

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, January 6, 2025 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
- Scott Bounds, 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
- Rudy Ragle, Public Works Director
- Jennifer Howell, Police Chief
- Juanita Cardozo, Police Department
- Chris Motley, Fire Chief

Visitors:

David McGinty	Carol Parker
Sam Reyna	Mark Parker
Kenneth Hayes	Manning Rollerson
Con McCleester	Pamela Dancy
Diane McCleester	Margaret McMahan
Shonda Marshall	

Call to Order:

Call to Order - Jerry Cain, Mayor

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

Invocation - Councilman

Councilman Rossow led the Invocation.

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

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

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

motion has been made by Council then public participation will not be allowed. You will have four (4) minutes to make your comments regardless of the number of agenda items to be addressed.

Margaret McMahan resides at 1330 West Eight Street. She said Freeport has made many strides in improving its infrastructure, sidewalks and streets. She said these improvements support the image we are trying to build that Freeport is a great place for living and opening businesses and an even greater boost to our image would be for the Police and Code departments to be allocated enough staff to be proactive versus reactive. She said though being good, courteous citizens and neighbors cannot be legislated behaviors can be heavily fined if they violate our laws and codes. Ms. McMahan said one example is the four way stop at Eight and Pecan have made this an even more dangerous intersection. She said she is retired and lives on this intersection and now watch people run four stop signs instead of the two on Pecan including City and Police vehicles. She said justification was shared with her that this intersection has had multiple accidents and near accidents over the years. She said this is true, and every single one of them was caused by the drivers on Pecan Street ignoring the Pecan Street stop signs. She said regardless of the speed of traffic on Eight Street it was the responsibility of those with a stop sign to assess that traffic and completely stop. She said speeding is an enforcement issue that should be monitored by officers patrolling Eight Street, pulling over speeding drivers and writing heavily fined tickets. She said the after school pick up line for Freeport Elementary is horrific beginning at the school circle drive and going down Pecan Street to Fourth Street. She said now this intersection is a three-way line to pick up children instead of one line going down Pecan Street. She said the honking, cursing, cutting off each other in line and even blocking traffic by pulling out in the middle of Eighth Street, cutting in line happens every school day. She said on Facebook this past week, she read threats from one parent to another regarding cutting in line. Ms. McMahan said prior to the four way stop traffic not going to the school could flow on Eight Street and people living on Pecan can go to and from their homes and for those living in this area there is no way to travel down Pecan Street or Eight Street without getting in the school line or driving on the wrong side of the street and making it very unsafe. She said in the evenings this is a popular intersection for racing, cars stop at the intersection taking turns peeling out. She said she invites the Council to come by and see the rubber on the street. She said drivers also stay parked for 20 to 30 seconds with windows down and playing very loud music. She asked could there be a variance considered to install speed bumps on Eight Street and Pecan stop signs so traffic could flow in speed be controlled? She asked if the City had a noise ordinance? She said we need police officers patrolling. She said she walks her dog twice daily in this area and she sees the same dogs running loose, the same dogs tethered to trees in their front yard with no water, the same shrubs overgrown the sidewalks violating ADA laws and the garbage, food, containers, diapers, plastics, bags, toys, the consequences which Animal Control and Code Enforcement issue are ineffective. She said for New Years from her home she watched a firework display lasting over an hour near Freeport Elementary and it was a spectacular continuous display. She said the next day there were firework casings throughout her yard. She asked if these are illegal because they are safety issues? She said we need Code Enforcement officers patrolling. Ms. McMahan said for the 2025-2026 budget to please consider staffing both of these departments so they can be proactive. She asked how can we expect others to choose Freeport for their home or business, when such blatant disregard of our codes and laws appear that we are not even proud to live here?

Sam Reyna resides at 2002 North Ave G. He said the primary job of a Code Enforcement Officer is to enforce local ordinances and regulations related to property maintenance. He said we need to enforce the citizens to comply with the ordinances and regulations, and that is to maintain their yards, but for that to happen, the City needs to comply with the same regulations. He said you lead by example and that is cleaning up your own house. He said there is heavy trash, bulky waste, green waste, tree limbs in all the neighborhoods and asked why? He said because AmeriWaste is not complying with their agreement. He said on page six section four of the contract agreement states the contractor shall pick up heavy trash bulky waste monthly based on four zones each Wednesday. He said heavy trash and bulky waste was scheduled for pickup in his ward on December 18th. He said that is every third Wednesday in Ward C. He said the photos

he gave to the Council were taken the 21st so the waste was not picked up. He said the photos he gave to the Council are only just from Ward C and not all of Ward C he said he left some out like Slaughter Road out because he would run out of ink. Mr. Reyna said overgrown grass in the alleys and ditches, and they have not been mowed in a long time. He said the Code Enforcement department has the audacity to start knocking on citizens doors, property owners to mow the grass and maintain their yards. He said the one cubic yard 50-pound capacity among the tree limbs will be strictly enforced again and that is his prediction. He said of course that will make it easier for AmeriWaste to pick up. He said it did not work in the past and it is not going to work now. He said last year he showed the Council some photos of the cubic yard limbs bundle up and tied with strings. He said the citizens were complying with those regulations, but the photo that he showed last year it showed the grass growing over those bundles and have been there for a while. He said AmeriWaste was not picking them up, so it did not work then, and it is not going to work now. He said when he was taking these photos, he talked to a lot of the property owners, and he asked them what they thought about AmeriWaste and they all gave the same answer that they wanted another garbage collector. He said the seven-year contract with AmeriWaste was a conspiracy in his opinion. He said it is a cash cow for certain individuals, and they are going to make sure the contract is not terminated. He said he has set the wheels in motion, that probably by this time next year or sooner AmeriWaste Solutions will be a thing of the past. Mr. Reyna said the odds are in his favor and he is positive it will happen, but the question is when? He said the sooner the better. He said the best course of action for AmeriWaste Solutions is to give a thirty-day notice of contract termination and get out of Freeport.

David McGinty said he wanted to speak on Agenda item 4D and the TIRZ board. He said he was curious if there was some kind of procedure for the board to actually put forward its choice to head the board as opposed to just being appointed out of the blue. He said this is the first he has heard of it. He said they have not had a meeting to discuss this, so he was just curious how this is going to work this time around. He said when the board was formed Ms. Shonda was appointed to the board by a vote of everybody that was on the board and Mr. Kelty was present and Mayor Cain. Mr. McGinty said he is just curious if some stranger is going to be appointed to the board or will the board get a say in it.

Manning Rollerson said Happy New Year and it was good to see the Council all still here in the land of living because we could be walking by, but we are still here to say good morning and good afternoon. He said he stands in solidarity today about Ms. Shonda that they have very less representation of them in this community. He said they barely have representation on anything in this community and Ms. Shonda had been doing a great job. He said she has been the moralist on that board period. She has been the moralist, and she stopped a lot of arguing and fussing between the Council and the EDC right there in the public. He said she gave everybody the opportunity to have a chance to make it better and gives all of us the benefit of the doubt and losing her would be a real serious neglect of the City when you have a citizen that wants to give so much because not every citizen is willing to give to the City and the Council should know that because they are not out there. He said there is barely people in there and thinks that would be bad but at the end of the day just coming back from Berlin, Germany he learned one thing about the buildout that we have in this community when we talk about putting different plants and passing abatements for these plants we are only hurting ourselves because this community is overpopulated already with petrochemical and toxic materials in this community. He said no accountability out of anybody. He said LNG blew up in 2022 and asked if the Council got any information? He said LNG is still leaking since 2022. He said emissions leaks in the community at the middle of the night and none of us are being told, He said he tells the Council about it, but they do not even know about it. Mr. Rollerson said how are the people in Europe were saying how is it possible that Europe banned fracking in their country all over there yet Southeast Texas wants to frack and give us those diseases and commit the human rights crimes and abuse crimes because that is why they do not do it over there. He said at the end of the day, with our population not growing, no housing, our streets are bad, our water bad is bad and not have good representation based on what he is getting out of the Councilman on social media about the law firm and government is kind of concerning that the new administration going to come in and remove restrictions and asked how is that going to be for every citizen

in this community when it comes to our health and safety knowing that we have a governmental structure that is sitting up here that will go pay to play and it does not happen like that because the lives of our children in this community depends on the sound judgments that the Council makes and what he sees so far, and that is coming out from the Councilman that this City needs to be cleaned up. He said we need to get rid of the law firm 100%. He said we had this issue with this law firm since 2012, 2013, and before with Walker Royalty and at the end of the day, if our law firm cannot make a contract solid that is firm that sticks to where we will not lose anything then it is time to cut ties with that law firm because we are losing too much as a City, and we do not see no gains. He said \$1 billion into LNG and this City looks like it is polished. He asked what does that say about representation all this time for the citizens of Freeport? He said it is time for all of this nonsense to stop in 2025 and it is time to move the City forward because at the end of the day it is about his grandchildren and it is not about the Council's personal beliefs or their feelings but it is about their future.

Consent Agenda:

Action regarding Minutes, December 16, 2024 - Clarisa Fernandez, City Secretary

Action approving the date change for the 2nd meeting in February from Monday, February 17, 2025 to Tuesday, February 18, 2025 for the President's Day 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

Upcoming Events - MLK Parade January 20, 2025

City Manager Lance Petty gave an update on upcoming events.

Business

Consideration and possible action to approve Ordinance No. 2025-2737 updating Article X Automobile Wreckers.

Police Chief Jennifer Howell said she was bringing again everything regarding the wrecker ordinance. She said she emailed out some information to try to answer some of the questions that had come up at the last meeting and just wanted to see if there were any additional follow up questions.

A motion was made by Councilman Pena to approve Ordinance No. 2025-2737 updating Article X Automobile Wreckers, seconded by Councilman Davis with discussion that followed.

Councilman Matamoros thanked Police Chief Jennifer Howell for emailing him her responses to the questions that he had. Councilman Matamoros said in the email Police Chief Howell sent she stated that two of the companies have damage and they are going to repair it quickly but one question that he has is the fencing that is surrounding Campbell's towing he believes it states in the ordinance that each vehicle storage facility within the City must be surrounded by solid fence of wood, iron, concrete, masonry, chain-link fencing with slats to enhance the security and the visual effects of such facility and she stated last meeting that her officer verified that it met those ordinances but yet it does not and it is not in good repair before the Hurricane and asked what guarantee she is going to give him? Police Chief Howell said she is having him do inspections every January and that is one of the reasons why they were wanting to get the ordinance updated for these new inspections to, but he did communicate with her that after the Hurricane there was a lot of damage, and they did provide where they had reached out to the companies in which the PD still has

damage fence at the PD and cannot even get that fixed yet. She said she knows some of the trials and tribulations they have been going through, so they were trying to work with them on that. She said as far as before the Hurricane she cannot say before the Hurricane because she does not know if that was part of inspections that he did in the past, but she just knows as part of this year the things that she wanted to change was that she wanted these inspections done and she wanted the wrecker companies held to a higher standard. Police Chief Howell said she can say what they are going to be doing but cannot say what has been done in the past. She said that is why they met with all the wrecker companies to try to get them on the same page in 2024 to let them know that the ordinance would be updated, and they would be doing inspections and were going to be having random inspections and so that way they kind of had a little bit of a heads up over kind of the new standard. Councilman Matamoros said he is concerned about that one just because it is within walking distance to a school and the fencing has a wide enough opening for a young kid to be able to get in there and get into whatever damaged vehicle that may be there. Police Chief Howell said or even trapped in a vehicle that would be even worse. Councilman Matamoros said that is why he is concerned. Police Chief Howell asked Councilman Matamoros if he had said it was the Meyers one? Councilman Matamoros said it was Campbells. Police Chief Howell said she was going to make that notation. Councilman Matamoros said if this is going to be a part of the guidelines and checking for this ordinance going forward, he will be okay with that and just wants to make sure they protect those residents from issues like this. Councilman Matamoros said the email Police Chief Howell sent gave enough information to answer the other questions that he had. Police Chief Howell said if there is something that does get noticed by all means please definitely communicate that to her to get it addressed.

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. 2025-2901 deeming property surplus.

Police Chief Jennifer Howell said the Police Department has some old tasers that have been out of service end of life for a number of years, and they have been downstairs in the storage area. She said when she found out about them she had known of some companies that you could send them to once they were deemed surplus and they would give you a credit towards them because they refurbish them and then sell them generally to like oftentimes for private security companies or even sometimes to other law enforcement agencies but then it would give the department a credit towards different things of purchasing, refurbish, purchasing holsters, purchasing training cartridges at a cheaper rate, and so being able to have that credit it allows the department to buy some of those things for training purposes without having to actually spend on the budget and would just use the credit. She said this is why she is bringing this to the Council and the first item is deeming those as surplus and then the item to follow up after would be agreeing to go into that purchase contract with them to sell those items to them.

A motion was made by Councilman Davis to approve Resolution No. 2025-2901 deeming property surplus, seconded by Councilman Rossow with discussion that followed.

Mayor Cain asked if these were tasers that have been sitting down in the storage somewhere and so they are not something that is being used on a regular? Police Chief Howell said no, these have not been used in a number of years and they are like the original model and have just been collecting dust and when she found out about them she said that is money in the bank and they were cleaned up and reached out to some of the different companies and so they reached out with the taser company and they have some different companies that other law enforcement agencies have worked through before and so they got some of the different ones as far as that they were recommended and then got down to this company they were kind of given the most bang for the buck. Mayor Cain said he appreciated Police Chief Howell getting a couple of thousand dollars instead of throwing them away or giving them away.

Councilman Matamoros asked if these tasers were purchased? Police Chief Jennifer Howell said they were purchased through a grant, and they had it expired that time on that grant, so they are able to be released.

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 trade in of surplus items.

Police Chief Jennifer Howell said like she kind of explained deeming those a surplus and would want to be able to trade those in with this company to be able to have kind of an in store credit and so that way the department can purchase either some training items, additional holsters, or whatever equipment potentially like around \$2,000 worth that would then not cost the City money and it would be a credit for the department.

A motion was made by Councilman Matamoros to approve the trade in of surplus items, seconded by Councilman Davis with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action approving annual appointment of TIRZ Chairman.

Shonda Marshall said the reason she wanted to speak is because she is not really sure the direction that the Council is wanting to take with this position, but she would like to request to remain the Chairperson for the TIRZ board. She said she has been serving in this capacity for about three years and one of the things that she had done is she worked very closely with Mr. Kelty when he was the City Manager to make sure that the TIRZ board packet was completed under the direction of Mr. Travis James the consultant and also worked along with Mr. David McGinty who has helped out so much and got that packet completed and presented to the Council which was approved and then after that they are ready to spend the money to assist with projects in the Downtown area to some it might seem like they are not doing anything because they have not had a real good TIRZ meeting in a while. She said it is not because of a lack of try she has been requesting meetings with the City Manager every month to talk about an agenda so that they can start discussing these items. She said at one point in time she thought they were ready to go they were going to do sidewalks and lights. Ms. Marshall said they scheduled a tour along with the EDC Executive Director because it was going to be a partnership type of thing but then after UTSA came into the picture and everything took a back seat. She said she has not been able to get a meeting off the ground. She said she had recently made a request that they could have one on this upcoming Tuesday. She said she hopes the Council sees her efforts and she is really trying. She said she has a passion for this City and she definitely wants to see the City of Freeport move forward and if the TIRZ has the money to be able to help with Downtown revitalization and she is trying really hard to get that off the ground it might be little projects and it might be projects as big as infrastructure but they are ready to do something. She said she really hopes the Council will consider allowing her to stay in this position. She said also like Mr. McGinty stated earlier when she became the TIRZ chairperson the process was that the board selected her and then it was presented to the City Council. She said nobody had said anything to her about considering or they have to do that this way. She said it seems like the process has changed and was not aware of that had she not checked the agenda on Friday for City Council she would not even know that her position was up for reappointment.

City Manager Lance Petty said this is an annual appointment. He said in order to implement the purposes for which the TIRZ 1 was formed that is set in Ordinance No. 2019-2590 approved on December 2nd, 2019, creating the TIRZ 1, City Council shall annually appoint a member of the TIRZ board to act as Chairman, whose term shall begin on January 1st. He said the board is compromised and members of the EDC board and a representative from each participating jurisdiction. He said the board members are Shonda Marshall, Ronnie Martin, Josh Mitchell, David McGinty, Mark Parker, Ken Tyner, Sandra Loeza, David Thacker representing Brazoria County, and Anne Bartlett representing Brazosport College. Mr. Petty said it is up to the Council how they want to make this appointment if they prefer the board to make this they can, the ordinance does not state that in it and so if the Council elects to go in that direction of course they will bring back an amended ordinance to clarify all that in a new ordinance.

Interim City Attorney Scott Bounds said that in the Texas Tax Code State Law provides that the governing

body of the municipality that created the zone shall appoint one member of the board to serve as chairman for a term of one year that begins January 1st of each year and so it is actually a state law requirement. He said the board can elect its other positions as vice chairman and they can recommend the appointment of chairman but ultimately the appointment of the chairman is by State Law a function of City Council. Mayor Cain asked if Mr. Bounds had said it was an appointment for one year? Mr. Bounds said yes, and it is in Texas Tax Code Section 211.009. Mayor Cain said with the information that was just given by legal it is a one-year appointment.

A motion was made by Councilman Matamoros to appoint Mr. Mark Parker as Chairman for a one-year term, seconded by Mayor Cain with discussion that followed.

Councilman Davis asked if another motion could be made, or they have to vote on it and whichever way it goes another motion can be made? Mayor Cain said as of this point there is a motion on the floor, and it is time for discussion. Mayor Cain said if it does not pass another motion can be made if someone wants to elect someone else.

Councilman Pena said the appointment is for one year and asked if there are any provisions that disallow the reappointment as Ms. Marshall has been reappointed for the last couple of years and if the City was out of compliance in having her reappointed or was she in compliance being reappointed? Interim City Attorney Scott Bounds said there is no limitation on reappointment and could serve as chairman for a while. Councilman Pena asked if the code allows for her to be reappointed? Mr. Bounds said yes.

Mayor Cain called the motion to a vote with all present and voting "Aye" 3-2. The Council approved the motion. Councilman Pena and Councilman Davis voted "Nay".

Consideration and possible action approving a representative of the City Council to serve on the HGAC 2025 General Assembly.

City Manager Lance Petty said staff recommended appointment of an elected representative of the City Council to serve as the City's Representative and Alternate. He said as a member of the HGAC the City may select one elected official from its Council to serve on the HGAC General Assembly, and one elected official to serve as an Alternate. He said the HGAC General Assembly meets twice per year. He said once for an organization meeting at which representatives are elected to serve on the HGAC Board of Directors including two members from Small Home Rule cities like Freeport under 25,000 population and one annual meeting held in the first quarter of each year. Mr. Petty said HGAC is a regional coalition of cities, Counties, and ISDs that serves the interests of the areas Government agencies, and it focuses on Transportation Planning, Development, Public Procurement, and much more. He said previously Councilman Rossow was appointed as the City's representative and Mayor Cain was appointed as the Alternate.

A motion was made by Councilman Matamoros to reappoint Councilman Rossow as the City's representative to the HGAC, seconded by Councilman Pena with discussion that followed.

Councilman Pena asked if Councilman Rossow wanted to continue? Mayor Cain said he is nodding yes. Councilman Rossow said yes.

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 as the alternate, seconded by Councilman Rossow with all present and voting "Aye" 4-1. The Council approved the motion. Councilman Pena voted "Nay".

Consideration and possible action approving Resolution No. 2025-2902 amending the City of Freeport Policy Handbook Chapter 5 – Standards of Conduct revising Section 5.19 – Use of City Owned Vehicles.

Human Resource Director Donna Fisher said previously the policy that is in place allows for an exception to the 30-mile radius for take home vehicles for Police Department vehicles. She said after checking with other cities and seeing what they are doing none of the other cities that responded to her inquiries have an exception for Police Department vehicles. She said they have a limitation of anywhere from 15 to 30 miles for take home vehicles. She said if an employee lives outside of that radius, then they are not eligible for a take home vehicle. She said this will bring this policy in line with the other cities.

A motion was made by Councilman Matamoros to approve Resolution No. 2025-2902 amending the City of Freeport Policy Handbook Chapter 5- Standards of Conduct revising Section 5.19- Use of City Owned Vehicles, seconded by Councilman Rossow with discussion that followed.

Councilman Matamoros asked if amending this would it take effect immediately? Councilman Matamoros asked if no person would be grandfathered in this or anything? Human Resource Director Donna Fisher said no the exception was just removed.

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

Executive Session

Executive Session regarding a.) Consultation with Attorney, Section 551.071 of the Government Code.

The Regular Session closed at 6:43P.M. and the Council entered into the Executive Session.

Reconvene into Open Session:

Take any action resulting from Executive Session.

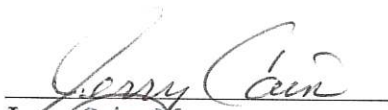
Executive Session ended at 8:35P.M. and the Council entered back into Regular Session.

There was no action from Executive Session.

Adjournment

Adjournment – Jerry Cain, Mayor

A motion was made by Mayor Cain to adjourn the meeting, seconded by Councilman Matamoros with all present and voting "Aye" 5-0. Mayor Cain adjourned the meeting at 8:35P.M.


Jerry Cain, Mayor


Clarisa Fernandez, City Secretary