

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, May 19, 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
David Olson, Interim City Attorney
Clarisa Fernandez, City Secretary
Ashlee Hurst, Finance Director
Toby Cohen, IT Manager
Donna Fisher, Human Resource Director
Crystal Ruiz, Executive Administrative Assistant
Lily Celedon, Staff Accountant
Corey Brinkman, Interim Police Chief
David Fernandez, Police Department
Rudy Ragle, Public Works Director
Chris Motley, Fire Chief
Patti Foster, Interim Building Official
Holden Ezell, Building Inspector

Visitors:	Melanie Oldham	Gilbert Cuellar
	Nicole Mireles	Edith Fischer
	Sam Reyna	Sandra Shaw
	Mark Parker	Manning Rollerson
	Carol Parker	Linda Marshall
	Betty Lopez	

Call to Order:

Call to Order - Jerry Cain, Mayor

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

Invocation - Councilman

Councilman Rossow led the Invocation.

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

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

Audience Participation – Anyone who has registered to speak prior to the meeting being called to order and desires to address the City Council will be heard at this time, or during the discussion of an item listed on the

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

Sam Reyna resides at 2002 North Ave G. He said he would like to thank Officer David Fernandez for submitting the grant applications. He said there is always a lawsuit that is being filed against the City and the City needs all the State and Federal funding they can get. Mr. Reyna thanked Mr. Fernandez.

Gilbert Cuellar resides at 231 West Freeport. He said he has lived there since 1970 and his concern is that all the drainage, especially on the West side and East side of the railroad and the railroad creating a berm that is going to retain water if those sides of the railroad are not cleared or kept clean. He said all the water, especially on his side of town, gets all retained, and he has seen it all the way back to Seventh Street, where it makes like a swimming pool in other words, and to make matters worse, behind his house on Oak Street is a dead end to the railroad track they built a house right there next to the railroad track, and he is pretty sure the Council knows where they built that house and when they were building the driveway for that house, they were going to put one culvert, and they were going to block the land overflow water to the railroad and the railroad has a bridge right there and matter of fact one of the railroad bridges that allow the overflow water to go back South to the Gulf. Mr. Cuellar said if those ditches are not kept clean, and the railroad bridges are not kept clean like they are now, they are dirty. He said he has complained about that for years, and no one has ever taken issue with keeping them clean, and he has had water in his house twice since he lived there for that reason. He said it is not fair for them to not have those railroad crossings cleaned up. He said he does not see why the City does not get an order against them to keep them clean it is their bridges. He said he does not know if the Council ever take notice whenever the water is that high in town the City drainage is not capable enough to take care of the problem and the overflow has got to go over and over the land, over the ground, and exit out. He said there are other things that are minor, but he would not speak about those, but some of the streetlights need to be repaired since the storm came through. He said he knew his corner light had not been replaced, the water dangling along the post, and he did not know if anyone travels the Velasco Bridge in town and some of them light fixtures about ready to fall, and it was going to create a problem for the City. He said they were falling and could hurt somebody. He said he has never met the Council person that takes care of his area.

Manning Rollerson said he has three issues that he wants to address. He said his first issue is dealing with the 2016 permit for DOW discharge into the Brazos River and that is the first thing he would like to address the City about. He said he needs to know what the statistical data is that the City has received from TECQ and DOW concerning whether they got caught dumping these toxic things into the Brazos. Mr. Rollerson said this is why they got an extension of ten years to dump, and they are asking to increase the dumping. He said no one knows what they dumped in the last ten years into the river and, based on the reports that TECQ and DOW put out why DOW was being filed and why they got the extension in 2016, they have been operating on a permit that is from 2016 and for ten years they had an extension. He said the City of Freeport needs to let the residents know what is being dumped in that river and how safe that really is. He said the City Council are part of that chain of custody when it comes down to regulating that river and Dow Chemical, and it shows that they have not done anything at all, period. Mr. Rollerson said the water is dangerous for the citizens of Freeport based on Dow and TECQ reports. He asked the Council why are they not notifying the general public? He said the toxicity rate of the water out of the Brazos and have eight companies discharging that once on one permit from DOW, eight companies discharging in that river an amount that that is discharging. He asked how safe the river is? He said there was one fatality in 2024 out of the river right here. Mr. Rollerson asked how safe is the water system? He said the second thing is the drainage in Ward A by his house and he cut those ditches himself and the drainage needed to be dug from

the road because the dirt is so high when it comes down Sixth Street, it is a dam, and it cannot go into that drainage ditch which all the culverts are falling down. He said he went over to Ward D and he videotaped a whole weekend of every flood drainage ditch that has not been cleaned for the past ten years and all the City ditches have grown up where they are not dug, so when there are these issues of flooding is because between the City and the county nobody is doing their job to take care of these flood drainage ditches they all been documented, and he posted every last one of them. He said to the Council that every last one of them sitting up there if they have got an issue with these ditches, get to the City Manager and let's get these ditches cleaned before the bad weather come in, because there is no excuse for it. Mr. Rollerson said to Councilman Pena, congratulations he told him God had his back no matter what he did. He said God said a race is not given to the swelling needed to the strong, but to him that endures to the end, and what he says, he said no weapon formed against you shall prosper when you stand for his children in his ways. Mr. Rollerson congratulated Councilman Pena.

Melanie Oldham resides at 1206 West Broad. She said she is the director of Better Brazoria Clean Air Water and Government and, due to her job, she attended pretty much the majority of the City Council meetings in southern Brazoria County. She said she tries to pick her battles when she speaks, when she has time to research, and she knew several years ago, for instance when people were accusing Mr. Brimage of stealing money she came out and spoke to the Council and online CCF and everybody that knew her knew she did research and in her opinion, he had not stolen the money, but that made a lot of people unhappy, including Mr. Pena and others. Ms. Oldham said we all have our opinion and the reason she is bringing this up is she did attend, like a lot of other folks in the room, the Pena trial for two days. She said she knew Mayor Cain's wife was there and others. She said she knew by the first day that the State they either did not have a case on all three points, or they just were not doing a good job at making it. She said every single witness they brought up there, helped the defense, including Mr. Olson, Mr. Kelty, Betty, they were under oath so they had to tell the truth. She said she is saying to everybody she wishes that everybody from the City Manager, all Council people and Mayor would actually be up there to represent us. She said they have been watching this drama for years and years, and it is so frustrating. She said even Mr. Pena's attorney said at times he can be rude, arrogant but none of you are perfect. She said she wished Mr. Whoever spoke up more or somebody Councilman would not be so rude when they spoke to another Councilman. She said the thing is all the Council have not been able to get a lot of things done for the citizens of the City because of all this drama argument and nobody seems to want to work together, compromise and speak. Ms. Oldham said she just wanted to remind the Council that Mr. Olson is an Interim Attorney and after hearing his testimony at the trial a lawyer knows they can not change their testimony but that is what happened. She said her point is that she thinks everybody in this room is just tired and tired of the drama and, even after all this, she hears people say they are just going to crack down and find some other lawsuits to bring against each other. She said this has got to stop somewhere. She said Mr. Kelty says he has a lawsuit. Ms. Oldham said she talked to Mr. Kelty at the trial and he said that he took 100% responsibility for what happened with Covarrubias and said there were three other people directly involved and there are so many details and research that people have to look into and all the Council nobody is perfect, and they all need to think about how they act as Mayor, Councilman and City Manager. She said she is just brutally honest.

Thomas Koole said he was here about a month and a half ago, and he is a concerned citizen. He said that the stop sign on Fourth Street and Pecan were bad. He said he told the Council about all the accidents happening there last month and a half. He said he might have seen three patrol cars pass by once in a blue moon. He said he sees people passing that stops sign. He said there is an Elementary School back there on Eleventh Street and the High School. He asked the Council what are they going to do about the intersection? He said one of these days it is going to happen. He said he has seen three accidents in the last five years, and he is just one person. He said the neighbors around there have him there have seen more than that. He asked the Council what are they going to do about it? He asked if they were going to wait till these kids been killed? He said every accident he has seen there kids there and all their cars that had to get towed away. He asked the Council what are they going to do about it, and how long is this going to take till someone gets hurt

really badly? He said this was his concern.

Consent Agenda:

Action regarding Minutes, May 5, 2025 - Clarisa Fernandez, City Secretary

Action approving Resolution No. 2025-2912 authorizing application for Grant FY2026 Criminal Justice Grant # 5104302 Radio System Modernization Project-David Fernandez, Detective/PD IT Manager

Action approving Resolution No. 2025-2913 authorizing application for Grant FY2026 Criminal Justice Grant #5442501 Dispatch Console Replacement Project-David Fernandez, Detective/PD IT Manager

Action approving Resolution No. 2025-2914 authorizing application for Grant FY2026 Rifle-Resistant Body Armor Grant Program(BAGP) Grant # 5481901 Rifle-Resistant Body Armor-David Fernandez, Detective/PD IT Manager

Action approving Resolution No. 2025-2915 authorizing application for Grant FY2026 Project Safe Neighborhoods Grant program Grant # 5530901 Safe Parks Initiative-David Fernandez, Detective/PD IT Manager

Action approving Resolution No. 2025-2916 authorizing the application to the Texas Department of Transportation (TxDOT) Transportation Alternatives (TA) Program Sidewalks Projects and Designating the City Manager as the Official with Full Authority to Act for the Purposes of the Program.- Ashlee Hurst, Finance Director

Action approving Resolution No. 2025-2917 authorizing the application to the Texas General Land Office (GLO) Beach Maintenance Reimbursement (BMR) Program and Designating the Finance Director as the Official with Full Authority to Act for the Purposes of the Program.- Ashlee Hurst, Finance Director

A motion was made by Councilman Pena to approve the Consent Agenda from Section 2B through 2G, seconded by Councilman Rossow with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

A motion was made by Councilman Matamoros to approve 2A as presented, 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

Presentation of Annual Brazosport Tourism Report- Edith Fischer, Director of Tourism

Director of Tourism for the Brazosport Convention and Visitors Council Edith Fischer presented to the Council the Annual Brazosport Tourism Report.

Councilman Pena thanked Ms. Fischer for the presentation. He said it was very helpful, and he really liked the fact that Ms. Fisher is reinforcing that this is a coastal community and countywide the value is the beach that they are promoting. He said he knew that Ms. Fisher is also on Main Street. Director of Tourism for the Brazosport Convention and Visitors Council Edith Fischer said yes. Councilman Pena said he knows that they had that UTSA study last year, and they were talking about emphasizing the water as well, and he is just curious if the organization here is going to be helping you develop those programs with Main Street. He said he knew there had not been a meeting in several months, so he was curious and asked Ms. Fischer, what is on the horizon in your mind? Ms. Fischer said she thinks it is the intention of the board to carry out those plans, those action items. She said she knows that the job is posted, and so is waiting to see, what develops of the applicants. Councilman Pena asked Ms. Fischer but from her organization side of point of view, if

they are considering different programs to help promote Freeport? Ms. Fischer said they are definitely behind that study from UTSA, that plan. She said the Chamber is definitely behind that and willing to work with Main Street and the City of Freeport to carry that out. She said the chamber works with the Freeport EDC as well and whenever they get leads they share those with the EDC and with the County's EDC with the Alliance.

Councilman Davis thanked Ms. Fischer and said it was a detailed review report and thanked her for all she did.

Director of Tourism for the Brazosport Convention and Visitors Council Edith Fischer said she also included a copy of the marketing plan for this year so that just kind of is a guide for them to let them know where if they need to pivot through the year because of their funds they already have the idea of where they can cut or what they can add if they have more money coming in.

Councilman Pena asked Ms. Fischer if they needed more money from Freeport to help promote? Director of Tourism for the Brazosport Convention and Visitors Council Edith Fischer said they will never turn down money, so the more money they receive, the more advertising they can do. Councilman Pena asked specifically for Freeport? Ms. Fischer said they do the whole area, so they would not just do a campaign for Freeport, it would be for the whole area, but if there was something new in Freeport, they would add that to their campaign.

Mayor Cain said Ms. Fischer said there were about 96,000 page views on the website and asked how did that compare to previous years? Director of Tourism for the Brazosport Convention and Visitors Council Edith Fischer said yes, they got a new website in 2019, and then they had a new analytics system probably two years ago and used Google Analytics because it is free, and then they upgraded and so the numbers are less, but she thinks they are more accurate. She said so before, you could easily say, oh we are getting these millions of views, but she does not think they are true views. She said this is supposed to be more reliable than Google Analytics.

Upcoming Events - Freeport Historical Museum, Shark Exhibit , May 24th - August 13th

City Manager Lance Petty gave updates on upcoming events.

Business

Consideration and possible action approving Resolution No. 2025-2918 authorizing the City Manager to Apply to the Office of the Governor for the State and Local Cybersecurity Grant Program (SLCGP)- Mitigation Projects, FY2026 Grant #5479601.

Freeport Police Detective David Fernandez said this grant is a cybersecurity initiative, and it is for the replacement of devices that have reached end of life, and it also targets backup integrity. He said the objective is to improve disaster recovery and cybersecurity by replacing aging IT infrastructure that is nearing its end of life. He said they also wanted to name the City Manager; Mr. Petty as the authorized official to approve applying of the grant. He said the Freeport Police Department has a couple of items that are close to reaching their end of service life. He said there are two switches that go end of life on October 29th of 2026, and an end-of-life device means that a device is no longer supported it does not receive security updates or patches, and it has no support left on it. He said the reason for this is that the Police Department has to follow the FBI guidelines that are set out for the replacement of devices they have a security policy; Section 5.13 specifically mentions that end-of-life devices cannot be used on the network at a Police Department, so before they reach the end of life, it needs to replace it. Detective Fernandez said these switches are critical; they are the core switch layer in the back plane for the server cluster, so if these go down or lose support, then they pretty much lose all the network connectivity in the building. He said the other device they are targeting is backup storage. He said they want to replace the current storage, which is

nearing seven years—it has not reached its end of life, but it will be there in about another two years. He said this new backup appliance has some enhanced data protection features on it; it has air gapping so that the backups are not accessible from the network, it has delayed deletes, so if you delete a backup, it stays there for 4 or 5 days before it deletes, and it also makes your backups immutable so they can not be changed. He said he saved the best part for last on what the match requirement is on this. He said the project is expected to be funded in October, but some grants this year went until December before getting word on funding. He said he also needs to make a change on his project proposal that was submitted; due to the unknowns and the parts availability and pricing on some of these devices five months from now, there are kind of some unknowns about shipping lead times and how long it is going to take to receive this equipment. He said he originally included in his plan that they would do this replacement in November and December, but he will postpone it until the middle of January because November and December are holidays—typically really heavy holidays—so when they replace this equipment, they need to make sure that he is available or somebody is available in case there are some issues. He said the grant does have a match requirement of 20%, so that would be \$21,605.12. He said he has submitted this in the next fiscal year budget as one of the budget line items, and if they do not receive that, he is going to have to come back to the Council and ask for the whole \$110,000 to replace this equipment, but the grant-covered portion would be \$86,420.48—that is the portion that would be funded—and then \$21,000 is what would have to match. He said that is kind of the scope of the whole project, and staff recommended approving the resolution.

A motion was made by Councilman Pena to approve Resolution No. 2025-2918 authorizing the City Manager to Apply to the Office of the Governor for the State and Local Cybersecurity Grant Program (SLCGP)- Mitigation Projects, FY2026 Grant #5479601, seconded by Councilman Matamoros with discussion that followed.

Councilman Pena said to Detective David Fernandez good work as usual, and he had lost count of the number of years he has been doing this stuff, and he has been doing it really well. Councilman Pena said he likes to see the savings for the City, and this is no different. Councilman Pena asked Detective Fernandez when he was talking about the backups was he talking about simply data servers, like mail servers or are they also talking about, the telephone data backups and for that matter, the video for all of the City's municipal offices being backed up as well through this system? Detective Fernandez said for this one, it is going to be specifically for the Police Department. He said it is going to back up the servers and other data, and it will also serve as a backup for the 911 calls and radio traffic, and so they will send all that data to this device. Councilman Pena asked if all telephone conversations in the Police Department will be stored and recorded incoming, or is it strictly relegated to dispatch? Detective Fernandez said the 911 recorder is specific to the 911 system and there is a phone recording that is included with the phone system that the City uses and that is separate from this. Councilman Pena asked as far as video and all these cameras that are in the Police Department are those all part of the same backup system or that is separate? Detective Fernandez said it would be part of this one.

Mayor Cain thanked Detective Fernandez for going out for the free money because sometimes it is not free, but it is a heck of a lot cheaper than if they did not have it.

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 Cooperation agreement between the City of Freeport and Texas Home Collaborative (Public Housing Authority) Sienna Villas Apartments.

City Manager Lance Petty said a little background on it Sienna Villas apartments received major damage associated with Hurricane Beryl. He said the approval of this agreement ensures affordable housing servicing to low to moderate income citizens of the City of Freeport. He said the City's responsibility under this agreement shall include the following: the City shall endeavor to identify local service providers and programs that have the potential to serve and or enhance services at the project; City staff shall cooperate

with cooperation and shall participate in briefings with the City Council upon a cooperation request, City staff shall work with the cooperation to facilitate and process departmental approvals or city permits necessary for the completion of the project, City agrees to expedite and assist with any procedural requirements involved in obtaining any City Council approvals necessary for the development of the project, including approvals and resolutions related to the project's application to the TDHCA for 4% credits, and the City agrees to support the project with the same degree of public services that it supplies to other similar multifamily developments within the City. Mr. Petty said the financial impact—the City is not a party to any contract or agreement or subject to any charter or other legal restrictions of a kind which materially and adversely affects the business, property or assets or the condition, financial or otherwise of the City, so there is no financial liability to the City on this it is a co-op agreement so they can get the needed help that they are looking for.

Mayor Cain said it sounds like the City is just being a good neighbor.

A motion was made by Councilman Pena to approve the Cooperation agreement between the City of Freeport and Texas Home Collaborative (Public Housing Authority) Sienna Villas Apartment, seconded by Councilman Davis with discussion that followed.

Councilman Pena said he had a couple of questions as it relates to this particular agreement. Councilman Pena asked if it was with the Texas Home Collaborative? City Manager Lance Petty said yes, that is right. Councilman Pena asked if this collaboration in any way help or streamline the permitting process for the Sienna Villas Apartments? Mr. Petty said yes. Councilman Pena asked if that streamline process and he was just curious how much more advantageous it was for Sienna Villa Apartments versus Mr. Smith on Fourth Street and asked if the apartment complex afforded any additional streamlines that Mr. Smith would not be? Mr. Petty said no. Councilman Pena said he was curious about that. Councilman Pena said he is kind of curious then what is the streamline advantage for this program as it relates to the inspections. Mr. Petty said as part of the inspections there is not a streamlined advantage. Councilman Pena asked if they are provided any kind of discounted fees in terms of our inspections and code enforcement building codes? Mr. Petty said no. Councilman Pena asked the other question was the Siena Villa Apartments were in good standing with the City in terms of their billing of the utilities, both water and trash? Mr. Petty said as far as his knowledge, yes. Councilman Pena asked if they had ever been? Mr. Petty said he does not know if they have ever been behind. Councilman Pena asked if there was anybody present from Sienna Villa Apartments to help speak to the value of this initiative in the collaboration they are seeking with the City? Mr. Petty said no. Councilman Pena said he appreciates the fact that the City is really pushing affordable housing in Freeport, as many know that the poverty level in Freeport is represented about 60% of the residents of Freeport so he thinks this is helpful and hopefully this will bring a lot more affordable living in the City of Freeport so he appreciates the initiative.

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 on the approval of the Windstorm Insurance Policy Renewal.

Finance Director Ashlee Hurst said the City has two windstorm insurance carriers for the various locations of the City. She said this is the renewal of the windstorm insurance through the ICAT, and it includes the Golf Course, Pro Shop, Riverplace, Pavilion, and the FMP kitchen. She said the cost of the coverage increased by approximately \$14,000. She said the current deductible the City had of 1% to a total premium of \$72,040.55 and that was due to the fact that the insurance is based off rising replacement costs for structures, as well as the rising rates of insurance. Ms. Hurst said, for this reason, staff think it would be best to drop down to the 3% deductible the other facilities covered on the other windstorm policy are currently at a 2% deductible. She said Victor Insurance Managers are those who provide this policy for the City or they are the Liaison with ICAT to provide this, and they work with TML and the other carriers to bring the City the coverage. She said they did have ICAT submit their three proposals for windstorm insurance and the

options were based on the deductible amount for the 1% deductible that had last year would be \$72,040.55, to drop it to the 3% deductible would be \$44,635.94, and the 5% deductible for \$28,608.75. She said the increased premium was budgeted for the 2024–2025 budget however, in regards to trying to save money and for the future financial sustainability of the City, they would recommend going with a little bit lower premium at the 3% deductible, and also she did not put in there, but so they are continuing to drop the City properties like they are fighting, but they already do not want to cover one of these. She said they are asking for invoices from like 2013, so it is just something to keep in mind that the City may have bigger problems going forward with these insurances, and obviously, they do not want to pay for anything that is pretty common for businesses and personal, but she foresees an issue coming soon.

Mayor Cain said an issue out of the City's hands. Finance Director Ashlee Hurst said yes even to asking the vendor they need a copy of this invoice insurance asking for no one has been keeping records for 12 years they are just finding any way they can to get out of covering the City and that is common along all the Gulf Coast.

A motion was made by Councilman Matamoros to approve at the 3% deductible, seconded by Councilman Davis with discussion that followed.

Mayor Cain said this is a win as long as there is no storm.

Finance Director Ashlee Hurst said to the Council something to keep in the back of their minds is if they get a name storm, they are going to work with FEMA to and, as a government, the City has that additional assistance.

Councilman Pena thanked the Finance Director Ashlee Hurst, for the information in the presentation. He said he was trying to understand his math, and maybe he misunderstood, so at a 1% deductible, the cost of the City of \$72,000. Mr. Hurst said yes. Councilman Pena asked and that is the deductible? Ms. Hurst said the premium. Councilman Pena said he thinks he heard deductible. Councilman Pena thanked Ms. Hurst for that clarification. Ms. Hurst said in the memo it says deductibles should say premium. Councilman Pena said that is why he did not make the motion to approve it out of the gate and that was his first concern, so he is glad they got that squared away for the public to understand as well. Councilman Pena said when he saw the 1% at \$72,000 premium and then 2% at \$44,000 premium, he was like wait a minute or deductible it did not make sense, but that makes more sense. Councilman Pena asked, so at 3% again, what is the premium again, \$28,000? Ms. Hurst said at a 3% it is \$44,635.94. Councilman Pena asked what was the 2%? Ms. Hurst said the 2% is what the City is on with the other plan, this is ICAT because TWIA specifically will not cover these policies, so this is like a supplemental windstorm that the City is able to get. Councilman Pena asked so at 2%, the premium would be what? Mayor Cain said this company does not offer a 2%. Councilman Pena asked if it was just one, three, and five? Ms. Hurst said yes. Councilman Pena asked what it was at a 5%? Ms. Hurst said \$28,608.75. Councilman Pena said he was trying to make as many notes as quickly to keep up. Ms. Hurst said there were a lot of numbers flying around. Councilman Pena said the other thing he was curious about was Ms. Hurst made a comment that was prevalent there in the coastal community about a lot of these insurance providers that do not want to cover the claims, and he knew last year the City had the storms and had a lot of issues with it and asked if the City is still having issues with this particular provider, and if they were the provider last year as well? Ms. Hurst said yes they were. Councilman Pena asked if Victors was the provider or the broker? Ms. Hurst said the broker. Councilman Pena asked who was the provider again? Ms. Hurst said ICAT. Councilman Pena said so ICAT in the last year and asked are they really the only show in town that the City is forced to drink their Kool-Aid? Ms. Hurst said she does not know that for certain as of right now, she knows that that is which the City has been using, and she knows that she has a meeting in June with a company McGriff, and they help Cities and Counties with insurance needs, and so they are going to sit down and help her evaluate, because currently we have two different windstorm policies one is due for renewal in December, this one is due in May, then there is the property

and general liability so she is hoping they can kind of more bundle everything and get this running a little bit smoother. Councilman Pena said there are really a lot of questions about this because it is not just, you know, cut and paste when they are talking about ICAT in the last year, not really honoring the policies that they were allegedly supposed to insure and then of course, like a lot of insurance providers they start they just start fighting and start taskmastering with a paper chase and asked so obviously the City records are not very good is what Ms. Hurst is saying. Ms. Hurst said legally the City is not required to keep records that far back. Councilman Pena asked what is the City legally required? Ms. Hurst said five years. Councilman Pena asked so, why would an insurance policy require 12 if they know that most municipality Cities in the State of Texas, he does not know if that is a state law. Ms. Hurst said it is the law. Councilman Pena said it sounded to him like their policies for trying to deny are not even in sync with State law and that led him to think, has Victor really giving the City enough options, and asked or does the City need to go to a different broker? Councilman Pena asked if the City had other brokers that they have also facilitated the search. Councilman Pena said it is kind of like, when you are looking for a job, you can have one headhunter or you can have multiple headhunters and better options, and he is just curious, and asked if the City is under the gun to drink this? Ms. Hurst said unfortunately, yes because we are right at the peak of hurricane season and once that starts, the City will not be able to get covered until after the season ends, which will not be till the end of the year, however, she is open to researching throughout this year and seeing and understanding what options there are, she is open to that. Councilman Pena asked if Ms. Hurst can help him understand why they are there at the 11th hour, being forced to decide this and not have any additional options prior to. Ms. Hurst said well the main reason would be because she has been fighting to try to keep these three locations covered. She said from her understanding, this policy started out being seven buildings that were covered by the supplemental, and they have now dwindled down to three, and she even had to even fight to get those. Councilman Pena asked so what are the neighbors doing and what is Lake Jackson, Clute, and Surfside doing? Ms. Hurst said she can get answers and report back. Councilman Pena said that would be helpful because he can not imagine that they are all just saying screw it and go with what Victor says and what ICAT says, especially when these guys are not honoring their policies, number one and then more importantly, he wanted to touch on the FEMA component because last year they talked about FEMA is going to be there in a pinch, but then their funds got frozen and now number and asked if those FEMA funds are still frozen and does the City expect that to be the case going forward? He said he is just wondering if they are going to move forward with this in three months when hurricanes are here. He said last year the City got hit in June and asked what was that Beryl in July? Ms. Hurst said July. Councilman Pena said he thought it was late June but either way he is thinking let 30,45 days away from that, and we get the brunt of it we got the brunt of it last year pretty good. He said there is no saying that we are not going to get it this year and, especially if we have less coverage, less structures covered he is just like wow, what are we going to do and what are the other folks doing and he would really hate to award bad behavior or for that matter, just limited options through Victor, and so he would be curious to see if they can get some additional options. Ms. Hurst said the only thing she has heard for sure is that other Cities are dropping back they are going to those cheaper premiums with the higher deductibles, simply because insurance is so outrageous for everyone right now. Councilman Pena said what Ms. Hurst is saying is that everybody is basically saying, all right they are going to go high deductible and roll the dice and hope that these guys will cover. Ms. Hurst said she can not say for sure that that is what they are thinking. Councilman Pena said it seems to be and so for those properties that were not covered and asked what is our plan on those? Councilman Pena asked what the risk plan on that in terms of insurance? Ms. Hurst said the risk would be total loss. She said the property itself is insured but did not have a windstorm so if there was a named storm then the City would not have insurance to supplement it and the only assistance would be through FEMA. Councilman Pena said he knows that they were during last year the windstorm, was that a lot of the windstorm carriers were denying any kind of claims based on horizontal rain wind driven rain was the catchphrase and so a lot of people were basically, exposed and had to cover the loss themselves, and he is just curious if that is the case number one and asked if the City has to do that last year and if so, to what dollar amount, if Ms. Hurst have any estimates? Ms. Hurst said for insurance she does not have one. Councilman Pena asked for what was not covered by insurance. Ms. Hurst said a lot is in the financial report because everything in Beryl the fund

balance of Beryl right now would be what they are looking at. Councilman Pena said he is just trying to get a real sober look at what our situation as a City is in terms of insurance and what our options are in terms of the expenses. Ms. Hurst said Beryl to date was a little over \$2 million. Councilman Pena asked about the cost to the City? Ms. Hurst said yes Citywide. Councilman Pena said he would definitely like to see other options if they can and the question becomes if they find better options and are happy moving forward with this, they can always cancel this and get it pro-rated and get into the new policy that may be stronger and better. Ms. Hurst said for her understanding that is correct. Councilman Pena said he would like to see that, that would demonstrate to him that they are being fiscally responsible and really trying to mitigate the risk for the City on the cost and is hoping that FEMA will kick in where the City would get those 2 million refunded at some point. Councilman Pena asked Ms. Hurst if she had any confidence in that or any updates on the FEMA, on the FEMA funds? Ms. Hurst said she meets with them biweekly and actually had a site inspector in the City, last week or week before last looking at all the projects that are not finished to date and have to provide very detailed reasons why they are not finished or when they will be finished and when she is using the word projects, each damage that a building is considered a project, so all projects have to be submitted to FEMA for their final approval for it to get down to the state by July and so it is actively working on it, but it is just a long process in general. Councilman Pena thanked Ms. Hurst for the work and for the answers.

Councilman Davis asked how many buildings and if the City was having trouble with all the buildings. Councilman Davis said like the buildings that the City claims. Councilman Davis asked if the City is having trouble with all the building, all the claims? Finance Director Ashlee Hurst said the claims just had the expected trouble when the City had a storm they did not want to cover much. Ms. Hurst asked for all three buildings? Councilman Davis said yes for all of them. Ms. Hurst said yes with every building. Councilman Davis said he knows it is hard dealing with insurance. Councilman Davis said at his Church it is two years in a row the two storms in a row, and they covered nothing on the Church but then they went up \$4,000 on the insurance the premium, and so they were trying to wish they did not get insurance for it because they do not pay anything anyway but he means, you can not do that. Ms. Hurst said personally, that is how she feels. Councilman Davis said it might not be smart but they might have to go with the 5% and get the lowest one, they are not paying any way but so they can search because he does not know because Ms. Hurst will only have 20 or 30 days to search and find something else, but maybe go with the 5% and cut the price down because they are not paying anyway, but that is just something for the Council to think about, and he knows it is rolling the dice, but he means they are thinking like that as a church and are just going to pray, but they are not paying no way but are steady paying them more and then the price went up again this year, so he knows it did he knows it went up so it is gone up for a while but that was just a suggestion.

Mayor Cain said that is unfortunately the world we live in and that is the way insurance works.

Councilman Pena said he thinks that is actually a good point and if they are going to be doing this search and have 45 days incur the lease expense at the 5% deductible, Councilman Pena asked how much would the savings be if the City did that? Finance Director Ashlee Hurst said about \$15,000. Mayor Cain said his concern with doing that if the City does not find another outfit to cover the City, then the City will be stuck at the 5%. Councilman Pena asked if the City is stuck with it or if it can be removed? Ms. Hurst said for the next year, the City would be stuck at it and believes if they can cancel a policy, but she does not think they can change a policy after it is bound. Mayor Cain said personally, he would feel more comfortable at the 3% and continue to look and if they find something that is more Freeport friendly, then the Council can revisit it at that time that is his take on it.

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 Ordinance No. 2025-2738 amending the Code of Ordinances to Adopt the 2021-2020 Editions of the International Codes.

Interim Building Official Patti Foster said she wanted to ask the board to consider to adopt from the 2014-2015 code year to the 2020-2021 years. She said if they adopt the new code year, it will give the City of Freeport better ISO ratings specifically within the Building Code Effectiveness Grading Schedule which is continuing in the building code year because newer, more updated codes reflect the advancement in construction techniques, technology, and our understanding of migration natural disasters. She said adopting and enforcing newer codes demonstrates a greater commitment to the public safety and can lead to better building performances, reducing loss from events like fires and natural disasters. She said in the packet there is a list of the codes, the significant codes that 2021 reflect. Ms. Foster said she is asking that if this does get adopted, that this will have a 60 day grace period, which means if a building application has been submitted with plans that they will honor the 2015 codes at the time, there are about 3 to 7 projects on the board however, they are seeing plans already reflecting some of the new codes. She thanked the Council for their time and consideration of this important matter and said their support is vital to our shared mission of protecting lives and property within our cities. She said she is asking the Council approval for this adoption.

A motion was made by Councilman Pena to table this item, seconded by Councilman Davis with discussion that followed.

Councilman Matamoros said he wanted to ask a question as to why Councilman Pena wanted to table this item? Councilman Pena said he knows that Planning and Zoning really polices all the code enforcement and any variances to that and so his biggest concern or question is and asked if this gone to Planning and Zoning and then voted on because they do a pretty good job of setting that. Councilman Pena said he does not know that it is legally required or what and is not sure why Mr. Olson is leaning into the mic for just now, so that is why he says that, but the reason he asked is because they have been relying on Planning and Zoning for the last four years to review these code changes, and so he wants to make sure that they have had a chance to look at this because there are some good minds on that board. Interim Building Official Patti Foster said this has not been in front of Planning and Zoning. Councilman Pena said that is the reason why he wants to table, and he is happy to approve if Planning and Zoning likes it. Fire Chief Chris Motley said he has been with the City long enough to see at least 3 or 4 adoptions go through, and they all came straight to Council as well, and his appeals board is the Council when they talk about the Fire code and all that, to these are just updating to what they are being required or mandated to maintain compliance for our own folks to insurance, things like that or not strike against them, recognize that we do not have a code that is how far behind and bring them up to compliance. Chief Motley said the City could get at least three additions behind after that, they have to make a decision go forward, so the City has maintained that for a period of time so that is where the City is at fork in the road, the Council adopt this today and then go forward in the 60 days that Ms. Foster presented. Councilman Pena thanked Fire Chief Chris Motley and he wanted to make sure that the City is, in fact as up to date as possible and if the City is behind, then the City is behind on a lot of stuff, apparently, and as a City, we need to get caught up it and that is no criticism of yourself or what Chief Motley is trying to promote in this. Councilman Pena said he totally agrees with that and needs to make sure that the City has up to date ordinances but he can say that even though the last three times has come to the Council, his conversations with Planning and Zoning every time is they bitch about why this did not go to them first. He said to excuse his French, but that is exactly what has been going on, and so he wanted to make sure that they go back to them before going forward.

Councilman Matamoros said he was actually curious as to why, because he has concerns about it, because the City gets a lot of people who get businesses with older buildings, and they are always griping and complaining about having to go to these codes. He said so that is what his concerns were. He said he was just curious as to the reason why tabling it because he had the same concerns. Councilman Matamoros said he is for tabling this.

Mayor Cain said it was the last meeting this was on the agenda one or the other and Fire Chief Chris Motley at that point had a lot of concerns about how the ordinance was written or something that Chief Motley had

heartburn over. Chief Motley said the one he presented when he was Building Official was the NFPA 101 it breaks down further in detail that the International Code may not explain, especially for existing and new construction it was put in over in the Building Code and then as they got to looking through it the information that is in the normal ordinance book was references chapter 92 is now 14 when you look at it online, so a lot of that got realigned in the process so it flowed together with what the current edition came about. Chief Motley said that was something that the Attorney caught, and then he was talking about Chapter 92 and that is where they realign things together as well. Mayor Cain asked if that heartburn is no longer there? Interim City Attorney David Olson said that is correct and just needed to realign what the existing code references are with what is being proposed to change that all. Chief Motley said back to the little response back to existing buildings there is an existing building chapter or even existing building international building code that things can be great on existing facilities and see where they are at. Chief Motley said now there are a couple things in life safety that cannot be done, and that is the occupancy load and that is even enforced by the building in the fire code as well, but that has been proven as a result of major catastrophes or deaths in club fires or things like that. He said that is where that number changed in 2015, but it has not gone forward from there. He said they did provide any significant changes or things that were put there and some of the key things like on the far side they saw was, updating protocols and emergency drills, talking about carbon monoxide alarm notifications in certain types of occupancies. Chief Motley said for example an example that has been added they get a new food trucks and said what is applicable because that is a new thing that was there about ten years ago, how are the gas lines going to be enforce, is it going to be a copper line, is it going to be a hard line. Chief Motley said what has come out in the code to clarify that that will be an opinion for each community it is now spelled out, this is what they look at when they go look at a food truck. Chief Motley said some things have changed in the public wanting as far as businesses, it is identified that so are all addressed as one instead of just an opinion as to what they come across because he has even questioned it because he is used to seeing propane products with brass copper or you go into a house you see galvanized pipe, and things like that so that has clarified some of those things that are actually seeing fires based off of those incidents. Mayor Cain asked if the City is in any time crunch on this? Mayor Cain said, in other words asked if there was time to send it to P&Z and come back? Interim Building Official Patti Foster said yes.

Councilman Matamoros said to Interim Building Official Patti Foster he had not heard those complaints from the existing property owners who are renting or selling to businesses like it was with the previous Building Official, where it was just rigid those are the codes, and no deviation whatsoever, and so he said he appreciated that. Councilman Matamoros said if Ms. Foster could have the Planning and Zoning, to which he is the liaison, and he can tell them, but it would be best to come from Ms. Foster and if she can just have them, when they are going over this, to make recommendations on each section, instead of the entire thing that way the Council can hear how they feel, per section. Interim City Attorney David Olson asked just to make sure that staff understands when he says section is he talking about each separate international code itself, like they have an international building code, that being one section of the ordinance? Councilman Matamoros said yes.

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

Consideration and possible action for approving the purchase of 2- Zero Turn Mowers.

Public Works Director Rudy Ragle said in the budget it was approved for 2 zero turn mowers and was budgeted for \$36,000. He said he went out and compared some prices. He said King Ranch is on the Buy Board for 2-72 inch zero turn mowers for the amount of \$25,832.04. He said they would be able to get parts for these relatively quick compared to some of the other mowers they have and are also the cheapest ones out there.

A motion was made by Councilman Pena to approve the purchase of 2-Zero Turn Mowers, seconded by Councilman Davis with discussion that followed.

Councilman Pena asked if the mowers were the same caliber but with an \$11,000 savings? Public Works Director Rudy Ragle said yes.

Mayor Cain asked Public Works Director Rudy Ragle if he has someone that is certified to drive these beasts? Mr. Ragle said they are all certified to drive these.

Councilman Davis said to Public Works Director Rudy Ragle it looked like he would be in one of them. Mr. Ragle said he could be.

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.) (Deliberations about Real Property) 1.) Discussion on 200 West 2nd Street pursuant to Section 551.072.

The Regular Session closed at 7:16P.M. and the Council entered into the Executive Session.

Reconvene into Open Session:

Take any action resulting from Executive Session.

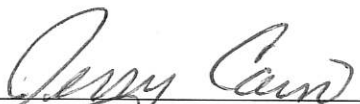
Executive Session ended at 7:33P.M. and the Council entered back into Regular Session.

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 7:33P.M.



Jerry Cain, Mayor



Clarisa Fernandez, City Secretary