

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, November 4, 2024 at 6:00 PM at the Freeport Council Chamber located at 430 North Brazosport Blvd. , 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 Fernandez, City Secretary
- Ashlee Ferguson, Interim Finance Director
- Toby Cohen, IT Manager
- Wade Dillon, Museum Manager
- Crystal Ruiz, Executive Administrative Assistant
- Rudy Ragle, Public Works Director
- Jennifer Howell, Police Chief
- Robert Johnson, EDC Director

Visitors:

David McGinty	Ronnie Martin
Karla Clark	Pamela Dancy
Melanie Oldham	Sam Reyna
Manning Rollerson	Kenneth Hayes
Betty Lopez	

Call to Order:

Call to Order - Jerry Cain, Mayor

Mayor Cain called the meeting to order at 6:01P.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.

Pamela Dancy resides at South Front Street. She said she was curious if there was a way or if the Council had thought of a way that when these contractors come out and do work and bust these pipes and our businesses are the ones that get harmed. She asked if there was any way, and said this would probably be a legal question in their contracts, and that they would be responsible to pay for the businesses that had to shut down for the day, or if they would reimburse the businesses for their expense of having to go out and get ice and everything they need? She said they are already hurting by inflation, the economy and everything, and it is just a terrible thing because it happened so many times earlier in the year, and it just happened again. She said she knows that several had to shut down for the day because of that, and it would be nice if the Council could try to come up with something to help these businesses out, and they would probably say the City cares about them. Ms. Dancy said she is not saying that the Council does not but is just saying that it would make them feel good. She said she was not seeing anything once again up there about the \$345,000 lawsuit, and she would like to see that added or some type of update. She said people are wondering if it is going to be swept under the rug or what is going on with it, and she wanted to bring that up.

Sam Reyna resides at 2002 North Ave G. He said AmeriWaste is now picking up bulky waste, brush, green waste, and construction debris on Sundays. He said a job AmeriWaste should be doing once a month during the week. He said they use their fleet of trucks and manual labor, they dispose of all waste by hand, and they do not use the proper equipment. He said if they use the grabbing truck once a month to remove all the waste materials, they would not have to show up on Sundays to do the job, and then they invoice the City again for extra work done on a Sunday. Mr. Reyna said the City pays them a lot of money to be here on a Sunday and that is what you call double-dipping. He said the contract agreement states a contractor will provide all necessary and proper type of equipment to handle the waste collection. He said they are not doing it and that was a breach of contract. He said Tim Kelty stated that AmeriWaste was the only waste disposal company bidding for the contract. Mr. Reyna said to call Mr. Evan Sharp he is the site manager at Waste Connections and ask him why the contract with Waste Connection was not renewed. He said even if ten companies bid on the waste disposal contract, AmeriWaste was in it because the in between connection with Kacey Roman and City Manager Tim Kelty said so, and so they are in. He said Waste Management contract was for three years and Waste Connection for five years. He said these companies make billions of dollars per year and are known worldwide. He said the City awarded a seven-year contract to an unknown company and that right there, it raised a red flag a seven-year contract. Mr. Reyna said a telephone conference Tim Kelty with Olson and Olson they did January 9th, 2023 and said review AmeriWaste agreement and prepare for discussion on termination. He said it seemed like after two years, Mr. Kelty realized he made a bad judgment and decision in awarding the contract from AmeriWaste and was in the process of cleaning up his own mess. He said any person that has made an error of judgment and admits it was the wrong decision and tries to correct the problem has his respect. He said to the Council and would say it over and over again AmeriWaste needs to go, otherwise that waste is going to pile up again, and they are going to want to come down here on a Sunday and charge the City another arm and a leg to do the job, a job they are supposed to be doing once a month.

Manning Rollerson said he had two major concerns as a business owner of a 501C3 in the City of Freeport dealing with environmental justice and housing. He said he had a concern about a post on Facebook that we moved from downstairs finally, after 15 years and 15 years, and he came to this Council complaining about the housing conditions in Freeport. He said he made a public statement that Robin Rape, the County Judge Precinct 1 and 2 was a cold murderer of Mr. Neil and the City are to because for 15 years he had been going and saying do something about the rental properties in Freeport. He said the other day when he started moving out from downstairs where he lived at and he decided to pull a piece of the sheet rock and when he pulled it off there was black mold on the whole back of the wall throughout the whole apartment. He said all the apartments are molded and all they do is spray on it. He said the other concern is the residents who

reside at Azalea Court were evicted right after the pandemic, and they all moved over to 1010 Magnolia and the same people got evicted three months after they got over there, saying they owed three months of rent when the government paid everybody at Azalea and paid everybody over here. Mr. Rollerson said these people took their receipts to the County Judge Precinct 1 and 2 office, and he dismissed every last one of the citizens' rent receipts to prove they paid the bills and sided with the property owners who could not even pay the trash bill. He said they are living in these conditions in this city because he is still living in the building that he lived in. He said the City has no public housing of its own. He said we have governmental housing but do not have public housing and this City had been in development for too long for the City not to have public housing. He said we do not even have a senior citizen development center home. He said at the end of the day, the City is not providing what the needs that the City and the citizens need. He said we find everything to put tax dollars into the manufacturing structure, but the silent killer is killing everybody in these rental homes and Freeport is 80% rental, which is a business. He asked the Council why do they not regulate these businesses that the citizens of their City are getting sick and dying in those homes that the Council, by law by the State of Texas are liable to inspect once a year because they are rental properties. He said there was no excuse for it. Mr. Rollerson said his organization would be having a town hall for all the residents in the City of Freeport. He said and afterward they are going to hire some lawyers and will start holding the City accountable and the landlords in this City they might as well know now that if somebody gets sick on their property, and they go to him then he is going to directly take them to court and sue because at the end of the day somebody has to speak for the people and stand for the people. He said for 41 straight years they have lost. He said he prays that we can all work together to make it better but at the end of the day he is not going to sit back and wait for the City to do it. He said he was going to hold every landlord in this City accountable to the citizens of Freeport. Mayor Cain asked Mr. Rollerson to announce when the town hall was going to be. Mr. Rollerson said the town hall meeting is on November 16th at the public library from 2:00P.M. to 5:00P.M.

Brent Bowles with IAD Architects thanked the Council for the efforts that each and every single one of them put into their jobs and elected positions. He said IAD Architects has worked with a number of municipalities and realized the immense amount of data that you must address prior to the meetings. He said with that being said, during the last Council meeting here in Freeport, under the discussion of the Pixie House and IAD proposal, Mr. Pena offered some remarks regarding the what and who being considered for the project and then questioned the fee and the IAD Architects efforts on the City Hall renovation project. Mr. Bowles said he would like to clarify some of that information that Mr. Pena commented. He said as for the what the fee for the Pixie House renovation was initially presented on February 20th, at the request of the City, for an amount of \$39,817 plus \$4,100 of reimbursable expenses. He said IAD was asked to resubmit as part of an RFP but that RFP requested for reimbursable to be included into the base fee and that the total is now \$43,917 therefore, there was no actual increase in the overall fee from its original submittal. He said more so disturbing were the comments that Mr. Pena made that were incorrect and clearly un researched on his behalf suggesting that IAD was part of a cover-up. Mr. Bowles said presumably he was referring to a payment that the former City Manager made to Covarrubias Construction that was unknown and therefore unauthorized by IAD architects. He said to please allow him to submit the documentation that clearly illustrates IAD efforts in working with and for the City of Freeport on that particular project. He said the documents were passed out earlier. Mr. Bowles said these documents include a pre-bid meeting sign-in sheet with Covarrubias Construction in attendance, a meeting agenda distributed to all the attendees outlining the requirements of the project including payment procedures and other documents required by the general contractor, a bid tabulation sheet indicating Covarrubias Construction as the apparent low bidder out of four total respondents, a letter of recommendation that indicated IAD had no past working relationship with Covarrubias Construction but based upon the City's history of prior successful projects with them, they offered that letter. He said also there were several emails between his office and Covarrubias Construction notifying them not to proceed with any work on the project until a formal kickoff meeting had occurred. He said they will also see the confirmation of that kickoff meeting, discussion of the requirements of the general contractor at the kickoff meeting, their rejection of incomplete and or proper documentation submitted by

Covarrubias construction, go by examples of documents that IAD provided to Covarrubias to assist them with the required documentation and emails to city administrators indicating IAD concerns about Covarrubias Construction's performance on the project. He said they would also find an email from Mr. Kelty asking his thoughts on an invoice he had received directly from Covarrubias in the amount of \$39,986 for unauthorized work on the project. He said he responded that afternoon that it was impossible for him to evaluate the invoice as it was very incomplete and was not properly submitted according to the construction documents. He said shortly after that he was made aware that Mr. Kelty had made payments directly to Covarrubias Construction for incomplete work and also unauthorized by IAD architects. He said the GC apparently dodged the required payment procedures and went around his office for this request and an additional amount far greater than this. He said unfortunately, this payment was made without consulting him or his office. He said for Mr. Pena to make any hint or accusation that IAD Architects, were somehow a part of a cover-up is not only reckless but also dangerously close to slander and, more importantly, it is absolutely false. He said he is confident in the job that IAD has provided the City of Freeport in the documentation that substantiates their efforts in doing so. He said again, he greatly appreciated the efforts that are provided by this Council. He said, however, he would suggest that any Council member thoroughly researched the truth and facts associated with the topic before they offer public statements that are clearly untrue, unfounded, destructive, and ultimately rendered that council person uninformed and unprepared to do the work for the City of Freeport. He said, with that being said, IAD Architects respectfully declined to provide any professional architectural services to the City of Freeport until Mr. Pena offers a sincere and public retraction of his previous statements suggesting that IAD was a part of the cover-up on that project and also for his incorrect and slander statements about their performance in serving the City of Freeport.

Proclamations - Presentations and Updates

Presentations of the Annual Municipal Utility District Update - Melanie Oldham, Ex-Officio

Melanie Oldham resides at 1206 West Broad. She said a little over a year ago, the City Council at the time appointed her to be the liaison between the City Council and Mr. Clinton Wong's Industrial MUD #1 here in town. She said they have their meetings quarterly, and she has pretty much made every meeting except for one when she got busy writing a grant and lost track of time, but she did go back and look at the minutes. She said she just wanted to give the Council some background real quickly. She said back in 2013, some of us in this room were at the RiverPlace, and Mr. Clinton Wong and his partner Eric Unger, made a presentation about what they would like to do on the 350 plus acres that we called our urban renewal land. She said she had seen the plans, and we were supposed to have a beautiful subdivision with parks and everything, but Mr. Pynes, who she would say is a smart man in his wisdom, decided to recommend to City Council that they sell 350 plus acres for 1.1 million and people were really shocked that they only asked for that amount of money. She said, also to sweeten the deal, they had Mr. Wong, he bought some land over by the High School on the river for a mere of \$200,000 which is another sweet deal. Ms. Oldham said Mr. Wong owns land over by CVS on Second Street. She said he owns the pharmacy building downtown. She said she has copies of all the many contracts, at least four that kept making the deal sweeter and sweeter. She said first, it was all developed in one year, and then it was six months, but so here we are. She said Mr. Wong is a big developer, but he is also a land speculator, and he had been sitting on that former industrial urban renewal land for ten years. She said she watched the meeting where he went to the Council and did not really answer a lot of the questions and asked that the Council vote to annex his residential land into his Industrial MUD and so the Council has that option. Ms. Oldham said Mr. Wong called her and talked to her for an hour and a half about how she should support that, and she knew he had talked to every one of the Council people, well, not all but some, and he also actually asked for a couple of the Council to go and see his beautiful development. She said he is being sued for not doing the bulkheads, right, but the point is, Mr. Wong has had some good developments up near Houston but as far as the meetings, MUD meetings usually last 30 minutes. Ms. Oldham said Mr. Wong's female attorney, went through the agenda super quick, and if she had not kept raising her hand, she could not have asked any questions to the Council. She said first, at this last meeting last week, they talked about renewal of the district's insurance policies, which is about

\$3,000 a year, and they approved the depository pledge agreement with Central Bank, and then the tax assessor made a report that he had collected 99% of the taxes but interestingly enough, the only thing that they get a lot of taxes from is that Olin building the warehouse. She said in order to be on that board of five people, none of them live around here, all you have to do is own a land on the urban renewal land, and then you can run. She said she does not think anybody knew that recently there was an election to appoint two people to that board, and they are on it for four years. She said she has asked them and the Mayor or whoever to say if they want to be open and transparent, then why not have a local person on that board to put in their \$0.02 and vote on these issues. She said she pointed out that she had looked at the CAD, and we all know at this point that on the one quarter of Mr. Wong's land by Velasco Boulevard is in a flood zone and way back when she was at a Port meeting when Mr. Wong stood up and said he wanted to make this a Freeport industrial park and work with them, and he had already talked to the State Representative and made a heavy haul corridor from his land to the Port and back. She said she did not know if that was still in effect or not, but they talked about it at the Port and Mr. Wong, but he, has promised and so far stuck with and he said he would only do clean warehouses. She said she remembers those words ten years ago, but also, when he sold that land to Olin, they forgot that it was zoned residential, but they built anyway, but the rest of the land the Council has control of and Planning Commission has control of because it is still zoned residential. She said the Council has leverage right now as a City. She said the flood zone right now, the City does not have a floodplain manager but may have one soon, but, meanwhile, Mr. Ripple, the Brazoria County floodplain manager, would have to okay some sort of a drainage plan, and she understands the City's engineers are looking at their drainage plan, and so is the Velasco Drainage District they have been looking at Mr. Wong's drainage plan, detention pond plan for at least three years. She said just to let the Council know they keep telling them you can not do it in four phases and they have to tell them what they have in mind for that whole piece of land, how is he going to take care of the drainage so it does not flood everybody on Velasco Street and across from Velasco Street, and so they are still working on that. She said also way back when Houston Park was a designated park on that urban renewal land, he would have to somehow replace that park and build something on that land. Ms. Oldham said ten years ago he said she thinks he would develop that land 15% to 20% of it would be residential, but again, that went away and so, as the Council knows now, he is saying that if the market is right, he will build town homes over there on that property, which is very valuable that he got for \$200,000 on the water. She said she knows she sounds negative, and she keeps hearing from some of the City Councilman, that this is the only way we are going to get housing in Freeport. She said she does not think that is true. She said when she was on the EDC, they talked to Mr. Maddox and developers for three plus years and there is that possibility over where the old school used to be. She said at some point the City could go out for a bond and put in the infrastructure, let developers and builders right here in town decide to build on that land, and so what she is saying is if Mr. Wong tells the Council over and over that this is the only option for getting housing here. She said she has done a little research, and if the Council approved to annex his residential land into the Industrial MUD it could have consequences for whoever decides to buy a house in that Brazos Cove subdivision. She said that is something the Council should look into and think about because if she bought a house there, she would want to know all the details of how long she will have to pay these fees living in a MUD. She said if DOW would put in a warehouse that could be an issue on the residential taxes possibly. She said engineering matters and they talked about the Freeport Industrial Park detention and Brazos Cove, but they just kind of skipped over the conversation on asking the City Council to annex his residential land into the Industrial MUD and so she did not have a chance to ask any questions, because they went right through that agenda item really quickly, and she knows that they have been talking probably to the City Manager, the Mayor, and some of the Council people but maybe if the Council asked those questions, they would get an answer from Mr. Wong and the engineer partner, Eric Ungar. She said detention and maintenance matters, and they did not go into detail, and they said updated maintenance schedules and authorize appropriate action. Ms. Oldham said she had no idea what that meant, but they have had trouble keeping somebody mowing those drainage ditches and again, that could affect people that live on either side of Velasco. She said they might answer the Council if they ask questions about that and if they are having trouble keeping those ditches mowed and then the big conversation again they have been going on for years is what type of appropriate

detention do they need on that land. She said maybe Mr. Wong does not know what company might pay the most to come in and build a warehouse, and he is a businessman and if you are a land speculator, and you think maybe at some point DOW might pay whatever, you are going to hold onto that land and sit on it. She said she would be glad individually to answer any other questions that the Council has from other meetings. She said they had minutes, but they said they could get rid of the minutes after six months or something. She said she had never heard of that, but she has notes, and she would be glad to share them with the Mayor or any Council people.

Councilman Matamoros asked Ms. Melanie Oldham if the update that she just gave the Council is it from the entire year, or is it a singular meeting? Ms. Oldham said this one here was from this last meeting last week, but a lot of this stuff is the same agenda they go through the auditors report, the assessor's, the engineer's report, and she would say the longest meeting that she had been at was 30 minutes. She said they cover it really quickly, and she had to keep raising her hand, and she knew that they had talked to the City Manager and said the City Manager, Mayor, and Council people have an opportunity to ask more detailed questions. Councilman Matamoros asked Ms. Melanie Oldham when she was at these meetings, and she stated that they do not allow her to really ask questions that they are going through and if there is a reason why they have told her that they are not allowing her? Ms. Oldham said well they eventually allow her but usually his female attorney, she sometimes has to stand up and say she has a question, but they usually let her ask the question. She said she does ask some hard questions and some of them seem a little uncomfortable, but she is there to ask questions for the Council and try to get some answers, and if they do not give them to her, then the Council can ask them the questions.

Councilman Pena thanked Ms. Oldham for coming out tonight and for the update, it was very informative. He said what he liked about her presentation was that, she seemed to have a lot of details, and she seemed to be very thorough, so he appreciated that. He said this was not a rope a dope he was not going to try to slam her on anything like that, and he sincerely meant that. He said he would invite more residents to do the same on any of the boards that they are on to do the homework and so, he applauds them all for that. Councilman Pena said he is very curious about a lot of the things that she has brought up, and is sure the Council will be reviewing some of the details that she brought up tonight, and is hoping that it will be on the next agenda so that they can discuss it and if it needs to be an executive session, he is up for that. He said, but one thing he wanted to mention, is that he got word of an email that was sent out by herself, to multiple members of the MUD as it relates to the Wong development, and it was his understanding he had not seen this and so this is just kind of word of mouth, and it is his understanding that the letter had implied that the MUD Development would not move forward and that Mr. Wong's Development would not be passed by the Council, and he just wanted to make sure that it was clear that the liaison was. Ms. Oldham said it is completely untrue and he better try to see there is no email because she never did that. Ms. Oldham said she did ask the one meeting that she missed she contacted the lawyer in Houston and asked her when can she look at the minutes before she missed it, and she said she would have to wait a month, once they review it, then she could see it, but she never ever sent an email out to them. Councilman Pena said he just wanted to make sure that it is clear that the role of the liaison for this particular MUD and for that matter any liaison is not representing the City Council and, for that matter, the City Council's wishes. Councilman Pena said nobody speaks for him, and he is happy to speak for himself by virtue of his 4 to 1 votes that they see very commonplace here at the Council meetings, and so he just wanted to make sure that she is not going out and misrepresenting the City or the Council. Ms. Oldham said she understands and she does ask hard questions. Councilman Pena said he knows she does. Ms. Oldham said that it made them a little uncomfortable but all they had to do is answer it, but no, she did not send out any emails saying that. She said she is not completely negative about the project, and she wished they would get a TIRZ and PID for that residential land by the high school, and they could do it that way but this is the fourth time that she has heard them demand that they combine the two, and she wished she understood why, but that is the kind of question Councilman Pena could ask because he is a developer and knows about land. Councilman Pena said every agreement is unique to the situation and so that is a very important question

that the Council certainly needs to consider before they approve anything, and it is a very strong question.

Upcoming Events :

November 9th The Indigenous People of the Coast 11:00A.M. Freeport Historical Museum

November 14th The Karankawa with Tim Seiter 11:00A.M. Freeport Historical Museum

November 16th The Sixteenth Element: Sulfur and the Freeport Sulfur Company 11:00A.M. Freeport Historical Museum

November 18th Senior Citizens Arts & Crafts 10:00A.M. RiverPlace

November 23rd A Merry Museum Christmas 11:00A.M. Freeport Historical Museum

November 28th SuperFeast 11:00A.M. RiverPlace

City Manager Lance Petty gave an update on upcoming events.

Presentation of the Investment Report for Quarter Ending September 30, 2024- Ashlee Ferguson, Interim Finance Director

Interim Finance Director Ashlee Ferguson presented to Council the Investment Report for Quarter Ending September 30, 2024.

Councilman Pena asked if the balance at the end of the Fiscal Year for 2023-2024 was \$26,000,000, or was it \$9,000,000? Interim Finance Director Ashlee Ferguson said the \$9,000,000. She said \$26,000,000 incorporates the totals in the investment pools also. Councilman Pena asked so the City is sitting on about \$9,000,000 cash? Ms. Ferguson said yes.

Presentation of UTSA for the Downtown Comprehensive Plan & Design Guidelines- Ian Caine

Museum Director Wade Dillon said he is the Museum Main Street Director for the City of Freeport. He said this evening he was happy to introduce Ian Cain. He said Mr. Ian is an Associate Professor at the University of San Antonio as well as the Director for the Center for Urban and Regional Planning Research. He said throughout 2024 Mr. Ian and his team worked with Ana Silbas the former Main Street Manager, Robert Johnson with Freeport EDC, the Freeport Historical Commission and Main Street Advisory Board, the Texas Main Street Program, and Post Oak Preservation to develop the Freeport Downtown Comprehensive Plan and Design Guidelines. He said through on-site visits, community input through visioning session, and various meetings, both documents were developed to provide the City of Freeport with a playbook to address the blight, the revitalization, and preservation of Historic Downtown Freeport. Mr. Dillon said inside both documents are some hard truths as well as pro-active initiatives that we as a City and a community can take to ensure that Historic Downtown Freeport will continue to stand for generations to come.

Associate Professor at the University of San Antonio Ian Cain presented to the Council a presentation from UTSA for the Downtown Comprehensive Plan and Design Guidelines.

Councilman Pena asked about how on slide 23 this particular mapping was derived, in particular over off of Fourth Street and how it encompasses that one little square in that other warehouse, and was just wondering how and why that was included? He said that is actually the fire station and is not sure what that other structure is identified as and how those were decided upon to be included. Mr. Ian Cain said the way it worked is they first documented every structure within a much broader area than it is shown there and when he says they documented them he means they photographed them and got the basic historic information and assessed their condition and whether they could credibly be a contributing structure for the Historic District. Mr. Ian Cain said this is really done by Postal Preservation Solutions, and so he is speaking on their behalf and they then try to establish where the critical mass of fabric and that is the way they tried to do it and they made an effort to avoid any residential property in any churches, and the reason is not to place an undue burden on the property owners there because the historic district does have obligations for the property owners, and it is not a bad thing, but it is not something that for example a homeowner might want to deal with and so that is really the way they kind of looked at different configurations and that is the one they felt was best. Councilman Pena asked if this particular recommendation on Mr. Ian Cain's behalf basically means that there is going to be an altering to the map that was that is on file now, which he thinks it also encompassed the 8.8 acres of the EDC and, for that matter, all the way to Eight Street where as it looks like

they are stopping on Fourth? Mr. Ian Cain asked Councilman Pena which map he was referring to? Councilman Pena said the Historic District as it stands now the Downtown District encompassed the 8.8 acres as well as all the way to Eight Street on the back rectangular from Cherry. Mr. Ian Cain asked if Councilman Pena was talking about the one that was shown on the zoning map? Councilman Pena said yes. Mr. Ian Cain said he has seen that, and he has to say that it is not a local Historic District legally speaking, and so they looked at that but did not spend a lot of time thinking about it because that is not performing the functions that they are proposing there and so it is a kind of different matter from the perspective. Councilman Pena asked so does that require the City then to adopt a different Historic District because he thinks that was right now as standing is as the current Historic District that is on the map and is that what Mr. Ian Cain is suggesting on this? Mr. Cain said what they are saying is the City currently does not have Historic District legally speaking and, as far as he knows, this would be the first local Historic District that Freeport would have adopted as far as he knows. Councilman Pena said Mr. Ian Cain had said something about experiential retail and asked what that was? Mr. Ian Cain said what they are imagining in terms of targeting retail is retail that builds on the character and experience of Freeport. Mr. Ian Cain said if they want to talk about beaches, fishing, boating, ecology, eco tourism, and things that relate to that from their perspective are experiential retail because that is why people would want to come here and that is the best quality of the community and so that is the retail that you want to attract from their perspective.

Councilman Davis said this was impressive and Mr. Cain and his team did a great job. He said he wished they could vote on it and hire them to do it right now. Councilman Davis said it looks good, and they did a good job in his opinion.

Mayor Cain thanked Mr. Ian Cain for his professionalism and the group that is working with him, did an outstanding job. He said the attention to the details are amazing and this is quite a bit to digest, but they will look it over and the Council will do what they can.

Business

Consideration and possible action approving City Council Meeting Minutes from October 21, 2024. (Clarisa Fernandez)

Councilman Pena said he had a couple of edits on the minutes. He said part of that was the comments that he made at the last meeting. He said the printout of that letter that he would reference, and he had it for the Council and extra copies for residents.

A motion was made by Councilman Matamoros to approve the City Council Meeting Minutes from October 21, 2024, seconded by Councilman Rossow with discussion that followed.

Councilman Pena said he was in the process of making some changes to the minutes. Mayor Cain said Councilman Pena vacated his seat. Interim City Attorney David Olson said there was a motion on the floor. Councilman Pena said he would like to make mention of a couple of the edits, but before he does, he would like to say that he can not apologize for anything that he has said as they were all true, but he can promise that he will bring up all concerns that residents bring to him. Mayor Cain said to Councilman Pena this had nothing to do with the minutes. Councilman Pena said he understands, but he wants to make sure that he is clear on this because he thinks IAD deserves some clarification. Councilman Pena said simply put that it is his personal observations, and they will have his full endorsement once an investigation is complete. He said those are the questions being asked if there is an investigation and that is all he brought up.

Councilman Pena said the changes that need to be happening here and asked Mayor Cain why? Mayor Cain said to Councilman Pena he was going offline, and he knew darn good and well he was. Councilman Pena said he was trying to get to a preface. Councilman Pena asked Mayor Cain why was he policing how he structures his talking points? Mayor Cain said to Councilman Pena he was off topic. Councilman Pena said

to Mayor Cain he was doing his best Brooks Bass impersonation.

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 he was misquoted on the minutes, and hopefully it is put on the next agenda to get it corrected. Councilman Pena said to Mr. Brent Bowles he was happy to speak with him afterward.

Consideration and possible action approving Resolution No. 2024-2892 appointing candidate for the Board of Directors of the Brazoria County Appraisal District.

Interim Finance Director Ashlee Ferguson staff recommended the Council approve the resolution and designate for whom it intends to cast the City's allowed votes. She said annually the County, Cities, ISD's and all taxing units within Brazoria County cast votes for nominees appearing on a ballot to serve on the Board of Directors for the Brazoria County Appraisal District. She said attached is the ballot with all names of candidates nominated by each taxing entity to serve on the board. She said the Freeport City Council has 21 votes to cast. Ms. Ferguson said the Board of Directors is an authoritative body of individuals that govern our local appraisal district. She said the board serves as part of the local property tax system equation of checks and balances. She said the board of directors hires the Chief appraiser and approves our annual budget. She said the directors have no authority to set values or appraisal methods. She said the Chief Appraiser is appointed by and serves at the pleasure of the appraisal district board of directors. She said it is the responsibility of the Chief Appraiser to carry out the appraisal district's legal duties, hire staff, administer the annual appraisal process, and operate the appraisal office. She said the following is a nonexclusive list of the primary responsibilities of the Board of Directors under the Property Tax Code: establish the CAD's appraisal Office, hire a Chief appraiser, adopt the CAD's annual operating budget before September 15th after fulfilling notice requirements and holding a public hearing, select a chairman and a secretary from among ARB members, notify taxing units of any vacancy on the board and elect by majority vote of members one of the submitted nominees, elect from members a chair and secretary at the first meeting of the calendar year, have board meetings at least once each calendar quarter, develop and implement policies regarding reasonable access to the board, prepare information describing the board's functions and complaint procedures; the information must be made available to the public in the appropriate taxing units, and notify those parties to a complaint filed with the board of the status of the complaint, unless otherwise provided, appoint a taxpayer liaison officer in counties having a population of over 125,000, biennially develop a written plan for the periodic reappraisal of all property in the CAD's boundaries, hold a public hearing with the required notice, approve a plan by September 15th of each even numbered year, and distribute copies to participating taxing units and to the Comptroller as required, they must also make an agreement with the newly formed taxing unit's governing body on an estimated budget allocation for the new taxing unit, have prepared an annual financial audit conducted by the Independent Certified Public Accountant and deliver a copy of the audit to each voting taxing unit and made available for inspection at the CAD office, designate the CAD depository at least once every two years, receive taxing units' resolutions, disapproving board actions, adhere to requirements regarding purchasing and contracting under Local Government Code. Chapter 252, provides advice and consent to the Chief Appraiser concerning the appointment of an Agricultural Appraisal Advisory Board and determine the number of members on that advisory board, and adhere to laws concerning the preservation, microfilming, destruction or other disposition of records. She said while there are 11 names identified on the ballot, at the September 16th, 2024 City Council meeting, Freeport nominated Karla Clark and Eric Hayes to appear on our ballot at the October 7th, 2024 City Council meeting, Freeport removed Karla Clark from the ballot at her request, leaving Eric Hayes as the nominee. She said the Council may cast their votes for any of the candidates or split their votes among candidates. She said just to circle back after all the information, there is a total of 21 votes to be cast.

Mayor Cain said there were 21 votes for 11 candidates. He said the Council could do it all on one or could split them up.

A motion was made by Councilman Matamoros to approve 21 votes towards Eric Hayes, the representative candidate from Freeport, seconded by Councilman Davis with all present voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action of the annual appointment for the ex officio board member for MUD #1.

City Manager Lance Petty said per the agreement with Clinton Wong and Skymark Development for the formation of MUD #1, the City of Freeport has the right to appoint someone to represent the City's interests as an ex-officio member of the MUD Board of Directors. He said that appointment would have all the rights and privileges of a regular board member, except they would not be allowed to vote on issues brought to the board. He said the Freeport MUD #1 meets at least quarterly in the City of Freeport, normally at On the River restaurant. Mr. Petty said it is responsible for planning and financing, including the issuance of bonds for infrastructure improvements to the 360 acre area North of Gulf Boulevard. He said Ms. Melanie Oldham was appointed as the City's ex-officio member for last year.

Councilman Matamoros asked if this appointment had to be made at this meeting, or could it be tabled to the next meeting? Councilman Matamoros said that is because there is a person that is interested, and he wants to make sure they are committed to this. City Manager Lance Petty said it could be pushed to the next meeting. Interim City Attorney David Olson said he does not have a problem with that.

A motion was made by Councilman Matamoros to table this item until the next meeting, with discussion that followed.

Councilman Pena asked if there are any other nominations at this time? City Manager Lance Petty said he had one contact him that was interested, but they did not fill out any documentation. Councilman Pena asked if Ms. Oldham filled out any documentation? Mr. Petty said she had not but she was present.

Melanie Oldham asked if she could serve another year? Mayor Cain said yes, he believed she could serve another year.

Mayor Cain seconded the motion to table this item until the next meeting with discussion that followed.

Mayor Cain said this will also give time to get the word out and for those who are interested to please fill out an application.

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

Consideration and possible action on appointing of City Council Liaison for City of Freeport Boards and Commissions.

City Manager Lance Petty said according to Title three, Chapter 32 of the City of Freeport Code of Ordinances, the City Council shall appoint a representative from its members to serve as Liaisons between the City Council and various boards. He said we currently have no liaison for the Charter Review. Mr. Petty said currently there are seven active boards and one other board that is not active that requires additional appointments to be able to meet with a quorum. He said active boards include with current liaisons, Planning and Zoning Commission: Councilman Matamoros, Board of Adjustments: Councilman Matamoros, Economic Development Corporation: Mayor Cain, Senior Citizen Commission: Councilman Pena, Historical Commission and Main Street Advisory Board: Mayor Cain, Beautification and Parks: Councilman Rossow. He said the City is looking for a liaison for the Charter Review Board that is open. He said previous Mayor Bass held that position.

Councilman Pena asked what the question was? Interim City Attorney David Olson said what did the Charter Review Commission do? Mr. Olson said he was explaining to Councilman Davis that they take a

look at the Charter periodically to suggest revisions to City Council, and the Council can elect to put that on the ballot as a special election proposition and in fact this was recently done back in May. Mr. Olson said it is basically looking at the Charter, which is the City's constitution founding document for Home Rule City.

A motion was made by Mayor Cain to nominate Councilman Davis as the Liaison for the Charter Review, seconded by Councilman Rossow with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Mayor Cain asked the Council if anybody that is on one of these boards would want to be removed or go to a different board? Councilman Pena said he is up for being on either the Planning and Zoning or Board of Adjustments. He said he also wanted to mention as for the Senior group he had enjoyed being on that particular board the last year, but he had too many scheduling conflicts on Monday afternoons, the same days that there are Council meetings. He said he would like to resign from the particular position. Councilman Pena said anything that happens Tuesday through Friday he is a lot more flexible.

Councilman Matamoros said he would like to stay on both boards and he is currently on Planning and Zoning and Board of Adjustments. He asked if they had to do every board? Interim City Attorney David Olson said whatever the motion reflects is what the motion reflects, and it can be done individually or collectively it depends on how the motion is made.

Councilman Pena asked if they could make a motion to nominate themselves or could also make a motion to table it to get it all squared away next time. Mr. Olson said either one is fine.

Kenny Hayes asked how could Councilman Pena be the Liaison for Board of Adjustments when he had a lawsuit against the Board of Adjustments. Interim City Attorney David Olson said as the Liaison you do not vote or participate, you are there as an observer to report to the Council and they are not actively participating in the decision making of the board. Councilman Pena asked that it was his understanding that the role as Interim City Attorney David Olson was clarifying earlier to Councilman Davis was that really that position is not a voting position but it is intended to actually inform the Council? Mr. Olson said if necessary and there needs to be an update to Council it helps to have somebody there that can speak on behalf of the organization.

Mayor Cain said he has enjoyed being the Liaison to both the EDC and the Historical Commission Main Street Board and would also like to remain.

A motion was made by Councilman Matamoros to keep himself on Planning and Zoning Commission and the Board of Adjustments, seconded by Councilman Rossow with all present and voting "Aye" 4-1. The Council approved the motion. Councilman Pena voted "Nay".

A motion was made by Councilman Matamoros to appoint Mr. Winston Rossow to the Senior Citizens Commission, seconded by Mayor Cain with discussion that followed.

Mayor Cain asked if this particular board meets during the day? Councilman Pena said yes and Councilman Rossow is there on a pretty regular basis. Councilman Pena said he knows Councilman Rossow does pretty good at bingo and at bingo he has won a couple of times and so it is good luck.

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

A motion was made by Councilman Matamoros to appoint Mayor Cain to the EDC and the Historical Commission and Main Street Advisory Board, seconded by Councilman Davis with discussion that

followed.

Councilman Pena said there are all the Liaison positions there yet there are never any Liaison talking points at these meetings, and he would like to know that if they have these Liaison positions there is actually meaningful and deliberate Liaisoning at the Council meetings and is hoping he can see that on the agenda at least once a month.

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".

Mayor Cain said that leaves the Beautification and Parks Commission. Councilman Rossow said he accepts that position and he will continue.

A motion was made by Mayor Cain to appoint Councilman Rossow to the Beautification and Parks Commission, seconded by Councilman Davis with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action approving of IT Server Replacement with Dell Technologies.

IT Director Toby Cohen said as part of the fiscal year 2025, we approved a project to replace and retire our aging server equipment. He said after reaching out and researching a couple of different options, he was approached by Dell with a very enticing offer. He said the MSRP value came out to be about \$116,000 worth of equipment and got down to just under that project fund for a total about \$35,000, which includes all software costs. He said this particular hardware he would not go into great detail about it because it would be a security risk to divulge what operations we use, but, out of this particular equipment, half of it would be capable of running our current as well as have extreme room for growth and would eliminate a current \$8000 per year amount that had been paying for our warranties to get in, a five-year upfront warranty to cover all the equipment, which is extendable, and at the end of that five year, we could do basically, eight years or potentially more. He said he wanted to take time with this one since this is a fairly a large year commitment that would be committing to this hardware for about at least seven years for the City.

Mayor Cain asked if this was a budgeted item? IT Director Toby Cohen said yes, no amendments would be needed and this is an approved amount and is actually underneath what was approved for.

Councilman Pena asked what are we going to do with the old servers? IT Director Toby Cohen said he would be sunsetting them and would basically generally transfer things over and then decommission them and then after that point look at well donating is not really a safe thing to do with server architecture but would say probably recycle responsibly. Councilman Pena asked if he could re-purpose them. Mr. Cohen said the meat and potatoes of them yes, he would not leave the hard drives, and they would have to stay with us for security reasons. Councilman Pena asked what is normally done with the hard drives? Mr. Cohen said C4 something very destructive and you can not really have any part of it intact for it to be. He said there are professional shredding companies and disposal companies, and they give you official papers saying like how it was destroyed, but personally, he would hold on to them just so he knows that we have them in case we ever needed something off of them, which ideally we would not. Councilman Pena asked how many servers there are? Mr. Cohen said that is something he would not really want to discuss. Councilman Pena asked about this particular purchase? Mr. Cohen said to discuss the specifics about the equipment would be a security risk for divulged to the public. He said he would be happy to have it in a closed session or public or a private meeting with the council to discuss any specifics about the equipment, but the less that he divulges the safer the City is as a whole. He said there were actually two incidences with neighboring cities this last week with some pretty major cyber attacks. Councilman Pena asked if we had been cyberattacked here on a regular basis or just once this year? Mr. Cohen said he would not say we had been attacked. Councilman Pena asked what he was just saying? Mr. Cohen said our neighboring cities have been. Councilman Pena asked Mr. Cohen to tell him what services the servers are actually supporting? Mr. Cohen said that is still, if

someone was looking to infiltrate, if he was to tell him the hypervisor.

A motion was made by Councilman Pena to approve IT Server Replacement with Dell Technologies, seconded by Councilman Davis with discussion that followed.

Councilman Matamoros asked what Mr. Cohen's experience with upgrading servers was? IT Director Toby Cohen said extensive, and he was present during the 2019 full server refresh project at the CBISD District. He said they replaced every single server, every switch, every access point, phased out all the existing equipment with something similar to this, and so he is familiar with the architecture as well. He said he is certified with Dell for some of the services as well, so he can act as a Dell technician in the event of particular issues that might arise. Councilman Matamoros asked Mr. Cohen if he was Dell server certified? Mr. Cohen said yes. Councilman Matamoros asked when upgrading those servers, was he a sole person or did he have a team? Mr. Cohen said it was a team. Councilman Matamoros asked if Mr. Cohen was going to have a team this time? Mr. Cohen said, if necessary, it is a much smaller scale and the number of VMs that would be running is much smaller, and he is pretty familiar with the existing ones, and is not reinventing the wheel which is just migrating over. Councilman Matamoros asked we are not reinventing the wheel? Mr. Cohen said he is not bringing a new like he is not making a new server so much as taking our existing architecture and moving it to new hardware. Mr. Cohen said the migration is the tricky part, which he is looking forward to, honestly. Councilman Matamoros asked Mr. Cohen he is what? Mr. Cohen said he is looking forward to. Councilman Matamoros asked for tricky? Mr. Cohen said yes. Mr. Cohen said he is not putting anybody in the City at risk this is not part of the plan he is saying that the endeavor of doing it is something that he enjoys in IT. Councilman Matamoros said as somebody who has migrated, he does not want to see tricky, and he is a little hesitant now with Mr. Cohen's tricky and his looking forward to tricky. Councilman Matamoros asked Mr. Cohen of his contingency plan and asked if he had one. Mr. Cohen said yes. Councilman Matamoros asked if it was in paper? Mr. Cohen said we have a backup in place as it is. Councilman Matamoros asked if he had given it to the City Manager? Mr. Cohen said yes. Councilman Matamoros said Mr. Cohen stated he was certified Dell support and asked if that was why he declined on site setup? Mr. Cohen said yes, he could rack and stack. Councilman Matamoros asked if we are going to Hyper-V correct? Councilman Matamoros said it is a public information request and if somebody wants it, believe him they had it before Mr. Cohen gave it to them. Mr. Cohen said he is not looking to volunteer. Councilman Matamoros said he had done this as well and is just trying to make sure that the City is protected. Mr. Cohen said yes sir. Councilman Matamoros said because when he is switching from one to another, a lot can go wrong and he has seen it. Mr. Cohen said he is aware. Councilman Matamoros said Mr. Cohen is being single doing this by himself, and he has some concerns because it does not matter if it is small or large, and if he does not have enough people when that migration goes, it can go south quick, which would then be issues within the City, and he does not want to say the City hurt and this is where this is all coming from. Mr. Cohen said he is planning a meeting in person with one of their database engineers this Thursday as well as he has had several meetings with their server architects, and they have gone over the specifications and everything is lined out where it needs to be. Mr. Cohen said he never just jumps on something and this is something that he had been planning for a while and made sure that all the pieces would fit before going forward with anything that he presented to the Council. Councilman Matamoros asked Mr. Cohen if all he is going to be migrating, is compatible with this new equipment and new software OS? Mr. Cohen said yes. Councilman Matamoros asked if Mr. Cohen has verified that? Mr. Cohen said with Dell server architecture. Councilman Matamoros asked if Mr. Cohen had verified that with the software vendors? Mr. Cohen said the way he plans on doing it is he verified with that. Councilman Matamoros asked whom with? Mr. Cohen said the people he plans on migrating with. Councilman Matamoros asked, but he did not verify with the vendors of the software? Mr. Cohen said the way he is going to migrate the servers from point A to point B, he has verified that the equipment matches on both sides.

Councilman Pena asked if this could be tabled so that they can go offline and then get to it next meeting? Councilman Pena said that way Mr. Matamoros can get all of his answers to his questions to his questions.

Mayor Cain said there was a motion on the floor.

Councilman Matamoros said another reason why he was asking these questions was because Mr. Cohen stated he verified everything. IT Director Toby Cohen said yes. Councilman Matamoros said he is looking at the quote on page 165 of their agenda it says billing to and shipping to but if you go to page 167 it says shipping to the Port of Freeport. Councilman Matamoros said, those little things you have got to catch them. Mr. Cohen said he had already corrected it with the representative. Councilman Matamoros said great, but it is not corrected there and so, when he sees a little mistake like that, it makes him hesitate. Councilman Matamoros asked what other little mistake may Mr. Cohen have missed? Mr. Cohen said we have ordered pretty much the exact same circumstances the new Fiscal Year 25 equipment from the same venue, and they had the same issue and also talked to the vendor representative, who he has a good relationship with. Mr. Cohen said the initial quote came in at \$48,542, but after discussing it with them, they were able to find an additional \$13,000 in savings to bring us lower than our approved amount without having to do anything additional. Mr. Cohen said these servers are 10% utilized as far as what they will be bringing in, they have massive amount of potential in the future to expand, and we are barely using any of their hard drives or RAM slots, and the processors are just about double our course.

Mayor Cain asked if Councilman Matamoros had any further questions? Councilman Matamoros said yes, but he really did not want to take the public's time. Councilman Matamoros said if this could be tabled he would like to have it tabled, but there was a motion on the floor.

Councilman Pena withdrew his motion.

Councilman Pena asked Mr. Cohen if he had done these migrations before of any sort server migrations for the City while he was under employment of the City of Freeport. IT Director Toby Cohen said not for the City, but under CBISD and so similar. Councilman Pena asked City Manager Lance Petty if he had had any issues with the IT Director in any way shape or form during the course of his employment? City Manager Lance Petty said not in this matter.

Councilman Davis withdrew his second.

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

Consideration and possible action to award the Bid for Freeport SFA Park Roof Replacement to Tra-Con and have the City Manager sign the Contract.

Public Works Director Rudy Ragle said staff recommended awarding the contract to Tra-Con. He said on October 31, 2024, BIDs were opened for Request for Proposal #2024-15 Freeport SFA Park Roof Replacement. He said Tra-Con was the only bidder with a bid of \$39,855.00. He said the City of Freeport solicited proposals for repairs to the Freeport SFA Park Roof Replacement. He said these repairs are for the damage caused by Hurricane Beryl. He said the City advertised the Request for Proposals on October 15, 2024, and October 22, 2024. Mr. Ragle said on October 31, 2024, the City received one proposal. He said Tra-Con was the only bidder at \$39,855.00. He said Tra-Con has done work for the City on many occasions and the City has been happy with their work. He said the financial impact the City will apply for a FEMA grant for this project, which will pay 75% of the project if awarded, and the funding for this will come from the fund balance.

A motion was made by Councilman Matamoros to approve the contract to Tra-Con for the SFA Park Roof Replacement, seconded by Councilman Rossow with discussion that followed.

Councilman Pena asked what is the typical lead time for accepting BIDs on these types of projects or any projects? Public Works Director said he thinks there are certain classifications when sending them out to

BID. Councilman Pena asked what the classification is on this one that requires it and is there no minimum? City Manager Lance Petty said the first request was on October 15. Councilman Pena said he is always concerned that only one BID is received and if there is only a two and a half week period to really get those three BIDs he gets a lot of heartburn just from all the previous contract processes that have been handled, and he has seen as a Councilman. Councilman Pena said he knows that they have done work with the City before, but he would still like to see three proposals.

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".

Executive Session

Executive Session regarding:

- a.) (Consultation with Attorney) 1.) Update on W2 filing issues pursuant to Section 551.071.
- b.) (Deliberations about Real Property) 1.) Update on Freeport 19 LLC. Development pursuant to Section 551.072.

The regular session closed at 7:46P.M. and the Council entered into the Executive Session.

Reconvene into Open Session:

Take any action resulting from Executive Session.

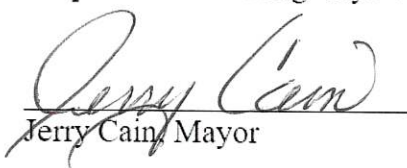
Executive Session ended at 8:04P.M. and the Council entered back into regular session.

A motion was made by Councilman Pena to ensure that the Covarrubias investigation commencees no later than December 2024 and to include sworn testimonies of Councilman Jerry Cain who was part of the cover up over the two months that cost the City \$345,000. The motion died due to lack of a second.

Adjournment

Adjournment – Jerry Cain, Mayor

A motion was made by Mayor Cain to adjourn the meeting, seconded by Councilman Matamoros with all present and voting "Aye". 5-0. Mayor Cain adjourned the meeting at 8:05P.M.


Jerry Cain, Mayor


Clarisa Fernandez, City Secretary