

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Tuesday, September 5, 2023 at 6:00 PM at the Freeport, Police Department, Municipal Court Room, 430 North Brazosport Boulevard Freeport Texas for the purpose of considering the following agenda items:

City Council:	Mayor Brooks Bass Councilman Jeff Pena Councilman Jerry Cain Councilman George Matamoros Councilman Winston Rossow	
Staff:	Tim Kelty, City Manager Lance Petty, Assistant City Manager/PWD David Olson, Interim City Attorney Clarisa Molina, Assistant City Secretary/Administrative Assistant Cathy Ezell, Finance Director Toby Cohen, IT Manager Donna Fisher, Human Resource Director Laura Cramer, GIS Wade Dillon, Museum Manager Robert Johnson, EDC Director	
Visitors:	David McGinty Sam Reyna Melanie Oldham Con McCleester Ruben Renobato Manning Rollerson Tommy Pearson	Karla Clark Nicole Mireles Kenneth Hayes Diane McCleester Pamela Dancy Mark Parker

THE MEETING IS BEING HELD FOR THE FOLLOWING PURPOSES:

CALL TO ORDER:

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation and Pledge was led by City Manager Tim Kelty.

CITIZENS' COMMENTS:

Sam Reyna spoke on an issue he said is important to the City and residents. He said the issue pertains to a Councilmember and his Short Term Rental business. He said he was told Councilmember Jeff Pena has not paid hotel occupancy taxes that has been collected for years and has not paid the City. He said he equates this to theft for the City and the State of Texas since they collect a large amount of this money. He said to investigate this situation and prosecute to the fullest extent the law allows. He said Councilman Pena is taking money that can be used to help promote quality of life, projects for residents and visitors of Freeport. He said Councilman Pena should immediately resign from Council for theft of public tax dollars. He said he sees no difference in what he is doing to what Jeff Pynes did.

PRESENTATIONS/ANNOUNCEMENTS:

Proclamation for National Hispanic Heritage Month.

Mayor Bass read the Proclamation declaring National Hispanic Heritage Month in Freeport for September 15 through October 15, 2023.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council Meeting Minutes, from August 21, 2023.

Consideration and possible action to authorize the City Manager to sign a one-year contract extension for depository services with Texas Gulf Bank.

A motion was made by Councilman Cain to approve the Consent Agenda, seconded by Councilman Matamoros, with all present voting "Aye" 4-0 the motion passed. Councilman Pena was absent for this motion.

COUNCIL BUSINESS – REGULAR SESSION:

Public Hearing: Public Hearing Regarding FY 2023-2024 Proposed Budget.

Mayor Bass opened the public hearing at 6:07PM.

Melanie Oldham said she saw the City budget being tight, but appreciates the effort to tighten things up. She said Gladieux is expanding and said the City could negotiate an industrial tax agreement with them.

Manning Rollerson spoke about water boil notices as they relate to infrastructure. He said this issue has been going on for decades and a lot of money was invested into the infrastructure. He said the city is still having busted water lines. He said he would like to know what there is in remembrance of the people in the East End. He said the money is going into the same street repairs, plumbing and problems the City has been having for four decades. He said he is disappointed, but progress must go on and he is not a person that does not believe in business. He said but he does have a problem with mismanagement of government when it affects the people. He said we are all created as equal and we all deserve the same representation.

Sam Reyna said he saw in the previous meeting the Finance Director ask council for \$24,000 to buy software to do her job, since she is doing everything manually right now. He said we are in the 20th century and let's give her the tools she needs to do a good job.

City Manager Tim Kelty said the budget was distributed several weeks ago, and council was given the opportunity to review it, and had requested a few changes. He said the changes were talked about at the last meeting and, since then, he has met with every council member to review the changes discussed and understand the consensus about the direction of the changes. Mr. Kelty said in the general fund, under the proposed budget,

with those changes included, the ending fund balance is a little over a million dollars. He said, as mentioned at the last meeting, the property tax revenue was increased by \$360,000 based on revenues expected to be received from the worksheets the County provided based upon a tax rate of \$0.533. He said lease income was also reduced by \$5,700 due to the fact Amistad has moved out of City Hall. Mr. Kelty said revenue from the sale of property was also increased by \$20,000. He said, based on the input he received, some of the cuts previously discussed have been included. Budgeting software of \$30,000 has been cut. He said the part-time administrative assistant was also eliminated. Mr. Kelty said the \$30,000 removal of the cell tower at the police station was also removed, and that we will be looking at other options. He said \$28,500 was removed from the museum budget, which includes the interpretive panels, traveling exhibits and advertising brochures. Mr. Kelty said the display cases were kept, as Mr. Dillon said they were his top priority for the museum. He said for the recreation center there was an adjustment of \$82,500 as an error was found in the telephone cost, the removal of the free weight replacements and a \$20,000 decrease in special events that will be picked up by the Hotel Occupancy Tax Fund. He said for the transfers to CIP, there was the elimination of the FMP kitchen renovation and library restroom upgrade. He said additions were also made to the budget that have not been talked about but. He is requesting to add additional funding to the salaries for three positions that are underpaid based on the market. Mr. Kelty said \$80,000 was added for Engineering for the development of a Storm Water Utility that will provide a dedicated source of revenue for storm water management for both new projects and managing existing infrastructure. He said an additional \$10,000 was included for senior citizens' programming that will allow them to do a few more field trips and additional money for their Bingo program. Mr. Kelty said he also added in transfers an additional \$13,000, of which \$3,000 was for the additional police vehicle funding and \$10,000 for the parks equipment. He said the new parks board has met, and will have their next meeting scheduled. He said there has been a discussion by council members about adding grills and he would like to see that be done, but allow the Parks board to give the recommendation of how many grills would be installed, or other facilities such as picnic tables, repairs to the beach volleyball court, or other repairs that are outside the funding from a grant through the efforts of Councilman Matamoros and the EDC to the playgrounds at the parks. He said there have also been administrative changes that do not affect the budget. He said the General Fund telephone services have been moved to the IT Department. Court Security Fund expenditures increased by \$36,960 to cover the equipment for the warrant officer's vehicle. Corrections have been made to debt service that added \$9,729 to the general fund debt service, and \$2,800 for the water/sewer debt service. Mr. Kelty said the message boards that would be installed along Brazosport Blvd are budgeted to come out of the EDC/City combination fund. He said proposed cuts that were NOT cut, but included in the budget included changing Officers-in-Charge to Corporals, 3.5% cost of living adjustment for the police department, fire department merit increases, double pedestal desk library, resurfacing greens for the golf course, new evidence lockers for the police department, display cases for the museum, nesting tables for the library, fire reserves PPEs, and all requested vehicles for the street and police departments. Mr. Kelty said items that were not included in the budget but were proposed were the sidewalk and drainage project on Skinner St, plans to sunset the museum, Rec Center, and golf course, with 25% cuts to their budgets, a feasibility study on construction of a new recreation center, the elimination of one Public Works staff, and the extension of the road to the dunes. Mr. Kelty said Councilman Pena had also discussed a beach plan that included, among other things, constructing a booth for charging users of the beach, which was not included in the budget, as well as the installation of several dozen speed bumps for specific streets he had listed, which would have cost a total cost of \$203,040, nor the reflectors on many streets that had an estimated cost of \$63,100. Mr. Kelty said the budget has been available for the public to view online with the proposed changes, and there will be another public hearing to take action on the budget on September 11, 2023.

Mayor Bass asked if the \$1,001,820 was included in the available general fund balance after the budget is approved with the inclusions? City Manager Tim Kelty said that is correct, that would be the fund balance with the changes.

City Manager Tim Kelty said one other change was added, which had just been identified. He said he had a conversation with several members from the Mainstreet board, Robert Johnson EDC Director, and Mainstreet

Coordinator Ana Silbas, and they are required to develop design standards for the Downtown Mainstreet Program which meet the Historic guideline requirements for maintaining and staying in the Mainstreet program. Mr. Kelty said they had met with a number of different consultants to get a good number and contract. He said the best deal they have identified is a good program through the University of Houston, San Antonio. They would facilitate the process for the Mainstreet board and develop the plan and design guidelines. He said the total cost is \$70,000. It is proposed for it to come out of the Hotel Occupancy Tax fund, which will still carry a large reserve even with the changes. He said he would be addressing the EDC board next Tuesday, which still has a significant amount of funds to pay for part of that effort. He said Robert Johnson, EDC Director, is very supportive of the EDC funding a portion of this effort. Mr. Kelty said this will not impact the General Fund budget that is currently proposed, and does not change the \$1,001,820 year end fund balance.

Manning Rollerson said he had discussed the OA Fleming deal with City Manager Tim Kelty and he said Mr. Kelty had told him there would be around \$600,000 that would be invested in Lincoln Park. He asked if this was still in the budget? Mayor Bass said yes, as well as putting in an estimated amount to do infrastructure for housing, as well as replacing the park, and keep memories of those that have gone on before us in the East End alive.

Melanie Oldham asked when would the \$8.9 million dollars be received for selling Lincoln Park, streets, and rights-of-way, and what would that money go towards? City Manager Tim Kelty said of the \$8.9 million dollars that was agreed upon in the settlement, \$7.1 million dollars had been received and deposited into a separate account. He said the remainder will be received when the relocation of the lift station is completed, and there is \$1.2 million dollars available for reimbursement. Mr. Kelty said once the park is completed there is an additional amount of money that will be received. He said page 89 and 90 of the proposed budget shows the proposed uses for projects funded by revenues received from the Port of Freeport. He said the rest of the \$8.9 million dollars has not been appropriated and is available to be identified for future projects by the Council. Mr. Kelty said, in addition, when infrastructure is completed and lots are sold in the residential area, that revenue is intended to go back into that fund. That fund is being kept separately, so Council can track how the money is being spent and where the money is.

Karla Clark spoke about the 5% cost of living for employees. She wondered if there had been any discussion about looking at employees that are paid over \$100,000 to not receive that large cost of living raise and be redistributed into other areas that might be needed in different departments. She said this is a time to look at the Volkswagen plant and for \$114 million that were abated for ten years. How could this money be used now? She said the money could be used for a lot and ten years has not started yet because it is just now being built. She said she believes the City should start looking forward and stop giving away properties that they hope are going to make income by having employees at them. She said the City does not have to give them 100% abatements and instead work better with these companies. She said big companies keep coming in to Freeport and before long there will be no Freeport.

Manning Rollerson spoke of his concerns about sidewalks and said it is the responsibility of Council to have sidewalks and for children to not be ran over.

Pamela Dancy thanked Council for sending out the boil water notice to residents at the last Council meeting.

Councilman Pena said he can appreciate how the budget is done as if a party is being thrown to celebrate one single event for one single day, but the budget does not speak of anything visionary. He said it does not speak of anything responsible that is going to help the city grow, maintain its revenues, and help the residents and businesses. He said dramatic changes must be made as long as a dramatic vision and policy is in place that does not tie hands politically and allow us to emphasize other things other than infrastructure. Councilman Pena said he wants to make sure to think about how services and projects are being held, those that are in charge and those that are doing the work. He said he mentioned to Mr. Kelty, that he witnessed five parks department

employees mowing a corner lot of City Hall and said he thinks there is a lack of efficiency there. Councilman Pena said he thinks about all the water boils and how Council received a call for a water boil notice during the meeting that water boils were being talked about being a problem. He said surrounding cities have similar soil and access to the water and they are not having leaks. Their pipes are not bursting and they have the same soil conditions. He said he would like to see changes on that. He said he would like to see bigger changes where bigger cuts are made to staff. Councilman Pena said the last thing he wants to do is give raises to department heads that are in charge of those issues that keep repeating. He said they need to be replaced or removed. He said if money is going to the wrong places, he is not interested in giving raises. He is interested in making cuts and reallocating resources. He spoke about the IT manager and he offered the 60% increase that would help the communication between department heads and all of staff, residents and businesses of the City. He said he is just curious why this was brought up just now and not before, and is also all the other IT staffing that was requested will also be included? He said the same goes with the HR Director and Police Chief and is just wondering if all the raises are being taken into account. He said he can appreciate trying to get to market value, but at the same time, he wants to make sure prudence and guidance is used. Councilman Pena asked Mr. Kelty if the \$80,000 engineering storm water utility is supposed to be an assessment on the water bill?

City Manager Tim Kelty said the way the storm water utility works is, an engineer is hired to identify a list of projects and storm water management activities, then determine an annual amount of funding that may be necessary to be generated through the utility. He said the assessment is normally around \$4-\$6 that is added to residential water bills, and an additional assessment of all non-residential properties throughout the city is also established based upon the amount of impervious surface of non-residential properties that includes all city properties, school properties, Port properties as well as all industrial and commercial properties throughout the city. Mr. Kelty said the storm water utility was a priority identified by Council at the strategic planning meeting.

Councilman Jeff Pena asked what cuts can be made to pay the \$80,000 for the storm water utility? He said he just wants to make sure money is not spent in cases that can be saved if there were cuts. Councilman Pena asked Mr. Kelty what the \$10,000 for the parks board for? City Manager Tim Kelty replied and said Councilman Pena had brought up the idea of grills at the parks and other council members agreed that grills were a good idea, but it was also suggested the number and placement of grills as well as other park improvements be determined by the Parks and Beautifications board. Councilman Jeff Pena said sunsetting the Museum and Recreation Center to finance and get a new one. He said he hopes by the next meeting he can provide financial figures to demonstrate how feasible it is. He said he wants the Golf Course sunsetting prioritized in the budget so as to not be a money pit. He said the speed bumps were requested by mothers and grandmothers on ninth, tenth, eleventh and twelfth streets in Ward A and Ward B. Councilman Pena said the reflectors were a nice, inexpensive, affordable way to help the visibility of driving in the dark streets. He said the \$70,000 for the Mainstreet Board to use for Downtown is an effort of a square peg into a round hole. He said if it is trying to be recreated for what it was fifty years ago, the economic business model will not be replicated. He said Council has yet to have a meeting to discuss how the \$8.9 million from the Port should effectively be utilized, not only with OA Fleming but how it is being used for other parks or residential development.

Kenneth Hayes said he does not know if Councilman Pena pays attention or not, but every city in the state is having problems with water lines breaking and instead of praising those people working hard all day and night to fix the water issues, he wants to condemn them.

Manning Rollerson asked if any reports have been put out about the testing of the water since there had been three boil notices in 30 days? Mayor Bass said he would give him copies of the reports and post them on the website.

Mayor Bass closed the public hearing at 7:09PM.

Consideration and possible action of approving Ordinance No. 2023-2705 Adopting the FY2023-2024 Budget.

A motion was made by Councilman Cain to table this item, seconded by Councilman Matamoros.

Public Hearing: Public Hearing Regarding FY 2023-2024 Tax Rate.

Mayor Bass opened the public hearing at 7:10PM.

Finance Director Cathy Ezell said the proposed tax rate is \$0.533 on a \$100 valuation. She said this is down from the current tax rate of .60 cents and it does generate additional maintenance and operation revenue for the City and it considered a tax increase even if the rate is going down.

City Manager Tim Kelty said this is the second year in a row the tax rate has been lowered.

Mayor Bass said the tax rate has been reduced from last year. He said it is a significant drop.

Councilman Pena asked what is the total revenue that will be generated from this bait and switch tax hike? Finance Director Cathy Ezell replied and said it is \$3,640,281 is estimated to be generated from Ad Velorum taxes. Councilman Pena asked if any of that money would be used in the budget. Ms. Ezell said yes, it is included in the proposed budget. She said it was increased by \$360,000 based on the tax rate.

Mayor Bass closed the public hearing at 7:15PM.

Consideration and possible action of approving Ordinance No. 2023-2706 Establishing a Tax Rate for the 2023 Tax Year.

A motion was made by Mayor Bass to table this item, seconded by Councilman Matamoros.

Ratification of Increased Property Tax Revenues Reflected in the Fiscal Year 2023-2024 Adopted Budget.

A motion was made by Councilman Cain to table this item, seconded by Councilman Matamoros.

Consideration and possible action of approving Resolution No. 2023-2816 amending the annual investment policy.

Finance Director Cathy Ezell said with interest rates being what they are currently, the only account being used is the checking account and two pools for investments. She said the City has not gone out to buy agencies, treasuries and commercial paper and different investment tools for a while. She said it is in the policy but with the exception that she would like to add commercial paper to the investment policy. She said what interest rates are doing is if she goes out for a year and purchases a treasury note or an agency note for a year, she gets an interest rate that is better than keeping it in the savings account or the pool account. Ms. Ezell said she had talked with Mr. Kelty about having almost \$30 million in pools and the checking account. She said she is talking about maybe investing a couple hundred thousand dollars to get the interest rates in order, which requires a list of broker dealers that the policy does not currently have but it will. She said she went out to solicit broker dealers and had them fill out the certification page. She is working with the bank to have them create a safe-kept account for the investments. Ms. Ezell said these are normal investments that she utilized in the past when interest rates were what they are currently. She said the policy requires to get three different BIDs from three different broker dealers, it is a competitive BID, and has to be signed off on by herself and Mr. Kelty before an investment.

Mayor Bass asked about the certification of the broker dealers and financial institutions? Finance Director Cathy Ezell replied she has worked with the companies that are included in the packet and they all have a good reputation. She said the more broker dealers there is the better pricing that can be received.

Mayor Bass said he would like to have more information on each of the certificates for each broker.

A motion was made by Mayor Bass to table this item, seconded by Councilman Matamoros.

Consideration and possible action of approving Ordinance No. 2023-2707, vacating and selling a portion of the 20' alley right of way in Velasco Townsite, Block 19 adjacent to lots 11 and 12 and approving the City Manager to sign and the City Secretary to attest to a deed transferring real property.

GIS Director Laura Cramer said the City was contacted by property owner of lots 11 and 12 Block 19 in Velasco Townsite. She said the owner has a building located on his property that extends about 10 feet into the alley right away and he would like to buy that portion of the property.

City Manager Tim Kelty this property was developed and constructed in 1945 into the right of way. He said it is an undeveloped alley that runs East and West from Velasco Boulevard, North of Avenue A. Mr. Kelty said utilities run through there, including one that may run under the building.

GIS Director Laura Cramer said a sewer line runs underneath or close to the edge of the building.

City Manager Tim Kelty said the City will retain the sewer utility easement. He said a broker's opinion of value, valued the property at \$2,575 for 572 square feet.

Karla Clark said if the City would want to give the option to the surrounding owners around the lot. She said normally it is half way to the middle and both sides are given that, to make it public so they are aware and does not cause a problem in the future if the area has to be used.

City Manager Tim Kelty said he is not proposing to sell the North half of the alley because if the sewer line has to be relocated, the owner would have to bear the cost, but it does open the opportunity to reroute the sewer from underneath his building. He said section five of the proposed agreement states that all existing utility easements, in, upon, or across said property, whether or not said utility easements are recorded, shall be retained. Mr. Kelty said the easement will be retained for the utility. If something happens that requires work on the sewer line, the property owner can be required to pay for the improvements.

Mayor Bass asked City Attorney David Olson if this is correct? City Attorney David Olson said the owner has a structure that encroaches upon a utility easement, so ultimately, the interest of the easement would be the superior interest, and the owner would have to relocate the structure or participate in the relocation of the utility. Mr. Olson said under section five it may say the owner would be responsible for any relocation cost.

Councilman Jeff Pena said this might be a legal problem, adjacent property owner problem and an overall development problem for future development. He said he would like to see them do the same as the truck stop situation. Mr. Pena said overall it does not make sense to him to give this property away.

City Attorney David Olson said he has not seen the location of the easement but there are two different issues of an alleyway easement and a sewer easement. He said the lease of one does not preclude the interest in the other.

GIS Director Laura Cramer said she does not think the owner was originally aware the sewer line existed, but said he is aware of it now.

City Attorney David Olson said he thinks the property owner would recognize if the City needed to work on the sewer line the owner would be responsible for removing the structure.

GIS Director Laura Cramer said the property owner's main interest is getting the land under that portion of his building onto his name.

City Manager Tim Kelty said the solution is to reroute the sewer around the building in the remaining right of way that is there but he is not sure of the cost. He said the cost can be discussed with the property owner, and then he would own the property with the utility would be changed.

Manning Rollerson said when the City makes a mistake, the City wants to put it on the owner. He said it is not the owner's fault. The issues concerning easements have been going on for generations.

Karla Clark asked if this had to go before Planning and Zoning? City Manager Tim Kelty said this is not a Planning and Zoning issue.

Mayor Bass said he likes the encroachment idea but it would take off the agenda to get it done.

City Attorney David Olson said it might give the opportunity to revisit with the property owner, and see what he is trying to accomplish. He said if any kind of consent encroachment is made or we go back to this and the owner wants it in fee, it can include language about relocation of the sewer line and get costs associated.

A motion was made by Mayor Bass to table this item, seconded by Councilman Cain.

Consideration and possible action approving the sale of City owned levee property located at, and adjacent to, 104 Mystery Harbor Lane, to Chris Duncan

City Manager Tim Kelty said staff recommends Council only consider the request by Chris Duncan to purchase property from the City along the levy between the property at 104 Mystery Harbor Lane and the water's edge.

He said it is also recommended the sale be for the amount provided for in the appraisal secured by the City, and be contingent upon Chris Duncan demolishing the existing structure and building a new house on the property for total value of at least \$350,000 within three years. Mr. Kelty said Mr. Duncan provided a survey of the property, as well as an appraisal report, which proposed a significantly lower value to what had been considered nearby.

Mayor Bass said the appraisal is for \$30,000 and would like to know how was \$350,000 determined for the value of the home to be built. City Manager Tim Kelty said, based on the value of the property, after the properties are joined together, he said it was what he believed to be a fair requirement.. He said that the amount is relatively arbitrary and that it is up to Council to decide the amount.

Pamela Dancy said the property owner is going to finance the levy through his bank and that bank had their own appraisal but then the City had their person go appraise the levy. She said it is weird to her that the property owner cannot get their own appraisal and have to go by the City says to do.

City Manager Tim Kelty said the appraisal Mr. Duncan provided was around \$0.50 per square foot. He said the appraisals that were done around a year ago on a similar property nearby by Mr. Coleman was at about \$5.00 per square foot. Mr. Coleman was unavailable, so the appraisal done by a different appraiser showed a similar cost per square foot.

Councilman Pena asked if Mr. Duncan was notified about this item being on the agenda? City Manager Tim Kelty said he talked to Mr. Duncan around a month ago and told him this item would be on an agenda coming up. Mr. Pena said he would like Mr. Duncan to be at the meeting for him to discuss what his plans are with the property and help Council determine what the minimum value should be.

A motion was made by Mayor Bass to table this item, seconded by Councilman Pena.

Consideration and possible action of approving Resolution for the EDC Project 2023-2024 Local Business Improvement Grant Program, after second reading of the Resolution.

EDC Director Robert Johnson said the Economic Development Board approved the Local Business Improvement Grant Program unanimously. He said the only substantive change to the grant is under the sign improvement category it brought to parity existing businesses and new businesses to be eligible for \$3,500 for new signs.

City Manager Tim Kelty read resolution for the EDC Project 2023-2024 Local Business Improvement Grant Program.

Councilman Jeff Pena said he wants to make sure grants are available for mom and pops businesses.

EDC Director Robert Johnson said so far only mom and pops businesses have applied for the grants.

A motion was made by Councilman Cain to approve Resolution for the EDC Project 2023-2024 Local Business Improvement Grant Program, seconded by Councilman Matamoros, with all present voting "Aye" 5-0 council unanimously approved Resolution for the EDC.

Consideration and possible action approving emergency road repair at Quintana and Ave D intersection not to exceed \$30,000.00.

Assistant City Manager Lance Petty said Freeport Police Department responded to an incident at the Quintana and Avenue D intersection. He said a Volkswagen crossed over the intersection and the oil pan caught the manhole that caused damaged to the car. Mr. Petty said there has been settling in the asphalt and in a subgrade base that needs repairs to correct the issue. He said he is not wanting to exceed \$30,000 for the repairs of this intersection. Mr. Petty said he has received a quote for \$30,000 but has two more companies from Houston for more quotes. He said this is in the current fiscal year budget and has already been funded in the streets and drainage funds.

Manning Rollerson talked about a manhole on Cedar on the West side in Ward A.

Assistant City Manager Lance Petty said the manhole on Cedar is on phase two and will be replaced the portion of the concrete road as well from 9th through 12th street.

Councilman Matamoros asked how far around the manhole will be repaired? Assistant City Manager Lance Petty replied and said it is the entire intersection from stop sign to stop sign all four ways.

A motion was made by Councilman Cain to approve emergency road repair at Quintana and Ave D intersection not to exceed \$30,000, seconded by Councilman Matamoros with all present voting 4-1 motion passed. Councilman Pena voted "Nay".

WORK SESSION:

The City Council may deliberate and make inquiry into any item specifically listed as a Subsection under the itemized Sections A-H below, an item appearing on the City Council agenda for this meeting, on matters related to community events, or on matters that are not within the jurisdiction of the City for consideration by City Council. The City Council may not deliberate on any City matters not specifically disclosed under this Work Session or on this posted City Council Meeting agenda. City Council members and the Mayor always reserve the right to request that a matter be placed on a future agenda for consideration

Mayor Brooks Bass announcements and comments.

Mayor Bass said the performance evaluation forms for Mr. Kelty has been distributed to Council, and needs to be completed and turned back in to him by Monday, September 11.

Councilman Pena Ward A announcements and comments.

Councilman Pena asked City Attorney David Olson if he is going to prepare something to say does it have to go through Mr. Olson to proofread? City Attorney David Olson said he has talked about this before and Councilmembers can not take off their hats as Councilmen. Councilman Pena said he is trying to make comments that are important and relevant. He said as far as the items that are relevant to the workshop and are relevant to the citizens, he can not believe Council is getting legal representation, saying that will be silenced. Councilman Pena said he feels like he is Tiger Woods that keeps moving the goalpost and driving range on him. Mr. Pena said he wants Council to help be the voice of the public and what happens is the rules keep changing so he can not be the voice of the public.

City Attorney David Olson said to Councilman Pena to remember the way the law looks at this, it allows the citizens to voice their opinion on anything because there is no way for the city to anticipate what they will say, but Mr. Pena and the rest of the Council and Mayor have the ability to put items on the agendas which there is a process for. Mr. Olson said the law does not recognize the same type of flexibility and notice has to be given of things being talked about that require action.

Councilman Pena said he is going to bring up issues about gas leaks and water leaks. He asked if he is not able to editorialize or give his public opinion by his first amendment right to speak of how poorly they are being attended to?

City Attorney David Olson said if Councilman Pena wants to talk about gas leaks and waterline leaks, all he has to do is request from Mr. Kelty that he has a subitem under his work session.

Councilman Pena said to the public, this has never been done before.

Councilman Pena left the meeting immediately upon concluding his statements.

Councilman Cain Ward B announcements and comments.

City Attorney David Olson said having open council comments was never intended for Council to have discussion about relevant issues before the city, because it is not giving proper notice to the citizens as required by state law. He said it is an opportunity for Council to talk about social events.

Mayor Bass said if a councilmember wants to talk about gas leaks or water leaks it has to be put on the agenda.

Councilman Cain said Ward B is doing pretty good.

Councilman Matamoros Ward C announcements and comments.

Councilman Matamoros said he has done a lot of training from TML so he knows what can be discussed. He said he wants to thank all the residents who attended in person and online. He thanked all the residents that spoke during citizens comments and agenda items. Councilman Matamoros thanked Taco Bell for having their grand opening, he said to go out and support this business along with mom and pops business. Councilman Matamoros said he will be having a Townhall for all Ward C residents at the Freeport Municipal Park on September 23rd from 9:00AM to 10:30AM.

Councilman Rossow Ward D announcements and comments.

Councilman Rossow thanked the City Manager for moving quickly on an item that was brought up at the last

meeting. Mr. Rossow also thanked Assistant City Manager Lance Petty, he said in two occasions he did mowing and fixed water leaks. Mr. Rossow said the response time from the guys that fixed the water leaks was amazing. He said he got a comment from a resident saying the City is getting cleaner.

City Manager Tim Kelty announcements and comments.

City Manager Tim Kelty said the Mexican Consulate is in town at the Freeport Library and will be there for several days and are available for residents that need Consulate assistance. Mr. Kelty mentioned the Community Cleanup on October 7 at OA Fleming and future events that are planned for downtown.

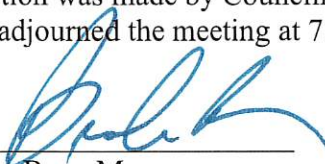
Updates on current infrastructure.

Update on reports / concerns from Department heads.

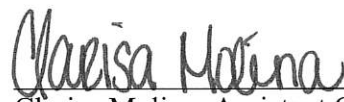
ADJOURNMENT:

Adjourn

A motion was made by Councilman Matamoros to adjourn the meeting, seconded by Councilman Cain. Mayor Bass adjourned the meeting at 7:59PM.



Brooks Bass, Mayor



Clarisa Molina, Assistant City Secretary