

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, December 16, 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
- Tommy Ramsey, Interim City Attorney
- Clarisa Fernandez, City Secretary
- Ashlee Hurst, Interim Finance Director
- Toby Cohen, IT Manager
- Donna Fisher, Human Resource Director
- Crystal Ruiz, Executive Administrative Assistant
- Shelby Araujo, Building Official
- Wade Dillon, Museum Manager
- Genesis Martinez, Human Resource Assistant
- Jennifer Howell, Police Chief
- Juanita Cardoza, Police Department
- Alex Johnson, Police Department

Visitors:

David McGinty	Con McCleester
Flora Green	Diane McCleester
Lon Siddal	

Call to Order:

Call to Order - Jerry Cain, Mayor

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

Mayor Cain said, for the record, Councilman Pena was not present at the moment.

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.

Flora Green said like she stated she is the proud owner of two properties here in the City which one would be at 1611 North Avenue Q, and the other would be 531 West Brazos. She said the continuation comes from last meeting she ordered the report from the Freeport Police Department, and she received a report in which she knew what she was going to get because she was the one that called down there asking to remove the officers from her property and that was the only call that they had on there. She said the reason why that was because Officer Hernandez and Officer Graham called each other on the telephone and did not go through dispatcher to get that call. She said they told Mr. Miller to meet them at 1611 North Avenue Q and that is where they met. She said this report that she did get from Ms. Taylor at almost a year to get the report and this is what she got, and it is still not ready. Ms. Green said the Police Chief will not speak to her and this issue definitely needs to be addressed. She said these officers are out of control here in the City. She said she had never seen a city that has officers out of control as much as Freeport. She said she has another property at 531 West Brazos which she purchased from Ms. Sandra Kane and, of course, that property was supposed to had been her and her husband's property to retire but then again, he had a stroke so that was changed to 1611 so that is where they are at right now. She said of course she moved over there and there was a little lady that had the house on the corner, and she had her property over there that was working on this house and then, of course, this little lady passed away and so she sold this property to Mr. Gardner Campbell and Mr. Campbell came in with the property and there was road elevation and there was all kinds of equipment used from taxpayers money to do this project and elevate the road to where all the water goes over to her property and, when it rains, it is all over and his is high and dry. She said every time she tries to do upgrade to her property Mr. Gardner Campbell is always over there trying to intimidate her about getting the property. She said she does not know what it is about him trying to intimidate her by trying to get the property. She said this is her property she paid for it, and he should just stay out of it and every time she gets an electrician or anybody over to work on her house Mr. Gardner Campbell is always over there interrupting the people that are working on her house. She said they never get anything done because he is lying and telling them that she has electrical problems at her rental property. She said the property that he raised up the road and of course he put a drain right there in the alley. She said she had never seen a drain in Freeport in the alley and she had run around the City quite a bit and there is no drain in the alley but over there they have a drain in the alley and the people that are living there cannot go through that alley because of the elevation of the thing and it will tear your vehicle up. Ms. Green said after he did that Mr. Gardner removed all the lights that are supposed to be in her waterfront property, which she has not received yet, because he said she had to pay \$100,000 invested into her property to get her waterfront property and she still does not have it to this day but Mr. Gardner has his waterfront property already and asked why and said she does not know because the closed off the roads down there over there by the Girouards. She said he is trying to keep people out because of drugs and she does not think it was because drugs because there were more drugs there when they had the boats. She said there is no drugs over there.

Mayor Cain said for the record Councilman Pena made it to the meeting at 6:05P.M.

Councilman Pena said he was busy praying and looking for guidance how to expose corruption.

Consent Agenda:

Action regarding Minutes, December 2, 2024 - Clarisa Fernandez, City Secretary.

Action approving date change for the second City Council Meeting in January 2025 to Tuesday, January 21,

2025, due to Martin Luther King Jr. Holiday- Clarisa Fernandez, City Secretary.

A motion was made by Councilman Matamoros to approve the Consent Agenda, seconded by Councilman Rossow with all present and voting "Aye" 4-1. The Council approved the motion. Councilman Pena voted "Nay".

Proclamations - Presentations and Updates

Employee Recognitions – Employee of the Month, Genesis Martinez, Human Resource Assistant for Human Resource Department, Lance Petty, City Manager.

City Manager Lance Petty presented the Employee of the Month to Human Resource Assistant Genesis Martinez.

Presentations – GFOA Distinguished Budget Award FY 2024-2025, Ashlee Hurst, Finance Director.

Finance Director Ashlee Hurst presented to the Council the GFOA Distinguished Budget Award FY 2024-2025 for the City of Freeport.

Business

Consideration and possible action approving Resolution No. 2024-2898 appointing board member to the Freeport Historical Commission and Main Street board.

Museum Manager Wade Dillon said he is there this evening as the Freeport Historical Commission and Main Street Advisory Board needs a new board member and as their secretary Ronnie Martin resigned to pursue new business ventures. He said vacancy notice was posted, and two applications were received. He said one application was from former City Attorney Chris Duncan and one from Lon Siddall. He said as the Freeport City Charter clearly states on page 48 the Freeport Historical Commission and Main Street Advisory Board is to consist of five Freeport residents and four non-residents. He said as Mr. Ronnie Martin is a Freeport resident and the only eligible applicant out of the two submissions was Mr. Lon Siddall as Mr. Siddall is also a Freeport resident. Mr. Dillon said this past Thursday the Freeport Historical Commission and Main Street Advisory Board held its monthly meeting and among the agenda items was reviewing both applications and selecting one of the applicants for recommendation to City Council for appointment with the understanding of what the City's Charter outlines and following the City's Charter the majority of the board selected Lon Siddall and recommend him this evening to Freeport City Council to be appointed to the Freeport Historical Commission and Main Street Advisory Board. Mr. Dillon said Mr. Lon Siddall is in the crowd this evening and he is a lifetime Freeport resident who has an extensive work history with DOW and Brazoria County as a deputy Sheriff and Constable. He said Mr. Siddall has also served the City of Freeport as Freeport City Councilman, Mayor Pro Tem, and with the Freeport EDC.

A motion was made by Mayor Cain to approve appointing Mr. Lon Siddall to the Freeport Historical Commission and Main Street Board, seconded by Councilman Pena with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action to approve By-laws of the Freeport Historical Commission & Main Street Advisory Board.

Museum Manager Wade Dillon said every year the Texas Main Street program requires a self-assessment from each of its participating communities to reach accreditation. He said of the 80 Texas cities in the Main Street program nearly half are accredited whereas the other half are affiliates. He said the City of Freeport is currently an affiliate program under the Texas Main Street Program and its parent organization Main Street America. He said to increase the chances of reaching accreditation and opening ourselves up to more resources he began studying the program looking for areas that needed to be addressed and one of those was adopting bylaws so that the Freeport Historical Commission and Main Street Advisory Board could better

regulate itself and be seen as a legitimate body. He said in October he visited Tina Israel the Main Street Manager for the City of Bay City who recommended to adopt bylaws and in doing so freely shared with him the bylaws that the City of Bay City adopted for their Main Street Board. He said Bay City is the closest Main Street neighbor. He said in reading the document you will see that the bylaws are very cut and dry with much of the language pulled from the City's Charter. He said technically there is nothing new within the bylaws regarding the way the Freeport Historical Commission and Main Street Advisory Board operates and ideally can be revised in the future. Mr. Dillon said as such adopting these bylaws is a standard to increase the chances of accreditation establishing legitimacy and as a demonstration of the faith in the Texas Main Street program that the City of Freeport has in revitalizing in the Historic Downtown. He said as a result the Freeport Historical Commission and Main Street Advisory Board approved of the bylaws unanimously this past Thursday and encouraged the City Council to adopt the bylaws for the board to increase Main Street the chances of accreditation.

A motion was made by Councilman Matamoros to approve the By-laws of the Freeport Historical Commission & Main Street Advisory Board as presented, seconded by Councilman Rossow with discussion that followed.

Councilman Pena asked what other requirements Mr. Dillon discovered or found in his research that it would give Freeport a chance to go from affiliate to fully accredited? Museum Manager Wade Dillon said one of those would be splitting the Freeport Historical Commission and Main Street Advisory Board that way the Historic Commission and the Main Street board can operate as two separate bodies. Councilman Pena asked how does that bring value to the City of Freeport? Mr. Dillon asked how does splitting the two boards? Councilman Pena said yes in terms of their function. Mr. Dillon said the Historic Commission would focus mainly on the preservation ordinances of the Historic Downtown District whereas Main Street would largely encompass focusing on promotion, marketing, revitalizing Downtown through recruitment of businesses and things of that nature. Councilman Pena asked if there is any redundancy between the Main Street and if it is divided this way as opposed to the Historic and he appreciates the preservation and thinks that was kind of the thrust that the original Main Street development was created for the preservation of the buildings in Downtown but as looking to possibly modify that structure into the Historic Element and then of course the Main Street one for preservation and the other one it sounds like is almost Economic Development and asked if this was right? Councilman Pena said it seems to him that this kind of overlaps into what the EDC does and asked if Mr. Dillon can help to differentiate what that might be and what that might mean for budget? Mr. Dillon said on the Main Street side of things tourism is very much a part of Economic Development and Historic Commission they are going to be complementary of each other, but they would act separate from one another, and he thinks that is the best way that he can describe those two. Councilman Pena asked if Mr. Dillon is going to be ahead the head of both the Historic Commission and the Main Street is that the plan? Mayor Cain said that has not been discussed yet. Councilman Pena said he is just trying to understand that if this motion is made to change the structure of it he is just trying to understand how this is going to look budget wise and is also curious in terms of budget if they have looked at any part of that and what kind of events and plans they are looking at in addition to what they have now. Mayor Cain said at this point it will not affect the budget. Councilman Pena said he just wants to know if that is the case coming from City staff. Mr. Dillon said the Historic Commission would be a whole other board separate from the Main Street board and these are voluntary boards and they are working boards to carry out the mission and scope of each board and he does not see what budget issue the Historic Commission could possibly have at this time but eventually them to reach accreditation that is one of the standards that they would have to meet to reach that point is splitting it and that is a standard that was not only set by the Texas Main Street program but Main Street America as well. Mr. Dillon said eventually if they want to reach accreditation that split has to be made and he is already talking with Texas Main Street program staff and their Historic Preservation officers to see what that split is going to look like and what the language would look like so that there is no redundancy between the two but they would be complimentary of each other and the fact that the Historic Commission would largely focus on preservation ordinance

things of that nature not only focus on Downtown but the whole of Freeport as well. Mayor Cain said he appreciated Councilman Pena's questions, but the agenda item is approving the bylaws and asked Councilman Pena if he had any other questions about the bylaws? Councilman Pena said he just wanted to reiterate that so by accepting these bylaws they are basically then laying the foundation to go ahead and split Main Street and asked if this was right? Mayor Cain said they are laying the foundation to become accredited. Councilman Pena asked if this is the only thing that is going to be in the way of becoming accredited are these bylaws? Mr. Dillon said there are other standards to meet, and these are just incremental steps.

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".

Consideration and possible action to approve Ordinance No. 2024-2736 updating Article X Automobile Wreckers.

Police Chief Jennifer Howell said she is proposing and everything to have an update to the wrecker ordinance. She said lots of pieces of the ordinance have not been updated since the 60s, 80s, 90s, and the most recent update was made in 2011 to one section. She said they visited with some other cities and reviewed their ordinances on what they had that was more up to date and then they also went and met with wreckers company to obtain some feedback from them as well. She said in the proposal that was provided in yellow is what is being looked at to make additions to and even just starting off the simplest thing there was never any kind of distinguish between light duty wrecker haul and heavy-duty wrecker hauls and that has been something that has come about. Chief Howell said also the wrecker business being within so many miles having so much of a response time and these are just some of the changes and everything that are being proposed to have it more up to date.

A motion was made by Mayor Cain to approve Ordinance No. 2024-2736 updating Article X Automobile Wreckers, seconded by Councilman Davis with discussion that followed.

Councilman Matamoros said he sees on page 40 section 8-640 storage enclosure required he sees it was strike out the section "such enclosure shall be of the wire mesh type, at least six feet high with three stand barbed wire or better at the top" and asked why this was strike out? Police Chief Jennifer Howell said that had been a kind of a standard that was done back in the 60s and the State actually changed what the standards was set up for these wrecker services. Chief Howell said depending on their location depends on the standard that they have to have set up with it. She said one of the president's wife made a changeover like how the wreckers on certain roads and certain highways had to have more of an enclosure where it was not the mesh type to be able to be visible and see through to not be a astatic for the community and so the wire mesh and everything had been something that was just outdated and was no longer being practiced and it was not in accordance with the State standards. Councilman Matamoros said the reason he is asking this question is because there is a wrecker service that has a lot within the neighborhood and do not want them to take away any because it is an eyesore and he would actually like to see something better than this and stated within that such as a wooden fence ten foot tall storm engineered because it is within a neighborhood and he is sure that people across the street do not want to see that and is sure they do not want a kid to climb into it and get injured. Councilman Matamoros said it is also close to MyCHN, and he is sure they do not want to see that. He said he would like to see something added to this enclosure required in writing even if it is what the State says he would like to see it in writing in this section before he can even approve this. He said he wants to be able to have something that can be held towards them and say it has been passed, and it is in writing and have to go by that. Councilman Matamoros said as long as it is what the State says even if the State says it is something not as nice, he would like to make it stronger especially in the residential neighborhoods. Mayor Cain asked if this is passed, he would assume the regular fence ordinance would trump whatever is on there? Police Chief Howell said her thought is unless it is less than what the State standard is and asked Interim City Attorney Tommy Ramsey if this was correct? Chief Howell said she would have to pull up the State standard and the ordinance to do all the apples and apples comparisons. She

said they can go stricter than the State but cannot go less than that. Councilman Matamoros said he would like to see what the State standard is before he can vote on it and hopefully it can be tabled to next meeting have that information and then make sure it is better, and he is really concerned about within the residential communities.

Mayor Cain asked Police Chief Jennifer Howell if she has a group of wrecker services that she currently works with? Chief Howell said yes. Mayor Cain said on the document it says for light duty they have to be within 10 miles and heavy duty they have to be within 15 miles and asked if Chief Howell had verified that those businesses are within? Chief Howell said annual inspections are done every year and in January there is a Sergeant that goes out and inspects the yard and everything to make sure they are still at the location and make sure their units are up to State standard. Chief Howell said he is the Sergeant that does the commercial vehicle enforcement, so he is very familiar with this as far as all the laws and everything that is associated with Class B, Class A, and CDL. Mayor Cain said he appreciates that but the amount of distance. Chief Howell said when they apply, they have to apply and do not just become a wrecker for the Police Department but there is an actual application process and when that application process that is a part of the initial inspection is documenting as far as what the distance is. Mayor Cain said he just wanted to make sure they do not eliminate someone that has been taking care of the City in the past by having just 10 and 15 miles. Chief Howell said no, all of the wrecker services that are currently serving with the Police Department will still be able to continue to service the department.

Councilman Pena asked he was curious why this came about? Police Chief Jennifer Howell said they had a meeting earlier this year with the wrecker services and they had brought up the discussion of needing to honestly increase their prices because the prices that had gone up regarding their rates of insurance, gas, diesel, and so they went to look at the ordinance and that was when they just noticed that overall the ordinance just had not been updated in a while and they felt it was kind of a good time to go ahead and explore that right then. Councilman Pena said the enforcement of this particular standard of fencing and asked if that falls under the Code Department which he believes Chief Howell is the Director of or does it fall under the Police Department's purview? Chief Howell said it would fall under both. Councilman Pena asked Chief Howell if she is able to then discern whether there is any overlap or any kind of conflict in terms of the language? Chief Howell said yes. Councilman Pena asked if there is any conflict currently as far as it following the State Law and we are not falling below that minimum and for that matter contradicting anything that might be already in the code for fencing and the residential area? Chief Howell said she wants to look back at the code for fencing and go ahead and look at it and compare it and everything to State to see if the City is stricter than or it is just as equal. Chief Howell said she cannot remember because this was a month ago that they had looked through all this. Councilman Pena said what would end up likely happening is that if they end up updating these ordinances for the fencing where it is a little more esthetically pleasing to the community that the cost of those improvements would be passed to those towing companies and asked if that was right? Chief Howell said yes that is correct but technically speaking whatever standard is set up now and this is an attorney question if they are already one of the approved wrecker services and asked if that will change or would it just be the new wrecker services or the previous ones would be already grandfathered in? Interim City Attorney Tommy Ramsey said he would need to look and see what the occupation code says. Chief Howell said she just thought about that. Mr. Ramsey said the State as a whole is a series of chapters on the regulations in the administrative code and then there is some basic provisions in the occupations code. Chief Howell said she did not know if the ones are in existence would be. Mr. Ramsey said his inclination is yes that they would be grandfathered. Councilman Pena asked for all those that are being grandfathered does it make any sense to try to make sure that there are no conflicts? Councilman Pena said he can appreciate the idea that they do not have any conflicts but is kind of disappointed if they are creating this ordinance with the idea that they are going to also help improve the esthetic of the City and then they are not able to enforce that new esthetic standard. Mr. Ramsey said he wants to be clear, the grandfathering would likely apply to if there are if for instance if the fencing requirements come from the zoning ordinance then that is likely grandfathered in and if it is a

public health and safety issue that would not be grandfathered. Councilman Pena asked how many towing companies does the City of Freeport have? Chief Howell said for heavy haul there is only two because you have to have specialized equipment to be able to do that and then for the other rotation wreckers there is four what is referred to as the standard vehicles. Councilman Pena asked if Chief Howell knew if they are compliant at this point with the fencing as it relates to the residential ordinance? Chief Howell said everyone that has had inspections back in January of this year were in compliance of everything. Chief Howell said she can not say as of right now because they are getting ready to do another inspection come January. Councilman Pena said the legal question he would have and asked what change would they need to make it if they are trying to affect in fact the esthetic of the fencing? Councilman Pena asked if they do it through this particular ordinance or do, they do it through Planning and Zoning so there either is or is not grandfathered? Councilman Pena said if we are trying to affect that change that to him means they are trying to remove the grandfathering clause and asked if that was accomplishable from a legal standard? Mr. Ramsey said he does not know what is in the zoning ordinance and his instinct is that you do not remove grandfathering clauses from zoning ordinances that is always going to be an issue and whether they want to build in esthetic requirements into the tow truck ordinance and he does not think you can just put it in one or the other and get out from underneath. Councilman Pena said it sounds to him like the six companies that are in Freeport? Chief Howell said it would still be the four because two of them that do the heavy haul also do the regular. Councilman Pena said so the four companies that are in Freeport will be grandfathered either way it is just a matter of whether there is any new companies that come in that will be required to fit the standards. Chief Howell said potentially and that is why she wanted to check on the grandfathered thing because she did not think about that a while ago when Councilman Matamoros mentioned that but after she had kind of thought for a minute she was like they might actually be grandfathered but does not know that is for sure. Councilman Pena said the question he posed was is there any way to circumvent the grandfathering and the attorney said no. Mr. Ramsey said to not accept his fact of the cuff gut on these issues.

Mayor Cain withdrew his motion to approve, and Councilman Davis withdrew his second.

Mayor Cain tabled this item to get some answers.

Chief Howell said she would do some checking and everything on the grandfathering thing so that way they would know regarding the residential.

Consideration and possible action of removal of alternate BOA Board member Shondra Marshall.

Building Director Shelby Araujo said she wanted to apologize she did actually have a typo in her name and her name is actually Shonda Marshall. She said she was actually going off of Brazoria County Appraisal District when she was spelling her name. She said they actually have her down as Shondra in BCAD. Ms. Araujo said she apologized for this. She said she just wanted to let the Council know it is Shonda and not Shondra Marshall. She said on December 5th, 2024 the Board of Adjustments took action and voted to have Shonda Marshall removed as alternate due to the lack of participation and the motion passed unanimously. She said the Board of Adjustments packets for each meeting were being delivered to the address on file for Ms. Marshall, and attempts were made to reach Ms. Marshall for an alternate due to possible quorum attendance but the attempts to reach Ms. Marshall has not attended a meeting in the past six months. She said staff recommended the Council to take whatever action is necessary.

A motion was made by Councilman Matamoros to remove Ms. Shonda Marshall as an alternate for the Board of Adjustments, seconded by Councilman Rossow with discussion that followed.

Councilman Davis asked if you have to be a resident of Freeport to be on the board? Mayor Cain said yes. Councilman Davis said she had already asked to be off that board anyways.

Councilman Pena asked what was the attendance requirement for the Board of Adjustments? Building Director Shelby Araujo said the attendance requirement as in terms of absenteeism she is not completely

100% sure as in terms of being present but as in terms of if they try to reach you in terms of contact and what not they would actually like for you to be readily accessible to where they can actually contact you. Councilman Matamoros said as the Council Liaison, you cannot miss three meetings consecutively or will be removed automatically. Councilman Pena asked if this was the rule? City Manager Lance Petty said yes. Councilman Pena asked for every board? Mr. Petty said yes. Councilman Pena asked is it three in a row or three meetings in a year? Mayor Cain said it should be three in a row. Councilman Pena asked if her absenteeism and asked Ms. Araujo she had mentioned it was lack of participation and not absenteeism and was not sure and he wanted to delineate what that difference was? Councilman Pena asked was any of her lack of participation did it cause any of the meetings to not move forward? Ms. Araujo said they reached out to her for she believes it was the August meeting and did not have a quorum because they were not able to actually get the attendance.

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 the windstorm insurance policy renewal.

Interim Finance Director Ashlee Hurst said Victor Insurance has provided a Windstorm & Hail policy effective January 6, 2025, for Texas Windstorm Insurance Association also known as (TWIA). She said Victor Insurance works in conjunction with the Texas Municipal Intergovernmental Risk Pool to shop for various carriers to provide the City with the best possible policies. She said the coverage premium is \$70,743.00 with an unchanged 2% deductible. She said for this particular policy the Community House and the Recreation Center buildings are not included in this renewal due to missing WPI-8 certificates for previous roofing jobs. She said they are continuing to work with the insurance agent to get the required documentation needed to get those buildings covered again. She said the cost for this was budgeted in the adopted budget for 2024-2025.

A motion was made by Councilman Matamoros to approve the windstorm insurance policy renewal, seconded by Councilman Rossow with discussion that followed.

Councilman Pena said the first question he had was just a little bit of housekeeping and asked if it was Ms. Ferguson or Ms. Hurst? Interim Finance Director Ashlee Hurst said Hurst. Councilman Pena said congratulation. Ms. Hurst said thank you. Councilman Pena said he noticed the agenda had it as Ferguson still. Councilman Pena asked if the City is currently covered? Ms. Hurst said yes. Councilman Pena asked with TWIA? Ms. Hurst said yes. Councilman Pena asked if the Recreation Center and the Community House is currently covered under the current policy? Ms. Hurst said yes. Councilman Pena asked who is that policy with? Ms. Hurst said it is with the same and when they were gathering documentations for the renewal it expires January 5th, 2025 and that is when they discovered that those documents were missing, and these are from roofing jobs from like 2012. Councilman Pena asked when they covered the City when was the last time they had to renew? Ms. Hurst said it was January 2024. Councilman Pena asked if they do it every year? Ms. Hurst said yes. Councilman Pena asked if they covered the City last year with an oversight of the documentation? Ms. Hurst said yes. Councilman Pena said but that documentation was not on file and not discovered by City staff to know that they would be needing that for TWIA and asked if that was right? Councilman Pena said it is his understanding that every maybe residential and commercial roof in the City requires TWIA mostly in coastal cities and is curious and asked how long had that certificate been out of compliance? Ms. Hurst said she can not answer that but she does know that the Recreation Center is currently having roof work done after Hurricane Beryl anyways so there is a new certificate coming. Councilman Pena said but had we had tried to make a claim on those on the roofs and asked would they had been covered? Ms. Hurst said the City was covered. Councilman Pena asked despite the fact that they did not have that certificate? Ms. Hurst said yes. Councilman Pena said he knows that the insurance companies and asked so the City did actually incur some damages to those roofs and got those covered right? Ms. Hurst said yes. Councilman Pena said great we got one by them. Councilman Pena asked what was the budget on this particular item here? Ms. Hurst said she does not have the line item but can get it. Councilman Pena

asked if Ms. Hurst recalled if it was an increase or if it was at the same rate? Ms. Hurst said she believes it was maybe like \$1,500 more. Councilman Pena asked if that was going to increase even further once they add the TWIA to the Recreation Center and the Community House? Ms. Hurst said she can not answer that for sure but she would expect that it would. Councilman Pena asked so should we wait to have all of that to know what they are passing and then just do it all in one fell swoop or would a budget amendment be needed at that point? Ms. Hurst said she would still recommend approving what they have not so that the majority of the buildings are covered since this does expire January 5th. Councilman Pena said that makes sense.

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 awarding the annual fuel and alternative fuel contract to MidTex Oil, LP and authorizing the City Manager to sign the contract

Interim Finance Director Ashlee Hurst said staff recommended awarding the annual fuel and alternative fuel contract to MidTex Oil, LP and authorizing the City Manager to sign the contract. She said staff advertised the RFP #2024-16 titled 'Fuel Services' for an annual contract to provide fuel and alternative fuel products to the City fueling station on November 1, 2024, and November 8, 2024. She said the City received two responses but did not receive a response that included pricing both fuel and alternative fuel pricing. She said staff declined those responses and advertised RFP #2024-17 titled 'Fuel Re-Bid RFP' for an annual contract to provide fuel and alternative fuel products to the City fueling station on November 26, 2024, and December 3, 2024. She said the City received one response from MidTex Oil, LP and after an analysis it was determined that fuel costs were lower with them and staff would like to continue using this company for the next year. Ms. Hurst said all RFP documents can be found on the City website under the purchasing department section. She said the fuel usage was included in the adopted budget for 2024-2025. She said attached to the Council packet is a fuel BID analysis.

A motion was made by Councilman Matamoros to award the annual fuel and alternative fuel contract to MidTex Oil, LP and authorize the City Manager to sign the contract, seconded by Councilman Davis with discussion that followed.

Councilman Pena asked Interim Finance Director Ashlee Hurst if she said there was an RFP on November 26th and December 3th? Ms. Hurst said yes. Councilman Pena asked or was it November 1st and November 8th? Ms. Hurst said there was November 1st and November 8th was the first time they went out for BID and then went out again November 26th and December 3rd. Councilman Pena asked where these are posted on the purchasing department section of the City website? Ms. Hurst said yes. Councilman Pena said he was trying to figure out where that might be because he was curious if that is under the section of public notices and asked if that is it? Ms. Hurst said when you click purchasing Toby routed to the public notice's page. Councilman Pena said he sees government, businesses, residents, departments, and asked where should he be looking at? Ms. Hurst said at the top under departments there should be a purchasing option. Councilman Pena asked if that is where all the RFP's are located? Ms. Hurts said yes. Councilman Pena asked and the company that is being looked at there is the current oil provider and fuel provider? Ms. Hurst said yes. Councilman Pena asked if they are going up in their rates and their cost to the City? Ms. Hurst said from what she saw the amount per gallon for the fuel went down and then the cost for the fuel alternatives did go up a little bit. Mayor Cain said it went down almost a dollar or just over a dollar. Councilman Pena asked if only two responses were received after the December 3rd? Ms. Hurst said after the December 3rd just one. Councilman Pena asked under the current contract when did that terminate at the end of this fiscal year or this month? Ms. Hurst said it actually terminated in August. Councilman Pena asked so this has been going month to month? Ms. Hurst said yes. Councilman Pena asked on the rates on the previous contract? Ms. Hurst said yes by the previous contract rates. Councilman Pena said the BID was put out for the 3rd and asked what was the difference between the BID proposal that went out on November 1st and 8th and the one that went out December 3rd and was there any difference in its presentation? Ms. Hurst said no it was the

same more responses were needed for a complete response with pricing for everything that was asked for. Councilman Pena asked if there was a deadline on that or a timetable for that when it had been posted was there going to be like a 30 day window or a 60 day window? Ms. Hurst said it is two weeks. Councilman Pena said so December 3rd and they responded. Councilman Pena said what he is really getting at is if they have two weeks and have a minimum number of days that they offered the City the opportunity to get as many BIDs through that window versus the first one that comes through and for that matter he is always in extending it to at least a minimum of 30 days but are at two weeks which have been 14 days and if they have that. Ms. Hurst said it was closed on the 10th but it is pretty standard for municipalities to post for two weeks. Councilman Pena said if posted on the 3rd and close it on the 10th that tells him that it was only open for seven days. Ms. Hurst said it was first BID out on November 26th. Councilman Pena said so Ms. Hurst is telling him they are going off the November 26th date? Ms. Hurst said yes you off the first time you advertise it. Councilman Pena asked if the clocked reset every time you post the RFP? Ms. Hurst said no. Councilman Pena asked the clock starts only at the initial one? Ms. Hurst said yes. Councilman Pena asked so should they say instead of November 26th would it be November 1st and 8th? Ms. Hurst said yes. Councilman Pena said he is just trying to understand the methodologies that they are employing there and what rules Ms. Hurst is following so he can understand them and for that matter help to identify any problems. Councilman Pena asked if that single BID was received on the 7th? Ms. Hurst said on the 10th. Councilman Pena said at this point they are only operating with one BID which is the incumbent company and asked if that was right? City Manager Lance Petty said correct.

Mayor Cain said he is looking forward to the dollar savings per gallon.

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. 2024-2899 to update Texas Gulf Bank signatories

Interim Finance Director Ashlee Hurst said for starters by the next Council meeting Toby and herself will have her name corrected on CivicClerk so that it will not be confusing, but she did change her name in the middle of these last two weeks so it kind of created a little bit of confusion. She said staff recommends approval of the resolution and the signing of the Texas Gulf Bank signatory form. She said the authorized signatories for the City's Texas Gulf Bank account requires updating to reflect a name change due to marriage. She said this resolution would update her name from Ashlee Ferguson to Ashlee Hurst. She said this update would leave the signatories listed as Jerry Cain, Mayor; Lance Petty, City Manager; and Ashlee Hurts, Finance Director. She said Texas Gulf Bank does requires a resolution designating which City Officials are authorized to open accounts, sign checks, and other transactions for City funds. She said a letter is also required to make changes to the signatories.

A motion was made by Councilman Matamoros to approve Resolution No. 2024-2899 to update Texas Gulf Bank signatories, seconded by Councilman Davis with discussion that followed.

Councilman Davis congratulated Interim Finance Director Ashlee Hurst.

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 2024-2900 to update TexPool signatories

Interim Finance Director Ashlee Hurst said this is going to be the exact same thing that was just read as the Texas Gulf Bank. She said TexPool requires the form to be signed and the resolution to update her name to reflect the marriage and it will update it from Ashlee Ferguson to Ashlee Hurst. She said this one will leave two employees on the account Mr. Petty and herself listed as representatives with full access and then it still leaves the Mayor with inquiry access only.

A motion was made by Councilman Matamoros to approve Resolution 2024-2900 to update TexPool signatories, seconded by Councilman Rossow with discussion that followed.

Councilman Davis asked Interim Finance Director Ashlee Hurst if she got married before Christmas? Ms. Hurst said yes.

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 to approve the contract for Public Works uniform services to Unifirst and authorizing the City Manager to sign the contract.

City Manager Lance Petty said staff recommended awarding the contract to Unifirst for uniform services for the Public Works Department. He said a proposal was received from Unifirst to compare the current vendor pricing which is currently under contract to provide services to the Public Works Department that expires March 2025. He said after receiving the proposal from Unifirst and comparing the current services and rates, there will be substantial savings by selecting Unifirst as the vendor to move forward with. He said the current vendor for uniform services for the Public Works Department's contract expires March 2025. He said a non-renewal notice was issued to the current vendor in November. He said this notice was required due to an automatic renewal clause that would have renewed the current contract for an additional five years without the required notice. He said Unifirst's proposal is attached in the packet along with a comparison of fees associated with the uniform services. He said Unifirst is part of the Buy Board Co Op purchasing program and does not require a BID process.

A motion was made by Councilman Matamoros approve the contract for the Public Works uniform services to Unifirst and authorizing the City Manager to sign the contract, seconded by Councilman Rossow with discussion that followed.

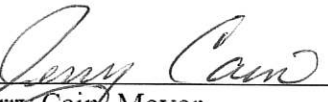
Councilman Pena asked Unifirst is part of which group? City Manager Lance Petty said Buy Board. Councilman Pena said he has mentioned this before and he will reiterate again that despite they have contractors that are on the Buy Board list he would like for the City to at least seek out additional BIDs and give the City a chance to make even those guys on the Buy Board give the City a competitive BID versus thinking it is going to be a slam dunk. City Manager Lance Petty said those co-ops they are BID out every year themselves and by law they have to do that so when they give a pricing there is no negotiating your pricing it is a set price and those are BID out yearly. Councilman Pena said he is just curious if there is anybody else that would be able to get in there that is not on the Buy Board that might be able to give the City a better deal and if they cannot well they cannot. Councilman Pena said he is just always curious to make sure to ask the question and if you do not ask you will not know. Councilman Pena asked what was the budget for this and did it fall in budget? Mr. Petty said he does not know the exact budget number but it is going to come in way under because they are saving 50% of what is being paid now. Councilman Pena asked if this went out for an RFP? Mr. Petty said no because it is part of the Buy Board purchasing. Councilman Pena asked when will it expire? Mr. Petty said the current one expires March of 2025. Councilman Pena asked if there is any reason why they are doing it in December? Mr. Petty said once you send your non-renewal letter and select a different vendor there is a set up time where they would have to get all the uniforms size, get them ordered, get all the stitching on them, and everything else. Mr. Petty said so it takes a little bit so that way you are not stuck without uniforms for a month or two.

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

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 7:02P.M.



Jerry Cain, Mayor



Clarisa Fernandez, City Secretary