this point and does not know if the actual commissioners' court has or if it is just this committee. Ms. Clark said that would have a lot to do with it. Mr. Olson said it sounds like they are going to all the taxing jurisdictions to seek approval.

A motion was made by Councilman Matamoros to deny the sell of trust property within the city limits located at Velasco Townsite, Block 694, Lot 16. Motion died due to a lack of second.

A motion was made by Councilman Pena to approve the sale of trust property within the city limits located at Velasco Townsite, Block 694, Lot 16. Motion died due to a lack of second.

Councilman Pena said it seems to him like all the right steps were followed and it also seems like the City will be getting five years of tax revenue upon the sell. He said he does not particularly like the value that is being sold for.

Interim City Attorney David Olson said this was essentially not approved.

Consideration and possible action by City Council approving the sale of trust property within the city limits located at Velasco Townsite, Block 571, Lot 4.

Special Projects Supervisor Laura Cramer said the second property is simply the same, and it is a different piece of property and the same circumstances. She said the staff makes no recommendations, and it is just the pleasure of the Council on how they would like to move forward on this property as well. She said it is a 25-foot lot located in Velasco Town Site 400 block of North Ave N. She said the City is not getting anything and the offer is not anywhere close to what the value is like on the previous item.

Mayor Cain said on this property he is seeing an offer of \$1,650 and the land value of \$11,000 and asked if this was correct? Special Projects Supervisor Laura Cramer said that is correct, but a thousand is just for the property as a whole, not necessarily the portion that the City would receive. Mayor Cain said he was talking about the value of the property.

Councilman Davis asked what is the portion the City will receive? Special Projects Supervisor Laura Cramer said the portion that the City will receive is about \$290. Councilman Davis asked if the lot is between two houses because the last lot presented was in between two houses? Ms. Cramer said this lot is located in an empty field. Councilman Davis said he just wanted to make sure he was looking at that right. Interim City Attorney David Olson said this property is essentially valued the same and the proceeds to the City are exactly the same as the prior lot. Councilman Pena said almost exactly. Councilman David said this lot is just by itself instead of in between two lots like the previous one. Councilman Pena said there are lots next to it. Councilman Davis said in between the two houses.

A motion was made by Councilman Davis to approve the sale of trust property within the city limits located at Velasco Townsite, Block 571, Lot 4, seconded by Councilman Rossow with discussion that followed.

Mayor Cain said his thoughts are if this had been presented to the Council two years ago when the property was valued at \$3,280 he would have jumped all over it. He said, being that it was \$11,000 it is a pretty big hit the City would take. Mayor Cain said the City is not really getting a lot out of it and even putting it back on the tax roll. Councilman Pena said he had a question for the Mayor in a response to his comment, and so the Mayor is saying that basically he does not like it because of the price point that they would be selling it

at compared to the value. Mayor Cain said that is what he was saying. Councilman Pena asked as a percentage what it was? He said he is curious about what the math on it is. He said it is 289 divided by the value on the tax records. Mayor Cain said the value is \$11,720. Ms. Cramer said that is just the portion as the City and to get a true ratio he might want to do the full offer price. Councilman Pena said the City portion is 2% and that is really what it comes down to and asked what is in it for the City? Councilman Pena said that is what the Mayor is saying, and he does not disagree with him but is just curious about what the total is for everybody. Councilman Pena asked what the total number for the bid was? Ms. Cramer said it is \$1,650. Councilman Pena said, so it is 14%. Ms. Cramer said not a lot. Councilman Pena said he agrees with the Mayor the City is not getting enough at 2% of the value. Councilman Pena said he just wanted to be on the record what was said. Councilman Pena asked Mayor Cain what the right threshold is then, and what is a fair amount in his mind closer to the 11? Mayor Cain said in his opinion yes. Councilman Pena asked if 10 would be okay? Councilman Pena asked what about 5? Mayor Cain said he would consider it. Councilman Pena said okay 50% at minimum? Mayor Cain said he would consider it. Councilman Pena asked if that was a yes. Mayor Cain said it is a he would still consider it. Councilman Pena said that is a political answer not a mathematical answer. He said he just wants to get around this idea and that he is glad Mayor Cain is not settling for 2% on any of these and hopes that they apply that same math model for any and every property that the City sells because that is what is being done over on Skinner Street right now. Mayor Cain said this property does not belong to the City.

Councilman Matamoros said this property does not have a developed street to it, which means somebody is going to have to pay the cost for that and also like he stated before, he is not a fan of building houses on 25-foot lots. He said they had already seen that happening on Avenue C. He said Mr. Scott McKay built some nice houses and did not sell, and now they are rent houses and so there really is not a market here in Freeport for 25-foot houses. He said there are a lot of issues with this particular lot and yes, it would be put on the tax rolls but is not going to generate. He said the headache that will be seen because he guarantees the owners will kind of want to have the City put in a street for a 25-foot lot and do not have the funds to put a street just for one 25 foot lot and these are just his opinions on selling this piece of property.

Councilman Pena said it is relevant to how and what is being done with these properties, whether they are City owned properties or not but the bottom line is whether or not the City is getting their fair amount and with that said he also wanted to touch on a very important detail that was just brought up about 25 foot lots and the feasibility of those and just wants to be very clear on this in terms of if they are looking at this and looking at properties whether they sell or not based on whether or not they have a street or whether or not a 25ft lot is feasible and viable and the truth of the matter is if a house is whether it is sold or not if it was completed which is great much different than the friends over at Realty World and the positive on that is that the house actually got rented which means it is cash flowing. Mayor Cain said to Councilman Pena to talk about this lot right here. Councilman Pena said he wants to make sure that they are able to have a conversation about this but all the discussion and are supposed to have a meaningful discussion. Mayor Cain said they are and are supposed to have a meaningful discussion on what is on the agenda. Mayor Cain said the agenda item is consideration and possible action by City Council approving the sale of the trust property within the city limits located at Velasco Townsite block 571, Lot 4. Mayor Cain said to Councilman Pena if he wants to have this conversation during the week sometime to feel free. Councilman Pena said when he is making his arguments for or against a particular issue he is going to share his thoughts and those are his thoughts as it relates to development, just as the other Councilman was able to speak to specify his reasons on this very same subject matter in terms of the real estate so he would expect to be fairly given the time to express his opinion on that particular subject as it relates to this particular agenda item.

Karla Clark resides at 411 Sailfish Lane. She said she was wondering if any other properties within that area are in trust and asked if they are if the City has considered any of that because if you do not get this stuff back on the tax roll you have property everywhere. She said you have piles of dirt from the drainage ditch on one that is owned, and it needs to get back on the tax roll. She said they may not get any money from it

now, and asked how many others are there? She said that it is a big chunk of land and so \$5, \$20, \$100, it is just going to lay out there and will have to be mowed. She said it does not look like it needs to be mowed now, but it will.

Mayor Cain called the motion 3-"Nay" and 2- Abstained. The motion failed.

Consideration and possible action by City Council approving the sale of trust property within the city limits at Velasco Townsite, Block 61, Lot 10 (W/10').

Special Projects Supervisor Laura Cramer said one more lot with the same situation except that this is a 10-foot lot. She said it is next to the Urban Renewal Property.

A motion was made by Councilman Pena to table this item, seconded by Mayor Cain with all present and voting "Aye" 5-0. The Council unanimously approved the motion. This item was tabled.

Consideration and possible action to approve roof replacements on City facilities.

Karla Clark said she was wondering what city facilities are specific about that will do the replacements for the roof.

City Manager Lance Petty said staff recommended approval of the proposal from Brazos Commercial Roofing. He said the proposal is for roof replacement on three of the City facilities. He said Hurricane Beryl caused damage to numerous City facility roofing systems. He said the City has been working with TWIA and FEMA on damage throughout the City and has been authorized to move forward with repairs. Mr. Petty said Brazos Roofing has provided repair costs for these facilities as follows: the old fire station across from fire station one is \$69,357.00, plus a bond fee of \$1,349.00, the recreation center \$117,642.42 with a bond fee of \$2,306.71, and fire station two of \$104,034.38, with a bond fee of \$2,042, which is a total of \$296,731.51. He said Brazos Roofing is part of the Choice Partners purchasing and does not require an advertisement for services and their Choice Partners Contract number is #23/041MR and will provide a WPI8 Windstorm and Engineering will be included upon completion. Mr. Petty said he was looking for approval to move forward with these three items. He said they wanted to move forward with these buildings because they had some serious damage to where they have got some leaky areas in them and every time it rains they have more and more damage to them, so they wanted to address those first.

A motion was made by Councilman Pena to not approve until three bids are received aside from the Choice Partner to ensure that the Choice Partner is the best BID. Motion died due to a lack of second.

A motion was made by Councilman Matamoros to approve roof replacements on City facilities, seconded by Mayor Cain with discussion that followed.

Councilman Rossow said if his roof was leaking he would get it fixed.

Councilman Pena asked if all of these particular properties here were part of an insurance claim with TWIA? City Manager Lance Petty said yes. Councilman Pena asked what portion of the \$296 TWIA will be covering? Mr. Petty said all three buildings are covered under the TWIA. Councilman Pena asked if out of the \$296 they are going to pay the full \$296 or is there a deductible on that? Mr. Petty said there would be a deductible. Councilman Pena asked if the City is not paying the \$296 and TWIA is paying the large portion of that? Finance Director Cathy Ezell said the City is paying the full \$296 and are still working with TWIA to finalize all the insurance claims and if some of the facilities like these by the time all the repairs are completed are not 100% covered by insurance, they are going to apply for a project through FEMA to help the City with that. Ms. Ezell said both FEMA and TWIA asked the City to get these repairs done as soon as possible because they are doing more damage to the facilities by not fixing them, and then it becomes an issue that the City did not do their due diligence in trying to fix the facilities and more damage was caused, and it can jeopardize the coverage by both entities. Ms. Ezell said she had one on one meetings with FEMA,

and she has had numerous conversations with TWIA, and they want invoices, and they want the City to show that they are doing what is needed to do to start fixing these facilities. Councilman Pena asked so the preliminary repairs are required in order to make sure the properties are not damaged any further than they are? Ms. Ezell said the repairs are required to be done. She said putting tarps on the buildings is like putting a band-aid on it and one strong wind, and they are gone, and it is required to start fixing the damage. Councilman Pena asked if they were providing any financial support? Ms. Ezell said at this point everything is on the City. She said she does have some facilities that she received a list from iCAT. She said TWIA is working on trying to get the City upfront funding and are still working through that right now. She said FEMA has told the City to start repairing it and if, when they come out in the next few months and are still not at a certain percentage of completion they are going to start asking why the City has not done it. Ms. Ezell said they have had these meetings constantly. Mr. Petty said there are currently roughly 10 to 12 items out for BID right now for those damages as well. He said the police department roof took some damage to it, and they were able to repair it already. Mr. Petty said these facilities here took a little bit more damage to them. Councilman Pena asked so there were 10 to 12 other ones? Mr. Petty said throughout the City there is a lot of damage to the parks and pavilions and things like that, and they are out for BID. Mr. Petty said the ball fields and stuff like at the dugout roofs and concession stands and things like that and have a numerous out to BID but just wanted to get these addressed immediately to protect the buildings. Councilman Pena said when talking about how this is being considered, they have to not seal the envelope with a tarp but actually make the bona fide repairs and asked if that is right? Councilman Pena said that is for these structures and asked what about the other structures? Councilman Pena asked, are those also being required of the same or are they just required to have a temporary seal of the exterior envelope? Mr. Petty said they will be the same thing, and they are being BID out but they are not as an emergency structures as these are to protect them. Councilman Pena asked if the old city hall is going under any repairs or is the ceiling already been secured? Mr. Petty said it is sealed around the edges and had to do some abatement, but the city hall roof is out for bid right now. Councilman Pena asked if that was going with Choice or is it getting multiple bids? Mr. Petty said it is going with multiple bids since it is a large project. Councilman Pena asked what are we determining as a large project versus not a large project? He said so he can kind of understand that going forward. Mr. Petty said he already has rough estimates on old city hall. Councilman Pena said what he was trying to understand is and asked when they decided they were going to go with Choice Partners versus taking out three BIDs? Mr. Petty said he could have put this Choice Partner, and he would of gotten a quote on that building and would of gone with Buy Board or Choice Partners either one it is government pricing. Mayor Cain said it is his understanding that on these particular buildings they are going this route as opposed to putting them out for BID to save time because if they are put out to BID we all know nothing moves fast and asked if that was correct? Mr. Petty said yes and are still requiring the bonds and insurance. Interim City Attorney David Olson said he does not want this to be misleading but these projects are put out to BID just at a state level so all these companies are vetted and put out to BID by this third party so they satisfy the procurement laws at the local level. Councilman Pena said they are vetted and Mr. Olson is right to be able to perform, and it does not mean that they are vetted to keep any kind of any price list. Mr. Olson said that is the whole point of their BID. Councilman Pena said what Mr. Olson is saying was that this particular choice partner is not in any way affected by the market or for that matter market forces and asked if it has a flat rate that is going to be whether there is a storm or not this is the rate that the City would get. Mr. Olson said they are a Buy Board. Mr. Petty said yes. Councilman Pena asked so if it was just a nice sunny day, and they decided they wanted to re-roof these they would get the same price? Mr. Petty said yes.

Mayor Cain said he agrees with Councilman Rossow and if his roof was leaking, he would call the insurance company and would get it done.

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. 2024-2880 nominating candidates for a position

on the Board of Directors of the Brazoria County Appraisal District.

Finance Director Cathy Ezell said this resolution allows the City Council to nominate up to five individuals to be placed on the ballot for board of the Brazoria County Appraisal District. She said on September 3, 2024, the City Council discussed the fact that they would have the opportunity to nominate up to five individuals to be placed on the ballot for Brazoria County Appraisal District. She said the City has until October 15, 2024, to present its nominations and once all nominations have been received, the Brazoria County Appraisal District will submit the ballot to the City, at which time the City Council will have 21 votes to use to vote for the Council choice(s). She said so, as it was discussed at the last Council meeting up to five nominations are needed from the City of Freeport to be placed on the ballot for the Brazoria County Appraisal District because their roles and regulations have changed this year. Ms. Ezell said, as she stated, Ms. Karla Clark did put in a formal request to Mr. Petty and herself to be named as a nominee.

Councilman Pena said he had two nominees and asked how was that particular nomination process? Mayor Cain asked if five could be nominated? Finance Director Cathy Ezell said yes. Mayor Cain said he also has two that have expressed interest. Councilman Pena said he was contacted by two residents, Ms. Clark and also Mr. Eric Hayes. Mayor Cain said that made it easy because those are the two that contacted him.

Councilman Davis said he did not have any nominees. Councilman Matamoros said he did not have any nominees and the people that he asked were not interested in being nominated. Councilman Rossow said the only person that reached out to him was Ms. Karla Clark.

Finance Director Cathy Ezell said the Council does not have to nominate five but has the ability to nominate up to five.

A motion was made by Mayor Cain to nominate Karla Clark and Eric Hayes for a position on the Board of Directors of the Brazoria County Appraisal District, seconded by Councilman Pena with all present and voting "Aye" 4-1. The Council approved the motion. Councilman Matamoros voted "Nay".

Consideration and possible action to ratify the Service Order to purchase Budgeting Software from Clear Gov.

Finance Director Cathy Ezell said on June 14th, 2024 the City entered into an agreement with Clear Gov to provide budgeting software for the set-up costs of \$8,775 and an annual subscription of \$30,000. She said this service order was signed with the clause that the budgeting software would have to be approved as part of the budget and approved by the City Council. She said the service order was signed on June 14, 2024, to lock in the costs of the software. She said also Clear Gov is providing the prices under the Co-Op pricing under the Buyboard contract No. #692-23, which would not require formal bidding on this software. She said staff went through the process of reviewing three different budgeting software companies. She said Clear Gov came highly recommended by many finance directors across the State. She said one company did not offer the products that Clear Gov offered, and another company had the same annual fee but had a set-up cost of over \$60,000. She said Clear Gov software will not only make the budgeting process more effective and efficient, it will give the opportunity to move the Finance Department in a whole new direction. She said this software will allow to create a true financial transparency program on the City's website, and it will also allow to create a Five-Year Capital Project Program that will be presented and adopted by the City Council. Ms. Ezell said the budgeting software was included in the FY2024-2025 budget.

Mayor Cain asked, so this is basically just choosing which one the City will run? Finance Director Cathy Ezell said yes the contract was signed, and it was stated in the service order that it had to meet the budget and be approved by the City Council. Interim City Attorney David Olson said, essentially what was done was an offer was created for consideration by the Council and there is not a valid contract at this point. Mr. Olson said that it was basically just a service order, an offer from them, and it is subject to the approval of the Council.

A motion was made by Councilman Matamoros to ratify the Service Order to purchase Budgeting Software from Clear Gov, seconded by Councilman Rossow with discussion that followed.

Mayor Cain said this is something that has been needed for quite some time, and it will help in the budgeting process. He said also it will take away some of the human factor because it still has to be input. Finance Director Cathy Ezell said it will actually import and export from the financial software. Mayor Cain said someone has to run that mouse and so there is a human factor, but it will help. Ms. Ezell said it will also allow the department heads to actually input all of their stuff into one place so they will have access to this software as well, so it will help the departments see everything in real time, and they will have access to everything where it is now a little bit difficult. Mayor Cain said it improves transparency.

Councilman Pena asked what the total amount was going to be for the cost of this particular software service? Finance Director Cathy Ezell said the cost for implementation is \$8,775, and it is \$30,000 a year for the subscription. Councilman Pena asked if this particular software will allow to budget strictly in terms of a macro view for all the departments or does it get into the budgets within the department? Councilman Pena asked if it would help with the water software? Councilman Pena asked if it would integrate with the water software? Ms. Ezell said yes it integrates with incode and incode is the water and financial software. Councilman Pena asked so it would be able to tell of any delinquencies. Ms. Ezell said no the delinquencies and stuff are in the utility billing software. Councilman Pena said he just wants to be clear on this software. Councilman Pena said Mayor Cain asked whether or not this is human proof. Councilman Pena said any database software is going to be junk in as known in the businesses it is junk in and junk out so if junk is put in there with false information or put the wrong information then the reports will all reflect that. Mayor Cain said he did not say anything about junk in and he said human error. Councilman Pena said he just wanted to give the nomenclature on the IT world because an error illustrates that this is not a solve one solution fits all for that matter it is going to solve all of the problems in terms of the software it is just going to do AI work artificial intelligence work and still requires that the human input even if it is done on a paper or another spreadsheet in Excel and if they are still working with wrong information and for that matter staff that is putting in wrong information then they are going to have false reports and false numbers, and he just wanted to be clear on that. Mayor Cain said put the wrong input on the phone and you will call the wrong person. Councilman Pena asked if this will also reflect the software to be able to flag over time in each department and will each department head be able to know that their overtime is either within budget or over budget? Ms. Ezell said yes. Councilman Pena asked if currently they are able to do that? Ms. Ezell said yes they are able to do that. Councilman Pena said that is not what the last budget said. Mayor Cain asked if this software would make it easier? Ms. Ezell said yes it would make it easier and, just for the record, there is no junk in and junk out, and she is not going to stand up there and listen to it anymore. Ms. Ezell said this software will integrate with the financial software and whatever that software says will go into this program and the department heads will have easier access to this program than it is to the incode software which does flag when something goes over budget. Councilman Pena asked if this software would provide City Council weekly, monthly, or bi-weekly reports that the Council can look at. Ms. Ezell said the Council already gets monthly reports and directors reports and if everyone read through their packets they could see the monthly reports that are in there instead of saying they do not get them. Councilman Pena said he would like the Council to know that they go through those there on a regular basis going forward, especially as it relates to over time. Mayor Cain said to Councilman Pena they are at his disposal in his packet.

Mayor Cain called the motion to a vote with all present and voting "Aye" 4-1. The Council approved the motion. Councilman Pena voted "Nay".

Councilman Pena said that the COF said that she knew that he would break the streak. Councilman Pena said he wanted to make sure that it was recorded in the minutes.

Consideration and possible action approving Southern Turf Co. Texas to Install Artificial Turf at SFA for

Soccer Field in the amount of \$253,400.00.

City Manager Lance Petty said the proposal is to install an artificial turf surface for the re-location of the Freeport Youth Soccer League. He said the Freeport Youth Soccer League has utilized O.A Fleming property for youth soccer league activities. He said the City will be developing this property in the future for residential housing and has budgeted \$600,000 for the relocation of the park. Mr. Petty said staff met with the soccer league president about the new location. He said this facility currently has infrastructure such as restrooms, concession stands and storage areas that can be utilized by the league. He said the City has also approved field lighting that will be installed over the next four weeks, along with fencing that will enclose the field for the safety of the youth. Mr. Petty said if approved, Southern Turf Company Texas will begin immobilizing to begin construction of the new facility. He said Southern Turf is part of the Buy Board purchasing program that is not required for BID and the Buy Board Number is #737-24. Mr. Petty said the budget item would come from the Capital Parks, which is 25-665-899. He said this field would be an 80 yard by 40 yard wide field turf. He said the youth association has given him their field dimensions which under five teams play 15 yards by 25, under six plays 20 by 30, under seven and under eight play 25 by 35 yards, and the largest group that they have is under nine and under ten, and they play 40 yards by 60 yards, and so this field will host all the age groups, and they will also utilize the surrounding grass areas throughout the park for their practices and things like that. He said it gives them a great feel to have games on with lighting and stuff like that. Mr. Petty said he did talk to this company about regular turf being put in and they said the surface over there right now is Saint Augustine grass which you can not play soccer on Saint Augustine grass and they would have to come in and cut down all the dirt over there, to get down to get all the roots and everything out then they would have to bring dirt in and then have to put irrigation system in drainage and then find some Bermuda grass which you can not find right now and can not plant it now anyway. He said it was going to cost the same either way it would go except they would have an additional cost with regular grass because maintenance would have to be done on it and mowing it twice a week. Mr. Petty said he did go ahead and added the only other company even though they are a Buy Board company he added another company in the Council packet that did come down, and they are the only other company that will come down this far to do turf and their pricing was in there as well which was way over the amount. Mr. Petty said that is what they are looking for is to be able to get them relocated and that money was budgeted last year for these improvements.

A motion was made by Councilman Matamoros to approve Southern Turf Co. Texas to Install Artificial Turf at SFA for Soccer Field in the amount of \$253,400.00, seconded by Councilman Davis with discussion that followed.

Mayor Cain said he thinks the kids of Freeport and those that come to Freeport to play deserve a place to play like this. He said he thinks it is just like the budget it has been a long time coming and thinks this is a great idea.

Councilman Davis said anytime something is being done for the youth he gets excited. He said he has been involved with the youth programs and running youth sports and always felt neglected. He said nothing against the current council members, and they had nothing to do with it. Councilman Davis said they never got any assistance from the City of Freeport as far as money wise and especially no money like that. He said this would bring more teams that would like to come and play on that field because of the quality of the field that Freeport would have now. Councilman Davis said Freeport has always had the bad rep of raggedy fields. He said he has been in every field baseball, softball and football and he has been in it all and that is what is heard when it is time to play in Freeport. He said now everybody would be excited to come and play in Freeport. He said he is looking forward to it and that it will just open doors for someone to come out and help to do the same for the baseball and softball fields. He said they are going to bring back the youth sports, and it will be a nice, safe, and fun place to play. He said it is pricey, but in the years coming the maintenance and all the cutting and the fertilizer and upkeep of the field is going to work itself out.

Mayor Cain said the turf does come with an 8-year warranty. He said after 8 years, if it is torn up, it can be pulled up and lay another one down for a fraction of the cost. City Manager Lance Petty said including in that cost is also a maintenance program where they come out and put the infill in, when needed and things like that. Mr. Petty said he would not anticipate 10 and under wearing out any turf in 8 years. Councilman Davis said and that it is not in the City budget it came out of somewhere else. Mr. Petty said yes, it was budgeted from a property swap on the East End sale and that is part of the relocation.

Councilman Matamoros said he was all for it. He said he hates to say this, but his daughters play in Lake Jackson because of the conditions of the field. He said if they could get more Freeport kids and their team size, he would be glad to bring them back to play on these fields.

Mayor Cain said his youngest son plays out there and two of his grandchildren play out there and the amount of kids that are out there playing on Thursday nights on the raggedy old field is incredible, and he can not wait to see what it looks like when they get to play on a good field. Councilman Davis said that field has big cracks in it and it is unsafe.

Councilman Pena said if they want to pass anything on the budget, there are two sacred cow you can always go with do it for the kids and first responders. He said he wants to make sure that they are being prudent about this and there is no doubt they want to do as much as they can for the kids. He said he thinks about the Recreation Center and how it is being utilized, over \$600,000 a year and the actual usage of it. He said if they are getting a lot of activity on the soccer field that is great. He asked if the lights were on that soccer field right now. City Manager Lance Petty said no, they were just approved and will be mobilizing week after next to start doing the underground work. Councilman Pena said so when those lights go up there is going to be a bigger show, better look, better field, and the neighborhood as a whole. He said the residents will probably want to use that space a lot more, which brings him to a variety of other questions in terms of its usage. Councilman Pena asked if it is going to be gated and locked specifically and only for soccer usage so that nobody else can go out there and play in that park space? Mr. Petty said the soccer field turf will be completely fenced off and locked. Mayor Cain said no four wheelers. Councilman Pena said he would hope not. He said he was curious that they were talking about the baseball fields, and he knows that there was a big push for the baseball fields about 2 or 3 years ago so that they would not have really downtrod baseball fields. Councilman Pena said in a conversation he had with Mr. Petty had said they had been scraped so that the grass could be improved upon and asked if that was right? Mr. Petty said yes, when he came here, he took a grater over there and cleared all the infield completely off and rebuilt every one of them in the baseball fields planted Bermuda grass and infields. Councilman Pena asked not the outfield? Mr. Petty said not the outfields. Councilman Pena asked at this point, do the baseball fields have a better reputation and is there a greater usage since then? Mr. Petty said yes the baseball fields have a number of teams that utilize those fields and have a few select teams that practice over there now, and the softball fields the very first year that the project was completed they had the state tournament there, which were about 16 teams and hundreds of people there, and so yes, they get utilized quite often. Councilman Pena said as for usage of the soccer field itself, and who is going to be able to use it and asked if it is going to be only this particular soccer league that they are catering to right now? Mr. Petty said this is the Freeport Soccer League through Brazoria County and if the other organizations want to utilize it for practice and things like that they are capable of doing that by contacting the Recreation Center and setting that up on a schedule if it is available if the youth is not using it. Mr. Petty said they would have numerous people calling wanting to rent the field just to hit the infield to practice infielding baseball and will probably have some PeeWee teams that may want to utilize it for football practice but it will definitely get utilized. Councilman Pena asked if it will be utilized beyond the soccer? Mr. Petty said yes, but the youth league utilize the fields for free everyone but everyone else there is a fee associated with those. Councilman Pena said he is just trying to figure out the cost benefit analysis on this in two forms which are how this is going to get paid for going forward and the maintenance. Councilman Pena said Mr. Petty had mentioned that he looked at the cost in terms of the Saint Augustine grass versus the Bermuda grass and asked what the total cost to do this at the same period of time

if it was left as just regular grass, whether it was Saint Augustine or even Bermuda? Mr. Petty said you would not have Bermuda grass in the field ready to play for at least a year. Councilman Pena asked and on the Saint Augustine grass? Mr. Petty said he had the soccer president and all of them come out, and it was unacceptable that the little kids can not run on the thick Saint Augustine grass, plus, if it was cut all the way down it was going to burn up, and it would look like O.A Fleming right now. Councilman Pena asked if there are any other soccer fields in the county that have artificial turf? Mr. Petty said to his knowledge no. Councilman Pena asked if Mr. Petty knew what kind of grass they use at the premier soccer facility in Angleton? Mr. Petty said he did not know but he knew what they use in Fort Worth and everything is turf. Councilman Pena said well Fort Worth is a larger City than Freeport for sure. Mr. Petty said he was talking about the suburbs of Fort Worth. Councilman Pena said when we initially talked about this they talked about how this was going to pay for itself and is not sure they are going to get enough revenue on it, and he is wondering where the money is going to come from. Councilman Pena said here we are talking about it in terms of the expense for maintenance, and it has an eight-year warranty, and he has questions on the eight-year warranty as well and hopes everybody else does to make sure there are not a whole bunch of gotchas on it, then end up paying for another turf altogether because it was misused or whatever other conditions there are. Councilman Pena asked if anybody had a chance to review the warranty and what that entails? Mayor Cain said yes he read the packet. Councilman Pena asked the Mayor Cain if he could share with the public the highlights on that? Councilman Pena said that is what he really wants to get into, and it is, just not about just reading the packet for their own understanding, but it is also to make sure that the public understands why they are voting in certain ways as well, so he is always curious and making sure that they can articulate those in public because the public does not get the agenda to review as conveniently as the Council does, and they only have three days and knows that a lot of residents by and large do not. Mr. Petty said it is an eight-year product warranty and a three-year labor warranty on it plus the infill of course, is included as well, for them to come out and do the maintenance on it and check the turf and stuff like that and that is the reason why a fence is being put around it and, locking it because if you do not do that it will get torn up by people riding four wheeler and everything else on it. Councilman Pena asked if there were people using four wheelers in that park right now? Mayor Cain said, there is no target there right now. Councilman Pena said to Mayor Cain he was asking Mr. Petty. Mr. Petty said until he locked up the softball fields and when they first redid them they were completely torn up the next day. Councilman Pena said he knew there were four wheelers down at the beach and could not imagine that there were four wheelers at the park or any park for that matter, but if he says there was, then he will trust his testimony on that. Councilman Pena said he just knows some of the feedback that he got on this was that they are going to put in this artificial turf, and it seems like an excessive cost when they can continue doing the maintenance with the current grass and since their conversation this afternoon with Mr. Petty, he went ahead and reached out of whether or not the cost to us now is excessive and the 253 and what can they do to save because during the whole budget period they were talking about saving money and tighten belts, and he is thinking okay well then how can they do this. Councilman Pena said there already is lighting, fencing and said if we do the groundwork the grass that they can do that and was said it was an expense itself. He said the feedback he got from residents was residents that actually said that they would volunteer to cut the field. Councilman Pena said it was talked about how to get the community more involved and just in terms of the feedback that he got on this was there was offers to have the residents even willing to cut the field once a week, since they actually have large equipment. Councilman Pena said he just wanted to put that out there because if they can do the regular grass and just to say that it will costs \$50,000 a year he can not imagine that it is going to cost us \$50,000 to cut that lawn in this particular park. He asked if there was any kind of estimation of what that cost would be to maintain it as grass, as Saint Augustine grass, on an annual basis? Mayor Cain said to vote and see if they are going to do this turf at all, and then they will get back to what it is going to cost to maintain grass if they have to go that way. Councilman Pena said approving stuff or not approving stuff based on what those numbers are but if Mayor Cain wants to do it backwards then that will be on the record. Councilman Davis said if Councilman Pena would want to get those numbers that would be based on like eight or nine years of maintenance cost? Councilman Davis said if it has warranty on it. Councilman Pena said it is a three year warranty on the actual equipment not on the service end of it and that is what Mr. Petty just said. Mr. Petty said it has an

eight-year warranty. Councilman Davis said it is an eight year warranty on the turf. Councilman Pena asked what are the first three years of warranty on? Interim City Attorney David Olson said it is on maintenance. Councilman Pena asked so for three years there will be maintenance and coverage on the material? Mr. Olson said eight years on material on the product and three years on the maintenance and upkeep of the product. Councilman Pena asked after three years the labor maintenance is on the City? Mr. Olson said that is correct. Mr. Petty said it is just infill and are not mowing turf. Councilman Pena said he just wants to make sure that they match apples to apples on this and that they are really talking about this in a forthright manner. He said at the end of the day lets just say it cost \$10,000 or \$20,000 to cut this field on an annual basis, and it is an 80 by 40 and typically you have a 20 by 50 and asked what that was? Councilman Pena said that is a thousand square feet and asked an 80 by 40 is how many square feet? Councilman Pena said this is about digging into the math and was wanting to talk about the numbers. Mayor Cain said to Councilman Pena he had a lot of great points but had to go through a lot of cloudy water to get to the good point. Councilman Pena said to Mayor Cain it is like he is saying he does not want to get down to the details. Mayor Cain said to Councilman Pena he was losing his crowd. Councilman Pena said he does not care about losing the crowd, but he wants to make sure that these points are identified for the Council to consider, and he does not care if he does not have everybody's attention, and he wants to make sure we have an informed Council. Councilman Jarvis asked Councilman Pena if he wanted to maintain he would have to put a sprinkler system out there too, so that will have to be added too, because if you do not put a sprinkler system on the grass, then the ground is going to dry out, and it is going to start looking like the other fields that we have now. Councilman Pena said it is intellectually dishonest to say that they are going to have one solution that checks off all these boxes, but when he says what is the manual solution you say well, we are not going to consider those boxes so if you are saying this actually solves the problem of sprinklers, then he is over here saying okay then what is the total cost here and add the sprinkler component then you are saying well we do not even want to talk about any of that if they are talking about it there as the merits for the artificial turf they should be talking about that as a cost comparison on what the grass is. Mr. Petty said he can say that the regular grass is going to cost just as much as the turf, but it is going to cost more in maintenance fees in fertilizer and all that kind of stuff, because no matter what, you can not go over there today and let little kids play soccer on that field it is going to have to be built up just like you would for turf there is going to have to be irrigation put in new sod put down and there is a lot to it so it is not just turn the lights on, and they go play it does not work that way. Councilman Pena asked if those particular treatments that were just described being applied to any of the other parks, baseball fields, OA Fleming soccer fields? Councilman Pena asked if that was ever afforded? Mr. Petty said yes, they put fertilizer in. Councilman Pena asked if it was treated the same way Mr. Petty was describing that was going to be to arduous for Stephen F. Austin? Mr. Petty said yes the soccer will not move over there for that large of a field with just Saint Augustine grass. Mr. Petty said the little kids can not run in it, kick the ball, or anything else. Councilman Pena asked if any of the parks have sprinkler systems? Mr. Petty said yes, the Freeport Community House Park does but no ball field but there is irrigation on them that is watered by sprinklers. Councilman Pena asked if there was any kind of cost analysis on that for him to be able to do a fair assessment of what the annual expense is? Councilman Pena said just say for example, it is \$50,000 a year to maintain it as regular grass and in five years that is \$250,000 and in eight years that is \$400,000, but if it only costs \$50,000 in the year that they are trying to button our belts or tighten our belts he would rather spend \$50,000 and at least have a very nice. Mayor Cain said that is \$50,000 a year in maintenance after we put the \$250,000 in it to put new grass. Councilman Pena asked Mayor Cain where did he get \$250,000 for new grass? Mayor Cain said to Councilman Pena that is what he has been trying to tell you. Councilman Pena said what he is asking in terms of the total cost and said this is they need this item this whole itemization to see what the true cost is for the life of this field, and if they are looking at this as an eight-year lifetime or a ten-year lifetime it is important that they look at the costs truly they are not and that is the problem he is having with this that they are still not given a true analysis on this but if they want to go ahead and vote on this saying they just like this idea it is good for the kids it is outside the budget, we are supposed to tighten our belts, but it does not matter so lets just go ahead and get this project done. Councilman Pena said to him this is not a mathematical vote, it is a political vote. Mayor Cain said that was the smartest thing he heard from

Councilman Pena this evening was to go ahead and vote on this.

Councilman Rossow said turf is an upgrade and if they want to upgrade, go with the turf. He said look at Hopper Field and they have 300 pound guys every Friday just about with Brazoswood and B-Port playing on that field, they are pounding that field at least once a week. Councilman Rossow said also the junior varsity they play during that week. He said you have the Junior High they play on Monday nights and that turf is getting pounded, and it is in good shape and that is what they want. He said they want to invest in our children and the children are the future and if this thing goes over right like Mr. Petty is saying it will they are going to be able to raise money for stands and concession stands. He said that is when the people are going to really start rolling in like they do in Angleton. Councilman Rossow said if you have never been to Angleton to see what they have going, and they do not even have turf, but they have hundreds and hundreds of kids with parents that are bringing money to the City of Angleton. Councilman Pena said exactly Councilman Rossow made his point. Councilman Rossow said, we are looking at the future and if you look at the future, then let's get some turf. Councilman Davis said that is not the point and we can not compare us with Angleton and that is why some of the kids play in Angleton because of the way the fields look. Councilman Davis said we do not have the proper fields and that is why everyone has left and that is why people go to Lake Jackson. Councilman Matamoros said this was a budgeted item.

Mayor Cain called the motion to a vote with all present and voting "Aye" 4-1. The Council approved the motion. Councilman Pena voted "Nay".

First Reading- 2024-25 Local Business Improvement Grant Program.

EDC Director Robert Johnson read the resolution for the First Reading- 2024-25 Local Business Improvement Grant. Mr. Johnson said what is being talked about is the business improvement grant which the EDC has had, and it has been a very successful program and there has been a little bit of a change, and he has talked to some of the Council about it. He said the 2024-25 Local Business Improvement Grant program provides grant funding from the EDC under several categories including facade improvements, sign improvements, general property improvements, landscaping improvements, and fire suppression improvements. He said applicants for these categories are accepted any time and considered individually as they are received. He said funding for these categories is available up to \$10,000. Mr. Johnson said there is also a single mega grant of up to \$30,000 which will be competitively offered with one awarded per year in February. He said businesses that receive the grant are reimbursed 50% of their documented and qualified expenses up to the maximum grant amount. He said the EDC is again requesting the Council's approval for expenditures of up to \$300,000 in the 2024-2025 fiscal year. He said for this program, the EDC conducted a required public hearing with no opposition and the vote was unanimous on the program. He said typically the EDC request \$150,000 for this grant program but this year they are requesting \$300,000 due to Hurricane Beryl. He said they have gone business to business and visited with a lot of business owners and have had an overwhelming amount of requests for grant funding. He said a lot of people are hurting out there and felt for this year the EDC needed to increase the funding. He said they made some budget concessions so that they could have that money. He said this is the first of two required readings, and he would be back in two weeks for the second.

Councilman Pena said he was recently contacted by a couple of businesses, and it is his understanding that last year, and asked if the EDC used all of the \$150,000 from last year? EDC Director Robert Johnson said they ended up with about \$20,000 left for this year but still have applications coming in. He said they are working with Four Corners, which houses Arlan's, and divided one grant into two fiscal years in order to help them. He said there are 14 businesses in that facility and really wanted to make sure that they helped them and also helped Arlan's get back on their feet because it is the only grocery store in the community. Mr. Johnson said, but to answer Councilman Pena's question there is a little bit left over for this year. Councilman Pena asked if the \$20,000 was left after helping Arlan's? Mr. Johnson said yes. Councilman Pena asked how much the Four Corners development was? He said he guesses that is the owner of Arlan's commercial strip center. Councilman Pena asked how much they were granted? Mr. Johnson said Adnan Ali

is the owner of the facility, and they were granted \$30,000 and \$15,000 for this fiscal year and \$15,000 for next fiscal year. Councilman Pena said he guesses it is for repairs from the damage of the storm. Mr. Johnson said yes, and the EDC has been working with the City and Mr. Ali on updating the community as that is going forth and their last projection and Mr. Petty put it up on the city website. Mr. Johnson said hopefully they are going to get it open in October and then in early November Dollar Tree should be open, but they are progressively fixing the roof. Councilman Pena said he knows a couple of years ago the EDC stood up there and listed out all the companies that benefited from this grant program, and he would like to see it in the next reading week because it is very impactful. Councilman Pena said this particular program was something that he knows that was important because the City had the block program for the residential and when he was on the EDC he said it needed to be put in commercial on the business side and is glad it is there and is glad it is growing. He said he is glad it is being used. He said he was curious to know if there are any applications for the next year as well. Mr. Johnson said they are on route and are working with people and it is a process to fill out the application especially working with permitting and all the things you need. Mr. Johnson said he spoke to a couple of people today getting fresh requests, but there is a glut of people right now and he is expecting these applications to materialize, and it takes some longer to fill them out than others. Councilman Pena said there was a couple of restaurants that reached out to him about this and asked about the grant, and they said that they were a little gun shy because the qualifications or at least the application process requires a financial audit of their taxes and their bank statements and asked if they were misinformed on that? Mr. Johnson said they are misinformed, and it does not require, but the board can ask for that as they are doing due diligence if they want if there is a need or some kind of concern, they certainly can ask for that, but it is not asked for in the actual application or packet. Councilman Pena asked what are the triggers on that for them that they might be able to help? Councilman Pena said a lot of folks do not want to share their taxes and their personal finances and have that be in the public domain and asked how does that work to help still encourage their involvement? Mr. Johnson said he understands that and is not sure if they are speaking about the same person, but he had a person talking to him who was greatly concerned about that, and he could not really speak about what would trigger something in a board member to say they want to see them? Mr. Johnson said, but he can say there is no requirement for that. He said he does know a couple of the board members with this increase in funding were concerned about the EDC being the last stop in the line, so they are encouraging and asking for documentation for people to go to the SBA to go to their local banks to cross those off, but certainly not asking for taxes. Councilman Pena asked if they are required to first go to SBA and the bank. Mr. Johnson said while it is increased yes with this emergency and asking them to visit with the SBA. He said the SBA timeline is a little slower than the EDC, and so they do see emails and things like that they did reach out to them, but the end result has not been met yet with them, but they are requesting and investigating it. Mr. Johnson said he thinks that is the purpose of what is behind that request from the board member to at least reach out to these people and see what assistance is available besides the local grant that the EDC has. Councilman Pena asked if it is consider a bottleneck to the whole process and so SBA for example is taking six to nine months? Mr. Johnson said no. Councilman Pena said if they were, he is just curious and asked if the EDC prepared to help accelerate that for these businesses so that they are not waiting six to nine months with a busted roof? Mr. Johnson said they are not interfering in any of the process with SBA and are just asking them to visit the SBA, look at their loans to see if it may help them and that was the reasoning for that. Mayor Cain said this was supposed to only be a reading tonight. Mr. Johnson said he would be happy to have a phone call with Councilman Pena regarding this. Mr. Johnson said he had plenty of citizens that thanked both the EDC board and the City Council for supporting this increase and there are a lot of people out there that really need it, and they appreciate it.

Executive Session

551.071. Texas Government Code. Consultation with Attorney. The City Council may convene in executive session to conduct a private consultation with its attorney on any legal posted agenda item, when the City Council seeks advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of

Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of Chapter 551, including the following items:

Executive Session regarding a.) (Consultation with Attorney) 1. Property 200 west 2nd Street pursuant to Section 551.071.

The regular session closed at 7:52P.M. and the Council entered into the Executive Session.

Reconvene into Open Session:

Take any action resulting from Executive Session.

Executive Session ended at 8:07P.M. and the Council entered back into regular session.

There was no action from Executive Session.

Adjournment

Adjournment – Jerry Cain, Mayor

A motion was made by Councilman Matamoros to adjourn the meeting, seconded by Councilman Rossow with all present and voting "Aye" 5-0. Mayor Cain adjourned the meeting at 8:07P.M.



Jerry Cain, Mayor



Clarisa Fernandez, City Secretary