

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, July 7, 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: Jennifer Howell, Interim City Manager/Police Chief
Clarisa Fernandez, City Secretary
Ashlee Hurst, Finance Director
Toby Cohen, IT Manager
Donna Fisher, Human Resource Director
Chris Motley, Fire Chief
Rudy Ragle, Public Works Director
Nick Meeks, Public Works Department
Holden Ezell, Building Inspector

Visitors:	David McGinty	Manning Rollerson
	Melanie Oldham	Pamela Dancy
	Con McCleester	Sam Reyna
	Diane McCleester	Betty Lopez
	Ron Bachman	Linda 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.

Kenneth Hayes resides at 414 Mystery Harbor Lane. He said he just wanted to bring the fact that they had just finished having the Fishing Fiesta and if it was not for Tommy Pearson and a handful of people, there would not have been one. Mr. Hayes said they have been doing this all his life here, and it was actually a really good tournament this year and the fireworks were great. He said Tommy Pearson deserves a big hand for what he did on it.

Manning Rollerson said he himself would also like to thank Mr. Tommy fed a lot of people this weekend with that fish, but at the end of the day he asked where our attendance? He said these holidays, as he remembers, as a child growing up in the East End on the waterfront from one end of the waterfront to the other end of the waterfront, they were packed during the RiverFest and Fishing Fiesta. He said it brought tourism. He asked what did it do? What was out there? What attracted people? Just the weight of the fish? How much was spent on that budget? He said because it was not productive, it was just to help feed the people with free fish. Mr. Rollerson said to Mayor Cain he needed to resign, integrity wise, because of the statement, because of the issue that is going on consider that statement. Mr. Rollerson said he has been charged four times with terroristic threats out of the City and the last time was when they tried to take his grandmother's property on the east end and then it was terrorist threat with intent, four times out the City of Freeport. He asked if Mayor Cain had not brought charges yet? He said he was just setting the City up to be sued racially four times right out of the City of Freeport, one of them being the Port of Freeport. He said at the end of the day they were dragging their feet with this, but the citizen was charged four times and something of value was taken the property on the East End was taken for the expansion project, Understanding this. He said this is not over because it is a race issue when it comes to governance and it has been happening too long in Freeport. He said to Mayor Cain he is supposed to be a man with integrity is the City face is supposed to be a person that is sit back and let someone conspire to harm another citizen and then bring it to the proper authorities because he said you were there and you put him there. He said to Mayor Cain his integrity is supposed to mean more it is time for this City to do the right thing for the people. He said the people in Freeport have not had good governance for 41 years. He said look at our City. He said they were quick to abandon City Hall. He said to sell it but if you sell it, then you are selling the progressiveness of the City because they are supposed to be the leader of it. Mr. Rollerson asked how businesses can grow when they do not want to be progressive? He said they can not get anywhere like this and there has got to be change and if every young man and woman in this City must follow the law, then Mayor Cain must follow the law because he is the face of the law of the City and not do anything about it he is targeting them. He said to Mayor Cain and he knew what he meant by them.

Sam Reyna resides at 2002 North Avenue G. He said William Nelson mailed a complaint letter to each Council member stating that Nicole Mireles, and he were stalking and harassing him. He said Councilmembers Davis and Pena believed him and are addressing his complaint. He said William Nelson was not a citizen of Freeport. He said this governing body was elected by the citizens of Freeport to serve the citizens of Freeport, not someone from outside our city limits. He said William has his house up for sale and no longer lives at the Freeport address. Mr. Reyna said the feud between William, Monica, Nicole and him is family matters not Freeport public affairs, but since Councilman Davis and Pena want to address this complaint in public, he wrote this short bio of William and Monica to illustrate the type of people Councilman Davis and Councilman Pena associate with. He said three points in this complaint they were in a financial dispute concerning the final payoff amount on the owner finance agreement. Mr. Reyna asked what this has to do with the City? He said this is a family matter. Mr. Reyna said Mr. Willson filed a complaint, and he sent them an email that he had paid \$51,284.93, and the balance was \$21,483.33 and that was a total of \$78,768. Mr. Reyna said he loaned him \$80,000 with 3% interest and \$78,000 does not even cover the \$80,000 that they loaned him much less than 3% interest. He said a complaint to code enforcement regarding his 78 Camaro was legally parked in his driveway, it is not legally parked in the driveway it has got flat tires, and it is just a junk vehicle, and he is violating a charter ordinance 94.02 junk vehicles. He said that the car had to be removed besides he abandoned that car, and he no longer lives there, it is just sitting in the driveway. Mr. Reyna said code enforcement needs to get the car out of there. He said a recent class C

criminal mischief complaint accused him of throwing dog feces into their yard, a false allegation entirely without evidence or merit. He said twice he had done it and the dog feces landed in his yard twice. He said it was thrown over his fence and lands in his yard. He said the time that it had not landed in his yard he had not called the PD, but the time that it had landed in his yard twice. He said the same officer went over there twice, and they told him really if he had no evidence he could prove it. Mr. Reyna said the photos he handed to the Council are of just a bunch of poop being thrown over the fence. Mr. Reyna said to the Council to look at the photo he had. Mr. Reyna said he had this in the backyard and the only ones that could see it were Nicole and him from the upstairs bedroom and it reads, beware, my neighbor is a b***** and he did not think they had seen it, so he put it up on top of the fence. Mr. Reyna said this guy is a sick individual and he needs professional help now and he knows that he is blaming them for his permit to sell guns and ammo was denied, but they did not have anything to do with it and it was his own fault and he went up there to get the permit. Councilman Davis asked Mr. Reyna if they could meet? Mr. Reyna said they could meet anytime he wanted to.

Melanie Oldham resides at 1206 West Broad. She said she was there to speak just as a resident and an individual. She said she would like to say she had a friend come up there before the meeting and pray with her that she would have the right words to say and stay calm. She said she came before the meeting and sat down, and Mr. Reyna comes up points his finger in her face and says and said she better get a lawyer because she does not need to be talking about. She said she did not know what he was talking about either herself or Petty. She said he seems to love Petty, and he dislikes Pena, and he dislikes City Manager Chief Howell and she does not know why, and she does not like being warned that she can not speak because she does her research too and said Mr. Reyna. She said she was going to stay calm. She said first of all, the Council is going to elect some more people to the various City committees that are very important. She said she is on the Historical Main Street Committee, and they have gone for literally three months without meeting. She told Ms. Irene Ocanas the chair and she knew Mr. Petty's used to attend the meetings, but they were told they could not meet because they could not find anybody to be the Main Street Coordinator after Wade stepped down and it turns out that the EDC Director Robert was sitting on 33 applications for the Main Street Coordinator. She said when she talked face to face today with Robert, and he said "well I kind of knew it was not the right process". She said Robert said that Petty told him to do it that way, and she said to Robert "if you knew it was the wrong process, why did you do it?". She said he said "when your city manager tells you to do it, you do it". She said she told Robert "your boss is not Petty it is the EDC board". She said that needs to be discussed. Ms. Oldham said regarding the 2025-2738 amending the code of ordinances, the additions of the international codes, Chief Motley and others will say that these are way behind in being updated and can lose all sorts of credentialing if they do not update them. She said they have put this off long enough it does need to be updated. She said 4H regarding hiring Pat Taylor as they know Pat Taylor worked with Mr. Shaw, the City attorney forever, and she has nothing against Pat Taylor, but she told Donna today, and she sent her the name and contact information for a really great attorney in Houston. She said she has talked to a lot of people and if the Council interviewed him and liked him and wanted to hire him, he would start tomorrow and he is an expert at looking at City agreements and contracts. She said they need a new face here that they do not have the same old people and Mr. Taylor has been here a long time, and she is not going to say anything negative about him, but they need new faces. She said the final thing was that she knew Dan Pennington was here, and she talked to him briefly, and she thinks he has realized he is only here to help out for two or three months until a committee is formed with public members on it to find a full-time City Manager, and it needs to be done right this time. Ms. Oldham said she was accused when she was in Germany by someone who texted her saying, "why are you doing this Cain petition?". She said "what are you talking about?". She said she is a Christian and has learned the people that are in this Pena's haters club they can dislike somebody all day long and what they say about us or other people, and she has disagreed many times with things that Pena has said and how he says it, words can hurt, but should never get to the point that you make up something to take somebody out, embarrass them, charge them with felonies when you know there is no case. She said there is no room for hate by Petty or anyone.

Pamela Dancy resides at 313 South Front Street. She said she would like to thank the City Manager Chief for taking care of the flag that was just in bad, bad shape. She said many people had previously emailed the Council or City Manager, and it was just not taken care of, and it should have been taken care of before Veterans Day, Flag Day, but the point is, is that she went there on Monday to see, and had a new flag, especially for the 4th of July and for the Veterans. She said she really appreciated that and was thankful for that for getting that handled. She said the next thing she wanted to talk about was the workshop, and they felt like they were being. She said she does not like having to come up there and like, kind of like, you know, rag or b**** or whatever and she does not like that at all but if they had a workshop, then they could talk to their Councilman, then he would have time to discuss it in the workshop but right now, even if she talks to her Councilman about it, there is no room on the agenda for any of the Council to talk about what the citizens need to address. She said she was going to bring this up at every meeting because they feel like they are being silenced. She said the talk on the street is that they know why it was removed, and she is not going to go deep down into that, but they need it back so that the Councilman can be their voice, which they are supposed to be their voice and, right now, they do not have a voice. She said she would like that to be taken under consideration.

Proclamations - Presentations and Updates

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

Touch The Truck, Freeport Library, July 17 at 11:00A.M.

Senior Bingo, Freeport Riverplace, July 21, Doors Open At 9:30A.M.

Interim City Manager/Police Chief Jennifer Howell gave updates on upcoming events.

Public Hearings

Public Hearing: Discussion regarding the former City Hall Building at 200 West 2nd Street.

Mayor Cain opened the Public Hearing at 6:19P.M.

Interim City Manager/ Police Chief Jennifer Howell said the City has a closing coming up with FEMA regarding how they are going to be proceeding forward on some projects and want to make sure if City Hall is to be renovated for City staff to move back in or if it is going to be something that it is going to be looking at selling, either way, they need to kind of know to be able to move forward on that, since they do have a project deadline approaching in September. She said in having conversations to be able to hear from the community what they would like to be able to see regarding the old City Hall.

Mayor Cain said this was something that Chief Howell had brought up to him, and he personally felt like this was something greater than just the five of them up there making a decision, and asked Chief Howell to put it in a meeting in a public environment. He said there were about 20 people sitting in the audience and hoped at least 15 of them would want to come up and give their two cents. Mayor Cain said the numbers that he has seen in repairing City Hall are going to be devastating, and he is not sure if that is a good enough word to describe it, but the last he has heard is in excess of \$10 million. He said that is not something that the City can just pull out of the budget, it is just something they need to talk about. He said the current City Hall that they are in with an option to purchase it at the price tag of \$2 million or a third option that he could see is building a new one. He said those were just thoughts running through his head.

Kenneth Hayes asked if there was any research that had been done on what it cost to build a new one at the same location? Mayor Cain said they have not. Mr. Hayes said if they are going to spend \$10 million on that one and can buy that one for \$2 million, that is not hard to decide. He said the old City Hall building could sell right now and maybe get enough to cover that \$2 million on that.

Sam Reyna said to Mayor Cain he needed his permission to bring in some investors with deep pockets and when they get here and make contact with whoever has the keys to the building so they can go in there and take a look at it, maybe they would like to invest in it. Mr. Reyna said that he does need Mayor Cain's permission to go ahead and talk to people about coming down to Freeport. Mayor Cain said the City of Freeport is open for business.

Pamela Dancy asked what needed to be done by September? Interim City Manager/Police Chief Jennifer Howell said they have a project scope that the City would have to submit, and the project does not have to be completed, but as far as if it is the plans to renovate and kind of the scope of what it is that that is going to be doing to proceed forward. Ms. Dancy said she is trying to think back to when Kelty was here and what the numbers were to fix City Hall. She said she would like to know what those numbers are and why they are at this number today, but Downtown is nothing. She said she understands the money, but with City Hall down there, it brings people Downtown. She said they have spent a lot of money on a lot of different projects that did not just fizzle out, and she did not know it took a lot of thinking about this. She said we needed traffic Downtown, and she was not sure what it was going to take. She said she also does not know what it is going to take to sell that building, how long it is going to take to sell it, meaning that they still do not have any traffic Downtown and it is kind of like a double-edged sword. She said she would like to know what the numbers were when Kelty was there and why it is so expensive today. Mayor Cain said Hurricane Beryl was between the two, and it caused a lot of damage to the upper floors which trickle-down effect. Mayor Cain said that has a lot to do with the difference in the cost of what we were looking at two or three years ago, as opposed to what we are up against today. Ms. Dancy asked how much they believe they might get from FEMA or from the insurance? Mayor Cain said nowhere near enough. Ms. Dancy said she understood that, but she would at least like to see the dollar amount so that the public can at least see what we are up against when they do not have dollar amounts it is not good it is like something is being hidden from the public. She said she is not trying to be ugly or disrespectful, but it is just that they do need those numbers. Mayor Cain said they might be able to shine a little bit of light and are not trying to hide anything. Finance Director Ashlee Hurst said the City of Freeport did receive the final insurance check from TWIA for the building and this is just off the top of my head, but she believes it was \$326,000, for millions in damages and then FEMA anything the City is eligible will be a 75% reimbursement and at this point it is trying to be decided, and thinks the only expense tied up right now is that they had the asbestos again and board the windows up. Ms. Dancy said it is a shame that \$345,000 was lost.

Tom Pearson asked if the building that the City is in now is adequate for what they are doing now? He asked if there is enough room or is it good enough for the future? Interim City Manager/Police Chief Jennifer Howell said the building is adequate, and she thinks that there needs to be some modifications made to be able to make it more suitable to be able to fit the need right now. She said there are several offices that are empty and they do have some that are leased out, but having some empty offices and ones that are leased out does give the City the opportunity to expand as well. Mr. Pearson asked if there are any kinds of inquiries into what it is going to take to do this modification she is talking about? Ms. Howell said no, she had not and did not know if Mr. Petty did before or not she can not say.

Pamela Dancy said by God meant she was not a builder or anything, but she wondered what the figures would be to demolish the building and then build a new City Hall right there, just a thought. She said traffic Downtown is needed and, with City Hall being Downtown, it brought people Downtown. She said she knows she sounded kind of like backwards. She asked if they were just trying to get away from not doing anything with the Downtown, because they keep getting further and further to where nothing is there, other than the Museum, and that is just her thought and she was just curious about whether to demolish it or rebuild.

Melanie Oldham said a little over a year ago, when Mr. Kelty got fired and the former Mayor and some of the City Council voted not to even do a search, but they appointed Mr. Petty and he talked to her about the

City Hall, and so did Ms. Roman, because there were three different reports that showed how bad the mold and mildew in the air was in certain parts of that building and that is when he suggested or a team suggested that the staff all move out of there as quickly as possible, then Mr. Toby Davenport said he had this building that the City is leasing now. Ms. Oldham said there could be a developer come along that might want to put something in that building if they wanted to spend all \$10 million or whatever it might take, but she does not think it is worth the City doing that. She said they want to develop the Downtown area and the thing is, just like the 345K people say, that is not that much, but she knows for a fact she used to go up there to the old City Hall, and she talked to the team and it was Kelty, Petty, that architect, and Mr. Covarrubias and they were going on and on about whether it was worth fixing, what they should fix first and how much money it was going to take. She said the way things are looking, you know, Cathy Ezell and Petty and whoever, they all got the same Attorney who is a pretty darn good Attorney and hates to say it, but he is going to delay, delay until we get a good Attorney with the City that can go up against him and get that money back. She said she agrees and wants to develop Downtown, people she knows in this room, Main Street Committee they want some of that TIRZ money used for downtown even though our former City Manager disagreed with that, they need to have this discussion about how that TIRZ money is used for Downtown. She said she thinks right now they should just stick with where we are at now and, like City Manager Howell said, make the repairs to the offices and the buildings. She said she thinks it is past time to think about putting a City Hall back down there but need to develop something maybe near that building or tear it down and build something else to develop our Downtown.

Mayor Cain said he wanted the audience to understand they are not going to make the decision tonight on what they are going to do with it, but they do have some funding available that they are in a time crunch and this input is hopefully going to help the Council decide how they are going to spend this funding instead of just losing it.

Betty Lopez said she was not going to speak tonight, but she feels compelled because she is saddened and disappointed that the building down in Downtown was gifted to the City. She said architecturally, people may or may not know that it is a gem, and it has architectural significance from an architectural point of view. She said she does understand, and she does not necessarily agree that it is devastating, but it is going to be substantial. She said every person in the room, had substantial losses, and she did not have it in her budget last year for the repairs that she made to both her homes and to her business, and they were substantial, but she did it because she cared about her home and she cared about her business. She said she just felt like they should not do anything hasty, she understands the time crunch, but it seems like we are always putting ourselves in this situation. She said it was gifted to us, and yet we were not good stewards of it for a very long time, a long period of time, before we moved in there. Ms. Lopez said with all the mess and drama that was going on, we still were not being good stewards because we were too busy slinging mud at one another. She said she thinks we need to just get down to the nitty-gritty and not make a hasty decision. She said she appreciates that the Council is seeking public input, and she wishes there were a lot more of the public here to put their two cents in. She said she feels like they need to be smart about this because she does not feel like we were smart, spending \$36,000 a month per month on a lease on this building over here at the other end of Freeport. She said that is a lot of money. She said she is struggling because she sees Kenny's point and Kenny and her have worked together a long time ago and have a long history and sees his point of just wanting to be done with it and everybody there has a good point to make about it, but need to be smart about it because for too many years, going on decades, we have dragged our feet and pretty much put ourselves in this situation, and at some point we just have to pull up our big boy and big girl pants and get in and do the dirty work, and it is going to cost us but could do it, and we could have an anchor, a hub, which could have retail space that can be leases, it could have meeting and conference space, it could be the new home of the Museum, and City Hall. Ms. Lopez said she thinks it could be a true asset to the City of Freeport and to the community it just bears more discussion, it needs more talk. She said she knows we are going to have to do it quickly because of the time crunch, but she prays that everyone there will be smart about it and not just toss it to the curb, because so much of our

history, not just in Freeport, but in our community and our State and our Country is being tossed aside. She said if you do research, this one has architectural significance and that there are not that many buildings like that still standing.

Desiree Pearson asked what else you go to City Hall for besides paying your water bill? She asked why is that going to attract all these people if it is on Second Street, or it is on Velasco? She said she does not know anybody that goes to City Hall just to visit Downtown. She said she does not see spending that much money going to attract that many people other than if they are already a resident who are paying the water bill. She said she did not know where that came from.

Sandy Potts said she was born in Freeport and she is a lifetime resident. She asked if it had been considered that there is so much property in Downtown Freeport that could be bought, and a new City Hall put there plus sell the old one and have someone else renovate it? She said that was just a suggestion. Mayor Cain said that was one of the thoughts he had. Ms. Potts said that would give something else to Downtown Freeport and someone would take on the responsibility of rebuilding the building that is already there and, so, that means two things.

Mayor Cain said he is not a proponent of tearing it down if they do not have to.

Councilman Davis gave thanks and said each one of the residents all had some valid points and could take something from what each one of them said. He said this is what needs to happen and this is what should have happened a long time ago, and this is where they have fallen short here in Freeport because of not being transparent, not researching, not being prepared at that point of time. He said now, we are at the time here is September and now you want to make a decision. Councilman Davis said we have got a bunch of decisions here and a couple of them are here today that is the same problem that they have been going through. He said he understands \$10 million, no, could not do it. He said he does not think they should do that. He said do not think he is just agreeing to fix it up. He said there was a great point about the building and his thing is he was tired of seeing the selling of the Downtown from way back when in 70s he does not know when it started, but when he was young there were things to do Downtown there but now since you keep selling off all the buildings down there, you are not going to ever be able to build Downtown back up unless the residents that bought the buildings buy into the plan, and they have to have the money to keep up with the to keep up with the plan that is put in place, or it is going to struggle to come back up. He said this is what we have to change here in Freeport, and we have to get prepared, do the research, not sit on things. Councilman Davis said he has been there a little over a year, and probably only just talked about that one time, but nobody has brought no plans together. He said now we wait to the deadline, and said we need to make a decision and that is the problem here and that has to change. He said he hated to see Downtown just sit there and rot down, and it was such a big part of Freeport and have so much potential here. He said like it was said it was our fault that we let the building get to where it was like that. He said it was not just their fault, and they were not there when the building should have been fixed, and it should have been fixed in stages, should have started from the top, should have worked your way down to the bottom by the time we got here we could have done the bottom. He said it just puzzles him. He asked, what are we thinking? What are our priorities? He said it is not in the growth of Freeport right now missing a lot of opportunities. He said it was paid a lot of money to get blueprints and all of this here, and never did anything. He said this is what they have to do, like they are doing today, but have to start earlier, have to talk, have to engage with the public, have to ask and get the public opinion, go back, then you have to get the blueprint, get the numbers. He said he believes Ashlee is going to be a great asset to the City of Freeport, and she is doing an excellent job. He said she is one that he really trusts in moving the City forward with a financial plan. He thanked the residents for their input. He said nobody was wrong not to him and it could go either way, but can not do \$10 million.

Councilman Rossow said he wanted to thank the public for coming out today to be a part of this. He said his

high school prom was in that building in 1971. He said the building was old then, and he did not know if he was hearing this right, but if they are going to give the City and was not sure where they are getting these numbers from, but if somebody would be willing to give \$10 million for that building. Mayor Cain said no, he does not think he heard that. Councilman Rossow said that is where he is puzzled. He said to at least sell it for \$10 million. He said if it costs \$10 million to fix it this one over there is \$2 million, and he said ten minus two is eight. He said he went to Brazosport High School, so do not get mad at him because he wants \$8 million. He said there is logic here, the same thing about the East End, and they offered \$9 million, and we had people saying, no. He asked what are we going to do with the roads? He said we can not sell or use those roads. He said the same thing about that building if we can get \$5 million for that building, we only have to pay two million for this one over there. Councilman Rossow said he was not really that good at math. He said some people have sentimental values of that building, but he heard somebody say what you go to City Hall for other than to pay your water bill. He said well, we have got a place over here where you can pay your water bill plus have rooms that can be leased out. He said make money off of this building. He said he does not know about making any money off this building over in Downtown. He said that is just his opinion, can take it or leave it.

Councilman Davis said he wanted to make a comment. He said there is nothing wrong, but if you compare making money off the building, if going to redo the building, you would make money the same way off of that building and that building is bigger. He said he is not saying redo the building. He said you would do the same thing that you are doing over there and new modern stuff that we have now, like a resident said, put the museum at the bottom of it and that is how you attract people there. He said you have to open up and think small-mindedly, and it takes money to do that.

Councilman Pena said there seems to be eight talking points here and wants to touch on those eight. He said everybody is saying just kind of spit balling there tonight and that is not the way you are going to solve this problem tonight. He said it is okay to spitball on this stuff here if they have real data, and they do not have real data in front of them. He said they have hearsay of \$10 million hearsay of \$2 million hearsay of all these various numbers and that is why he does not like rushing into stuff, because then you are given bad information and when you are given bad information, you make even worse decisions, especially when you put yourself in a position of fail by having some sense of false sense of urgency and or real urgency, but it does not help, and he thinks Councilman Davis touched on that and have a couple of items there that are similar. Councilman Pena said they have no idea what the budget for this is going to be and let him play with the numbers that have been thrown around tonight. He said then they talk about this deadline, and will talk about that here in a minute. He said it makes no sense for them to try to hurry this up but it is because they are not prepared, they do not even have the numbers, do not even know what our real options are. Councilman Pena said he could just start off by saying, when everybody there is thinking, well, who has the best idea? Who is saying it? He said so, then some people would say, well, Mayor Cain said it, so we like it. He said Councilman Pena said it, and we really like it. He said maybe the opposite. He said it is funny because it is true. He said we really just got to get down to like, what is the reality there. He said we have some information already and said what that information is, and it is the UTSA study. He said the UTSA study was already conducted for Downtown, and it already spelled out that that building was valuable and do not even need to ask the question is it valuable to the Downtown? He said the cost of reconstruction could touch on that there next, but the value of that building in Downtown was underlined because it is the epicenter of Freeport. He asked why would you do it? Who is going to go there just to pay your water bill? Why did they build Freeport by the Brazos River? He said because it was strategically placed in the State of Texas. He asked why is the Port here? He said because it is strategically placed on the outer edges of the Port and the intercostal and, so you look at it Downtown, that is where all the businesses are so when people go Downtown and ask you know where they go to? He said somebody might say, well, they just go to pay the water bill, well tell that to Tammy Davis, no, they go to her restaurant, and it matters to her. He said the barbecue place Downtown, it matters to him. He said Patricia at Port Cafe it matters to her. He said the Museum, Wade and the staff there are working to try to make that better it matters to them. He said the

UTSA report that is where all the meat and potatoes are and just read that report it said it all. He said they had already spent \$70,000 and are not behind and do not have three months to decide. He said we have a whole year behind us under our belt in that report. He said that report gives us a roadmap not only to what to do Downtown, but also in all the areas, all the way to the beach and the bottom line is the water. Councilman Pena said he just wanted to say that we already do have a roadmap and it is that UTSA plan that was spent the EDC and the Main Street paid \$70,000 for. He said they do not need another study. He said to let him make that clear and he hopes everybody will agree that they do not need another study. Councilman Pena said he has mentioned what people go Downtown for. He said to let him just play with those imaginary numbers that everybody is throwing around and thinks it was Ms. Dancy mentioned the point of they already had a number. He asked if you wanted to know in 2023, the beginning of early 2023, the topic of renovating the Downtown City Hall building he asked what that number was going to be? He said he said it before it was \$300,000 to get it right back up in shape. He said a year later, it was or a few months later he should say it turned to \$1.3 million and a contract was fast-tracked to Covarrubias and now are saying Hurricane Beryl in 2024 and now the cost to fix it is ten times as much. Councilman Pena said he remembers the conversation when we were talking about the renovation of that Downtown building or O.A. Fleming and the conversation comparison was O.A. Fleming is going to take \$13 million or spend \$1.3 million on the Downtown building. He said the math is super easy. He said why are we going to waste \$13 million on a building that has way too much space that could not even use. He said O.A. Fleming is probably five times, if not ten times bigger than our current City Hall, which just learned is unoccupied it is not completely filled, there are vacancies. He said he should say it is occupied, but there are vacancies. He asked how we use the space? He said if you look at that report, the report said put the Museum on the first floor and so now people go to the Museum on the first floor, high ceilings have an amazing experience, the shark exhibit up year round or other traveling exhibits are in there, second floor is where we pay for our water. He asked did we not just do that in the last 3 or 4 years? He said on the third floor our imagination can run wild. He asked what would happen if you put the Museum in there like the UTSA plan said, and have the administrative offices on the second floor and he asked who was going to be on the third floor? Councilman Pena said he had local residents say they would love to put a restaurant up there. He said we also have the Pixie House, another great place for a restaurant and have not moved and have the money budgeted over the last year and he has lost count on the number of years that it was budgeted for the Pixie House and has been sitting there and yet nothing has happened. Councilman Pena said it is really hard not to start pointing the finger at where to place blame, but it always starts at the top. He said he could say those audio recordings that were violently describing attacks on him also include an admission that they were purposely stalling all the development in the City and that is coming out and there are going to have to be people that are going to answer for that and are not done cleaning house. He said to let him play with those imaginary numbers, \$10 million well Chief Howell said the FEMA is going to be at 75%, that they would cover 75% of our expenses and asked if that was right? Interim City Manager/Police Chief Jennifer Howell said yes, that is correct and that is what Finance Director Ashlee said. Councilman Pena said he does not believe that \$10 million price point at all because one of the other private residents here who had top dollar said that they would dump \$8 million is what it would take, and he thought that number was crazy, because he is over here sitting on the 1.3 that was just finished talking about two years ago. Councilman Pena said he thinks of somewhere between three and five, but just says it is ten. He said FEMA is going to reimburse 75% of that, and that comes out to \$2.5 million. He said let's think about that. 2.5 million is what it is going to cost in this imaginary inflated number, which he does not believe at the most, it is going to cost 2.5 million to remodel Downtown and the Downtown City Hall. He said well, we already have a building that is over here on Avenue H. He said that it is a money pit and not forget this is not going to cost us \$2 million if and when we decide to buy it. He said he will not be on the Council and can only hope and pray or make wise decisions and resolutions to do it the right way. Councilman Pena asked what the monthly rent? He said he thinks he heard \$36,000 a month. Finance Director Ashlee Hurst said \$26,000. Councilman Pena said \$26,000 on a three year lease. He asked what does that come out to? He said it was about a million bucks and said add a million bucks to the two and now you are at three. He said now we have a building that we are going to have an opportunity to buy that is currently being leased that when it is all said and done we will have it at \$3 million not counting the

renovations that we are trying to do to it. He said so let's just say \$3 million to be nice, but it is a little bit more. He said we are at \$3 million for this building that is out of the way, has no meaning, no purpose, it does not follow in line at all with the UTSA plan, which by the way was a macro view of what the City should be doing moving forward. Councilman Pena said he hopes that any City Manager candidate that is listening is listening closely. He said to pick up that UTSA plan, because you will hit the ground running when you come to Freeport. Councilman Pena said he would be a lot more impressed if they did. He said then we look at the building Downtown he just said \$2.5 million \$3 million, it was \$2.5 million. He said so we have three plus on this building that have no meaning or purpose for the growth and epicenter of Freeport, and yet we have these other historical building, storied families everybody here grew up with, but there will also will be less and do not have to go up and put up a bunch of new design plans, we already have those. He asked do you know who has those plans? He said we do. He asked do you know who also has those plans? He said IAD architects. He asked do you know who also has those plans? He said Covarrubias. He said the homework has been done while we were over here, thinking that we have to spitball and solve this problem all anew, we did not. He said the problem has already been solved it is just the numbers and the vision. He said we just need to take the final step bravely. He said we had got the plans and asked what should we do? He said it is kind of like building a new house if anybody has ever built a house or remodeled a house, the first time you take down one of those walls is the scariest and you take down the drywall to redo your kitchen it is the scariest part, but you got to take that step. He said we already have the tools in place. He said the plan is in place, the money is there. Councilman Pena said he is glad it is 75% for FEMA, because that just means we just saved tons of money. He said he does not believe it is \$10 million. He said but just started throwing out scary numbers to discourage the idea. He said he is not interested in scary numbers. He said he is not interested in imaginary numbers. He said what he is interested in is making sure that we come to the public with real information, real data, so that we can, in fact, do the renovation of the Downtown. He said yes, we can do Downtown if you think about it, if you are informed about it properly.

Finance Director Ashlee Hurst said she wanted to clear it up for the Council and the public as well as they all continue to ponder over the idea. He said they are only going to reimburse to get it back to pre-disaster and this will not be a full renovation and this will be the third floor being used, second and first floors will still be empty. Councilman Pena asked and the veneer right? Ms. Hurst said yes.

Councilman Pena said that a lot of times these buildings are repurposed or remodeled, and the inside offices are left untouched so that the future tenant can build out. He said it would make no sense for us to build out offices or any space that we do not intend to use or, for that matter, even need. He said it does not mean that we can not invest in making sure that it is safe and clean, which he thinks is what the insurance will cover.

Councilman Matamoros thanked everybody who spoke, giving their opinions. He said he appreciated that. He said there is a lot of they are going to abandon the old City Hall. He said they are not going to abandon the old City Hall. He said they decided to move out of this and stay in our current City Hall and going to sell off to the developer. He said everybody stated that they are going to abandon it and it is just going to sit there and they are going to sell it to the developer. He said they are going to make sure that they put safeguards in place to where they hold them to a timeline that they are going to develop, and maybe put businesses on the first floor, maybe apartments, condos living on the second and third floors, which would then bring more people Downtown. He said the notion that they are going to just abandon it is not true. He said there are a lot of big numbers that have been thrown out. He said the largest number is to rebuild it. He asked the audience just a quick show of hands if they had to rebuild it and it was a \$10 million rebuild is anyone going to want their taxes raised because they are going to have to? He said he does not see a single hand who wants their taxes raised. He said they would have to. He said there is no way getting around it. He said we have to start thinking of other ideas. Councilman Matamoros asked is it purchasing the building that we are in? Is it building one from scratch? He said we have a great piece of property on Second Street where the old Community House was that could build a brand new City Hall and tie it in with a new community

house. He said there are a lot of different options that they can take and that is why we are having these discussions. He said a lot of the costs have risen on rebuilding the old City Hall because of material and labor and those are things that can not be controlled. He said when they had a price tag, even then, it was already starting to skyrocket. He said when you start taking buildings apart, you start finding more issues such as asbestos, such as AC and heating systems that are not up to par to control a building of that size and that is why the costs have risen. He said the third floor they were not planning on rebuilding the third floor and now are going to have to and that cost is in there and it all comes back down to they have some tough decisions. He said yes, they do have a short timeline and can stretch it out, and then they take that opportunity of missing grants and other things that may come this way. He said it is not going to be an easy decision, it is going to be a decision that they will need to have more public input on. He said those are some of the things that they have to think about, taxes.

Mayor Cain said he would like to say, whenever they started this public hearing Chief Howell said we have some money that was granted to us that we have to come up with a project, have to submit a project for. Mayor Cain asked Interim City Manager/Police Chief Jennifer Howell if he was correct in saying that? Ms. Howell said no, not grant money that was submitted, it was that we have to submit our scope of project by September as far as if we want to proceed forward, what our plans are for proceeding forward or whether or not, that is the deadline that is approaching. She said when Finance Director Ashlee Hurst had brought that to her attention, that was the first time that she had heard of it so she just wanted to make sure and get that brought up to the Council then because she did not want us to miss some type of deadline to be able to obtain that money if that was something that was interested in. Mayor Cain said we will do our due diligence to try to get some numbers. Ms. Howell said she had just sent IT Director Toby Cohen a text while ago to ask him to do some searching through some emails to see if maybe we do have any numbers from any type of previous contractors or construction companies to have more solid numbers. Mayor Cain said once they get that, they will continue this conversation.

Councilman Pena said they are touching on the right points that they got to get the real numbers, but the real numbers that they have now been based on an older scope, and they got to get that scope redefined first and foremost. He said he thinks the scope of the last estimate was making sure that the building was actually just sealed and the asbestos abatement plan in there and that was already accounted for. Mayor Cain said it might be a case where they take some of this money and secure the building, try to get some windows back upstairs and buy some time to decide what is going to be done with the building at that point, someone might come in and say they all have already done this, so they will take it from there but on the other hand, they might decide they have already done this it is too late to turn around. Councilman Pena said he is curious about the safety of the building and, for that matter, if they are going to open that building up to different contractors that come in that they first of all make sure that it is safe to do so, secondly, that a public notice is made so that people know exactly who to contact so that can be facilitated and that the right City staff and or officials can be in attendance as well.

Sam Reyna said Councilman Matamoros and Councilman Pena stole his thunder he was going to bring up the asbestos. He said when Mr. Kelty was going to remodel the first floor, then he was going to continue on the second floor but found out that there was asbestos and mold in the building. He said as a matter of fact, he thinks that one of the reasons Betty Wells was always getting sick is because of the mold. He said Mr. Kelty for the safety, moved everybody up to the third floor and said that there were no mold layers on the third floor. He said if there was mold and asbestos on the first floor and on the second floor and the AC was on, mold would travel. He said Mr. Kelty was not concerned about the safety or the health of the employee. He said he should have moved everybody out of there as soon as they found out that there was mold and asbestos in the building and have to be careful now when we go back in that they take care of all the contractors fixing to do the job. Mayor Cain said he agreed safety should be job one.

Councilman Pena said on that point he wanted to remind everybody that when that report on the mold and

mildew for City hall was done on the first floor, and Mayor Cain may recall because they were on Council together, that they asked that the full building be measured, and they did and not only did they find mold on every floor at different levels it then turned out when they were doing the scope for Covarrubias on alternative locations, that every building in Freeport has mold. He said when they were looking at that elementary school as an alternative he requested a mold inspection and it came back that it was just as bad as the current City Hall. He said one inspection he never got a report on that he asked for is the current City Hall, but he is there confidently stating that it also has mold but just got to be careful and also can not just overstate mold and mildew to demonize any structure that is prevalent throughout all coastal communities.

Tom Pearson said he was just wondering about FEMA lately and asked how long it would be before they get any money from FEMA? Mr. Pearson asked if there was any kind of idea on that track? Mayor Cain said that is out of their hands, but he does know the quicker they apply for it, the quicker they get it.

Mayor Cain said a lot of good conversation. He thinks someone up there made a comment a little while ago that nobody is wrong in this and everybody's opinion is right and they will do what they can to get through our deadline, without making a hard decision, without having the proper documentation.

Pamela Dancy said the only thing that she asked was that being we are in July and have to give an answer in September and asked if that was correct? Interim City Manager/Police Chief Jennifer Howell said yes. Ms. Dancy said time flies and what the public would like is not to wait till right there, two weeks into September and say let's talk about this again. She said they would like it to go ahead and maybe so that they can all come back with maybe some new ideas all the way up until September. She said she is suggesting that the Council continue to bring this up until then, that is why it just does not go by the wayside, because so many things have. Mayor Cain said only if she promised to leave her phone back there. Ms. Dancy said she apologizes it is an ear. She said, but honestly, September is around the corner, and it really is, and they could just all pledge to continue to bring this up because more citizens might come up with other ideas and if they just do not say anything, it is out of sight, out of mind and boom just like how the budget was always like, boom, have two weeks to talk about this budget and everybody is like what the heck. She said she was sorry but they could all agree on if they could make a pledge to continue to bring this up for the citizens and for themselves they might come up with other ideas. Mayor Cain said they would continue the conversation.

Mayor Cain closed the Public Hearing at 7:12P.M.

Public Hearing: Consideration and possible action approving Re-Plat of lots 1 thru 12 and lots 16 thru 24, including a portion of lots 13 thru 15, all in blocks 735 and a portion of Stratton Street (abandoned R.O.W) of Velasco Township as recorded in volume 32, page 14 of the Brazoria County deed records in the Alexander Calvit Survey abstract 49 City Of Freeport Brazoria County, Texas.

Mayor Cain opened the Public Hearing at 7:12P.M.

Building Inspector Holden Ezell said in March this was sent to the Planning and Zoning Committee in order to replat the property. He said it was the old dealership in North Brazosport. He said the owners of the property want to have a fuel station/bakery in the area and, in order to do that and to remodel it properly, they have to replat it and, per our ordinance, if it is over five, it has to be brought to the Council in order for the second approval. He said it was not put on the agenda in March, it was put on the agenda back in May, and they approved it for the replat and this is just for us to go free per our ordinance to go ahead and get the second from the Council in order to continue with the replat.

Councilman Rossow asked if this is where Leo Martin used to be? Building Inspector Holden Ezell said he thinks it was if it was next to Sam's-Mart. Mayor Cain said yes it is where Leo Martin was.

Mayor Cain said Ms. Desiree Pearson said anything to get new business. He said no not anything to getting new business, but did appreciate the new business.

Councilman Matamoros asked if this is for 18-wheelers? He said he saw a sign that said for 18-wheel pickup trucks. Building Inspector Holden Ezell said they are allowed to use it to fuel up, but they are not allowed to stay overnight. He said the area is not zoned for overnight parking and has discussed this with the owner of the property, and he knows he is not going to use it for a truck stop—a truck stop requires overnight parking. He said he is allowing them to get fuel, standard going to a gas station, grab a drink or something, and then after they get done there, get back on the road. He said it is not going to be for overnight parking or any type that basically extends a long period of time. Councilman Matamoros asked Mr. Ezell if he had seen the plans for this? Mr. Ezell said yes, he did submit the plans and did a preliminary review and has not included the remodel of the building, has not included the fuel pumps or fuel stations yet. He said he did not do a full deep dive because the moment that it says confirm or deny, if it turns out to be denied, the plans are basically not worth it, but if approved have the plans in for the review. He said from what he can tell, it looks very good and hopes they are able to get this business in Freeport. Councilman Matamoros asked if he had entrances and exits on North Avenue F or Sweeney? Mr. Ezell said he wants to say it is Avenue F and believes it is a continuation from the old Ford dealership, and it does go through the easement, but he is not going to be touching the easement that is already there. He said the owner already knows of the easement and will not be building over it. Mr. Ezell said he made sure to discuss this with the owner. Councilman Matamoros said the reason he is asking these questions is that 18-wheelers tear up a lot of asphalt streets and that is an asphalt street and if they are going on Avenue F they are going to tear it up and ask who is responsible for that? Councilman Matamoros said the City. He said he had some reservations he had been speaking with residents in that portion of town, also on the corner of Sweeney and Avenue F a child care center, and he was afraid of that as well. He said these 18 wheelers—we need them to haul our equipment, but some of them do not pay attention. Councilman Matamoros said it makes him a little nervous about that right there. Councilman Matamoros asked if the owner was present? Mr. Ezell said no, he was not. Councilman Matamoros said he would really like to speak with the owner to see plans before he can make a determination on this. He said he is not against the business, but he likes to see some of their plans.

Councilman Rossow asked if the sign said it was going to be a truck stop? Building Inspector Holden Ezell said no it was not going to be a truck stop. Mayor Cain said the sign does say truck stop. Councilman Rossow said that was his question, because he looked at it. Mr. Ezell said he did not see it in the business plan, and it did not say truck stop in the plans he looked at. Councilman Rossow said he was talking about the sign where the establishment is going to be. Mr. Ezell said he did not see the sign. Councilman Rossow asked if he had not seen it? Mr. Ezell said no. Councilman Rossow said there is a sign there. Mr. Ezell said he apologized and said he personally did not see the sign.

Melanie Oldham said she thinks Councilman Matamoros made some good points. She said she was quite shocked when she came into town and saw that somebody was working out a deal did not know who with the City to put a truck stop on Business 288 near a daycare and a lot of other businesses, because not only do those 18 wheelers tear up the roads, but they put out diesel soot, and she could give the statistics for how bad some of the diesel soot already is in Freeport and around. She said she knows, for instance, the Port is going to put in a truck stop or area, but they are going to have some electrification systems where they do not have to sit all night long and idle and put out all this diesel soot. Ms. Oldham said she appreciated Mr. Ezell, Cathy's son, who is just new to this project because, as you know Shelby and all the experienced folks are gone. She said she thinks the Council all need to ask a lot of hard questions about this why somebody in the City has been working on this deal, which she does not know if any of the Council even knew about. She said she personally does not think it is a good idea. Ms. Oldham said she appreciated Councilman Matamoros and others, and she said to the Council to keep asking questions.

Sam Reyna said the building that is being talked about what needs to be done is that Veolia needs to run the cameras in the drain lines and water lines. He said they are very corroded. He said he has photos of pipes that he took out of there and only went so far because he wanted to open up the funeral home and did not go

all the way out, but he has photos. Mr. Reyna said he would bring them to the next meeting—how corroded those lines are. He said what needs to happen is we need to get Veolia to run their cameras and in the lines because if you are going to open up a business you are not going to be there for long, they are very corroded, very corroded. Mr. Reyna said some of them are so corroded that on the bottom of the pipes—they just had holes and the only thing holding the water to that mud was so tight in there, but Veolia will need to run the cameras in there.

Linda Marshall said she had a couple questions. She asked Building Inspector Holden Ezelle how many pumps it was going to have? Mr. Ezell said he had not seen the pump design just for the remodeling of the dealership, but not the fuel pumps. She asked what about traffic getting back on the road out here? She said if they leave that station it is already congested said she was assuming they would have to get on Brazosport Boulevard and asked if that was right and not a side road to come on or at a light. Mr. Ezell said yes. Ms. Marshall said if approved and asked if there had been an anticipated date as to where they might start? Mr. Ezell said the plans he has will be in the process of reviewing, and he did a quick overview of them but wants to make sure to study them and then, once—if approved, himself, since it is a commercial building, it also falls to the Fire department—will be involved with getting these plans done from all the plans they have. Mr. Ezell said it is a one-to-ten-day plan review phase within the City and once they have that, once confirmed approved, they will contact them to get the permit, and they have 180 days to start the project and if it does go past 180 days, they require an extension and extensions are allowed. Ms. Marshall said her concern would be the amount of traffic trying to get back onto Brazosport Boulevard once they have filled up she said it is already congested out there, and the roads are coming up.

Desiree Pearson asked if they were going to leave the old building that was there? Building Inspector Holden Ezell said the plans he has seen are for the dealership itself and does not know if they have submitted the plans for demoing the other building on the property. Ms. Pearson said that it is really not a large parking lot if they were to put an 18-wheeler and the only way they could get out would be on those side streets talking about. She asked how could you pull in and get back on Brazosport Boulevard? Mayor Cain said which is not a bad thing, because if it is hard for the 18-wheelers to get there, then they might find somewhere else and leave room for Councilman Rossow to go over there and get a taco. Ms. Pearson asked if Mayor Cain had seen the same sign on 332? Mayor Cain said he personally has not, but he did do a Google image of Swift truck stops. Ms. Pearson said it looks like exactly the same sign that is out there. Mayor Cain said what he is seeing on Google images is more like the convenience store that was just recently built over on Main and 288 in Clute or Stratton Ridge and 288 in Clute that is in his mind what he was thinking, but he was under the impression they were going to tear the building down and build new, but now he is not sure what it is going to look like. Ms. Pearson said she just does not think that it is big enough for 18-wheelers. Mayor Cain said well, per our ordinance, we cannot have a truck stop in the middle of Freeport it has to be on the outskirts. Mr. Ezell said this is a C-1 zone, which does not allow overnight parking and truck stops and that is more for industrial C-3 zones. Mayor Cain said that was correct.

Councilman Rossow said a loaded 18-wheeler weighs a whole lot more than an empty one and, like Councilman Matamoros says, that 18-wheeler is going to hit that asphalt one way or the other—whether it is coming or going because there is not enough room for it to turn around. Councilman Rossow said he was not sure if that is TxDOT's responsibility or if it is the City of Freeport responsibility to make sure that those loaded 18-wheelers full of diesel or gas or whatever can get on our asphalt roads and that is something we may need to look into. Councilman Rossow asked Building Inspector Holden Ezell if that was something he discussed with the owner? Mr. Ezell said no, he has not about the weight of the vehicles with the owner, but he will get in contact with him, and discuss it with him to see what direction he would like the 18-wheelers to go in.

Melanie Oldham said it just seems like the public and all the Council have a lot of questions about this and even Mayor Cain. She said she knew there were a couple of people that were working on the deal and one is

no longer with us and one is our EDC director. She said to be open and transparent, the public should know if they want to put a truck stop or whatever right near the daycare and food and taco stands or whatever. She said she thinks they need to talk to the people who have been working on this deal behind the scenes that maybe the Council did not even know about.

Councilman Pena said he would like to see some renderings of the space and does not want to get caught up in the titles and the labels, because it sounds like this is not in some instances some people see a truck stop as an overnight stay and all this other stuff, but this almost sounds like another gas station that will allow 18-wheelers to fill up. Building Inspector Holden Ezell said yes. Councilman Pena said he is not sure what the question is if they are looking to approve just a regular gas station that can facilitate the fueling of 18-wheelers or if they are being asked to put in a bona fide truck stop which flies against the zoning. Councilman Pena said he is not sure if the current plans fly against the zoning or not. He asked if a regular gas station would be okay with the current zoning in that location? Mr. Ezell said yes. Councilman Pena said that was the thing he was curious about. He asked if they were talking about a regular gas station there, or talking about a gas station that has been labeled a truck stop, and it does not even check the boxes of what a truck stop really is in all the negative forms that we do not want there. Councilman Pena said if it is not violating the ordinance or the zoning, then the question just becomes talking about safety, the daycare, road damage and who is responsible he would imagine TxDOT is responsible for 288 and the City would be responsible for Sweeny and the other side streets there. Mr. Ezell said Avenue F. Councilman Pena asked if it was Terry, Sweeney and what was the next one? He said there was a little road there on the map that he was looking at on the monitor. Councilman Pena asked if anybody knew the name of that street? He said because then it went to Skinner. Mr. Ezell said on the replat it says Stratton Street. Councilman Pena said this is basically between Sweeney and Stratton. He said he is thinking about when Volkswagen made their plans there they did their own roads all inside their property and everything outside was done by TxDOT. He said when Starbucks got in, they complied with TxDOT to have their ingress/egress in and out abilities and the City was responsible for all the other side streets. Councilman Pena said he does not have a problem with it if it falls under the zoning, but the safety issue and that is a concern of his. He said he is curious about the daycare, how they operate, if they have kids out in the front running around, or if they are always secured inside, because if they are secured, then it is a moot point and if they are running out on the streets and everything else or there is a little playground nearby that is accessible to the street that is another question that needs to be addressed. He said at this point, he wants to make sure that they are clear on what the concept is and if it falls under the zoning. Councilman Pena said Mr. Ezell could not answer the question tonight because he is not familiar with all the details of this business plan and that is what is needed. Mr. Ezell said he had discussed it with the owner and had a lengthy conversation with himself and the previous Building Official Ms. Shelby, along with Olson and Olson and got an opinion from him when he was still the City Attorney. Mr. Ezell said they discussed with the Attorney saying truck stops are not allowed in that area and discussed with the owner of the property he knows he cannot put a truck stop in and the owner asked if he could allow 18-wheelers to fill up. He said they looked through the zoning map and land use table and there was nothing there that stated that or explicitly said you can or can not have 18-wheelers fill up in a C-1, C-2 Downtown zone for that description. Mr. Ezell said he knows that to follow Texas right-of-ways and everything like that and when discussed with him, he knows he will not allow 18-wheelers on the property overnight, and he knows that and has been very adamant about that. He said he will not allow 18-wheelers overnight, and it is just like a standard gas station that accommodates 18-wheelers, that allows them to have a chance to fuel up, instead of having to drive a long way to try to find a spot that allows them to actually fill up. Councilman Pena said that it is good to know, but what they are really talking about then is just the replat rules, number one, but they have to consider the safety and if those boxes are checked, he does not have a problem with it if they know it is safe know it is compliant and there is no overnight lodging and the only question becomes the TxDOT stuff. Councilman Pena said he would rather have all of these 18-wheelers that are coming through here stop in Freeport, get that sales tax versus them going down the road and filling up in Clute or in Lake Jackson. He said we are at the end of the road, but we are where all the business is happening, which is the Port and so we need to capture as much of that business as possible

and have got to do it responsibly.

Fire Chief Chris Motley said this is about replating property and the things being asked about will come in the plan review and will be asking for those as well. He said they do want the layout of it if there are gas pumps, how they operate in the facility, how things come in and out, that is traffic patterns. He said the answer to the daycare: the kids have a fenced-in backyard behind the building, they are not outside on the sidewalk playing in the road or anything like that. He said that it is inspected so they know where the facility is. He said there are a lot of questions that still have to be asked during the plan review to bring it up to say it does meet the zoning, and it does meet the International Building Code and Fire code. He said right now there is a preliminary drawing he looked at and saw there are no showers, because the first thing he was looking for was if this was a shower facility for truck drivers to come in, because he knows watching the things that have come with increased shipping of junk vehicles brought a different crowd and that crowd has changed with different businesses coming in with better railroad cargo coming in that they dealt with. He said he understands the questions that are being brought with this as well, but are only there to check for compliance with what they do. Mayor Cain asked Chief Motley if he would be involved with the process throughout? Chief Motley said yes. Mayor Cain said that eases his mind.

Melanie Oldham said she heard what Councilman Pena was saying and, yes, we do need businesses here, but we have to, as a City start being more selective about what types of businesses that come into this town and how they affect our residents and can not just say well, it would be nice to have a truck stop so it might bring more. She said there are a lot of things to consider safety, will it increase the diesel soot, the roads. She said the City has an ordinance that spells out the streets that trucks can go on or not go on and that would have to be a big thing to look at on Sweeny Street or whatever, and has to be put in the ordinance. She said she is glad the Council is starting to ask questions and look into this, because she was quite shocked when she saw the sign that said Truck Stop.

Pamela Dancy asked who is building this? She asked if it would not be more prudent or more sensible if those people were there so that they could all ask questions. She said she believes that would be the best thing because then it would probably clear up some of the concerns either way. Mayor Cain said yes, Ms.Dancy is correct, but this is the first step in a long-drawn-out process that they are fixing to go through.

Councilman Pena said he was glad that Fire Chief Chris Motley inspected the space in terms of the daycare, and he had said the children have a playground in the back. Councilman Pena asked Chief Motley if he deemed that to be safe? Councilman Pena said he would like to rephrase the question for any liability issues and asked Chief Motley if it meets all the requirements that the City has provisioned for a business like that? Chief Motley said the daycare is also managed and inspected by the State of Texas as well, and so they are licensed in the State of Texas. Chief Motley said they do annual inspections of daycare to make sure they are in compliance to maintain their license, and so they are in compliance with their license. Councilman Pena said he was talking about in terms of safety risk particularly to the gas station being placed. Chief Motley said there is not anything in his rules that tells him to evaluate that it is not in the realm that they do as a City. Councilman Pena asked how do we then assess peripheral risks? He said because this is what it will be and it is a real concern. Chief Motley said some of the things he hears and is trying to stay out of the conversation, but we can not interfere with free enterprise here and that is the key thing a lot of the questions are being centered around they can not put that in, well, this is free enterprise, this is who is building this business, does it meet in our zoning, does it meet our rules and if it does, he can not say no. Chief Motley said he has to approve it and move it forward and that is the key we are following the rules that have been adopted, and delegation authority comes from the code of ordinance and are following those rules.

Melanie Oldham said she is an advocate for public health, clean air, clean water and clean government. She said the thing is it is not reality she knows the kids that are going this summer to that daycare and if they think that diesel soot coming off these trucks is not going to go around to where all these kids are on the

back and the side, they are mistaken. She said there is no magic wall that stops it. Ms. Oldham said she thinks they need to look at a lot of different factors before saying it is safe for the kids at the daycare. She said that needs to be looked at.

Councilman Pena asked Mayor Cain if he was familiar with whether they have any kind of weights and measures, for lack of a better phrase the gauge the environmental impact of any of these gas stations that are considered to be here, because he knows we have another gas station going up a bona fide truck stop on Pine Street, they did that replat so they could have that whole City block right by the Fire department and so the conversations of environmental impact were not brought to bear but here they are maybe because it is right next to the daycare. Councilman Pena asked if they are familiar with it and have any guidelines?

Councilman Pena said when Chief Motley says the International Building Codes give him a delegation of authority, which is basically saying, hey, now you are responsible for that, and we do not have any delegation of authority through the IBC and asked if they have anything else in terms of resolutions or ordinances? Mayor Cain said not that he was aware of. Councilman Pena said he was not either.

Councilman Pena asked Interim City Manager/Police Chief Jennifer Howell if she was familiar with any? Ms. Howell said none that she is familiar with. Councilman Pena asked Fire Chief Chris Motley if he was not familiar with any either, right? Councilman Pena said that is what has to be considered. He said he is hoping to see those plans and the owner at the next meeting.

Betty Lopez said she wishes her brain were younger and smarter and could recall things off the top more easily, but there is something that registered homes and licensed day cares do have to adhere to that is a child safety zone, and she is not sure how many feet it is and she does not recall but wants to say 500 feet is rolling around in her head but there are some legal requirements as to what sorts of businesses, establishments, retail people are entering into that child safety zone. She said it is for a couple of reasons, and one is you do not want somebody that is close enough that can grab and hit the nearest freeway, which is 288B those sorts of things, but there are some laws in place, and it would be a matter of just researching that and finding out how many foot it is.

Councilman Pena said that is a really good point and did not think about that. He asked does the implementation or the approval of this particular gas station then negate the qualifying factors or licensing of that daycare? He said they would have to bring in the gas station, and then it forced the childcare place to shut down. Mayor Cain said the nice thing is tonight, all that is being considered is whether they are going to replat then the powers are going to have to get all the answers that have been asked tonight before they can give their blessings on whether they can put a gas station there. Building Inspector Holden Ezell said this is strictly just for the replat and this is not for the remodel or any of the other amenities that could possibly go in, this is strictly just to replat the property from multiple lots into one lot and this is based off of this it is not based on the remodel of the building that falls under Chief Motley and himself.

Councilman Rossow asked if the owner of this was invited to this meeting? Building Inspector Holden Ezell said he did not reach out to him to ask him if he would like to come. He said the owner was at the last Planning and Zoning meeting and did not speak on it, but he was at the last Planning and Zoning meeting where they approved his replat. Mayor Cain asked if P&Z approved it 4-0? Mr. Ezell said yes. Councilman Pena said he was curious about the comment if they are just doing the replat and asked does that signal the tacit approval of the whole business or if they hold off and say, let's wait for all the other information does that signal that, hey, they want to make sure that the owner shows up, and that the information is provided and that they are that much more motivated to meet with the Council and speak with the Council. Mayor Cain said he understands where Councilman Pena thought process is, but he is going to tell him since Councilman Pena and he have been up there have done 100 replats and have never required or asked the owner to come up there.

Melanie Oldham said she thinks the owner should have been here to answer all the Council's questions and

the audience's questions. She said she does not think there is any rush to do this replat. She said she thinks Building Inspector Holden Ezell said the owner was there, but they did not even ask him any questions or whatever, and she thinks he needs to be there so the Council that represents the residents can ask these hard questions.

Building Inspector Holden Ezell said the reason they did not ask him any questions is because the Texas Municipal Code has a 30-day limit for replats, which means that once it is submitted, they have 30 days to get it to a Planning and Zoning member or some type of authority, and it was not done at that time, and it was automatically approved once it goes past the 30 days—it was submitted in April and then at the same the employee picnic was going, and did not have a meeting due to a clerical error and so this replat, along with another replat, was automatically approved through Planning and Zoning due to the fact that it missed the 30 days due to the fact that there was no meeting to either approve or disapprove. Mr. Ezell said he found that out now that he is remembering the Thursday or Wednesday right before the Planning and Zoning meeting the one that approved this—and he relayed it to the board. He said he relayed it to one of the board members beforehand, and it was brought to the Council because it had to be brought due to the over five, but it was automatically approved due to the Texas Municipal Code.

Mayor Cain closed the Public Hearing at 7:46

Mayor Cain said there was extensive conversation on agenda item 3B consideration and possible action on the replat.

Councilman Pena said considering there is no sense of urgency to the matter, he would like to table this.

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

Building Inspector Holden Ezell said due to Texas Municipal Code the replant already approved this, and this is just a formality because they missed the 30 days to go the Planning and Zoning it is automatically under the Texas Municipal Code so this is just a formality wise for the approval. Mayor Cain said, in other words Mr. Ezell is saying it does not matter how they vote tonight. Mr. Ezell said it was automatically approved due to the Texas Municipal Code and he does not have the paper with him, and he had it on his desk and was supposed to remember to grab it, but it slipped before he could grab it.

Councilman Pena said he can not believe that the Municipal Code is going to override the Council's authority to manage this City and that seems impossible. He said he would like to ask an expert, call a friend.

Interim City Manager/Police Chief Jennifer Howell said to the Mayor if he would like, she could research on this.

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

Mayor Cain said Interim City Manager/Police Chief Jennifer Howell will get some clarification and next week will sign either documentation or not.

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

Business

Consideration and possible action approving Minutes from June 16, 2025.

A motion was made by Councilman Matamoros to approve Minutes from June 16, 2025, as presented, seconded by Councilman Pena with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Consideration and possible action approving Resolutions appointing/reappointing members to various Boards and Commissions.

Interim City Manager/Police Chief Jennifer Howell said there were several boards and commissions from previous meetings that were not completed on getting those appointed and so it was brought back to the Council to have some of those boards and commissions appointed so they could continue on with their meetings and make a quorum.

Mayor Cain said first it was the Historical Commission and Main Street and before any names were thrown out, he wanted to be known that Mr. David McGinty had put his application on there, and he actually would like to serve on the Historical Commission once the boards split, and so he is not interested in being on the Main Street. He said he spoke with him prior to the meeting, and he agrees with what he was saying as he was nodding his head yes. Mayor Cain said Mr. McGinty's name will be scratched off the applicants for the Historical Commission and Main Street.

A motion was made by Councilman Matamoros to approve Betty Lopez to the Historical Commission and Main Street, seconded by Councilman Pena with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Mayor Cain said the Charter Review Commission.

A motion was made by Councilman Matamoros to approve to appoint Lila Diehl, Ruben Renobato, Theodore Baker, Doug Domingues, and Sam Reyna to the Charter Review Commission, seconded by Councilman Rossow with discussion that followed.

Councilman Davis said that every motion can not be called as soon as Mayor Cain gets through talking and if they are just going to let him dictate who is going to be on all the boards. He said the format needs to be changed, it is like a race, he barely even finished talking.

Councilman Pena said he was just curious if the motion did not pass and asked if this could be done one by one? Mayor Cain said they could do it however the Council would like to do it.

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

Mayor Cain said Senior Citizens Commission. He said Ms. Ona Johnson, Ms. Sammy Moore, Ms. Sandra Childress, Ms. Jane Hawkins which all reapplied. He said Ms. Brenda Laird has resigned her term. Mayor Cain said four of them would have to be appointed for a full term and one to fulfill Ms. Laird's.

A motion was made by Councilman Rossow to reappoint Ms. Ona Johnson, Sammy Moore, Sandra Childress, Jane Hawkins to a full term and Ms. Loraine Mitchell to take Brenda Laird's spot which her term would expire in 2026, seconded by Councilman Matamoros with discussion that followed.

Councilman Davis asked if Ms. Brenda wanted to get off. Mayor Cain said yes.

Councilman Rossow asked if the lady that would take her place was present at the meeting? A member of the audience responded and said no.

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

approved the motion.

Mayor Cain said Beautification/Parks and Recreation Committee. He said those that are expiring and have reapplied are Julio Chavez, Robert Dohle, Theodore Baker, and James Gosett which did not reapply and so there are two more that have applied, which are Ms. Sammy Moore and Ralph Frazier.

A motion was made Councilman Davis to reappoint Mr. Chavez, Mr. Dohle, Mr. Baker, and appoint Ralph Frazier, seconded by Councilman Rossow with all present and voting "Aye" 5-0. The Council unanimously approved the motion.

Mayor Cain thanked the applicants for showing their willingness to participate in this, and it really means a lot to the City.

Councilman Matamoros said he wanted to make a quick announcement on boards and commissions. He said the Planning and Zoning Board had a resignation due to nonattendance, so there are applications being sought after for that position and wanted to make the public aware if they are not aware.

Consideration and possible action approving Resolution No. 2025-2935 designation of representative, alternate, and proxy to the Gulf Coast Transit District.

Interim City Manager/Police Chief Jennifer Howell said this was brought before the Council last month regarding looking for a representative, alternative, and proxy, and it was tabled to carry on into this month. She said it is being brought to the Council looking for those individuals. She said this would be for the Gulf Coast Transit and they usually meet once a month, but they do sometimes meet twice a month.

Councilman Pena asked Mayor Cain the Urban Renewal board had been skipped over that was in the packet? Mayor Cain said that it is a non-active board. Councilman Pena said he was just wondering why it was in the packet. Mayor Cain said the Urban Renewal board is not an active board in the City at this time.

Mayor Cain said the Gulf Coast Transit District usually meets every other month on the third Tuesday of the month, usually meeting in Texas City or Lake Jackson. Mayor Cain said for this guy to go to a meeting in Texas City in the middle of the day on Tuesday is awfully difficult.

A motion was made by Mayor Cain to assign Councilman Rossow as the representative to the Gulf Coast Transit District, seconded by Councilman Davis with all present and voting "Aye" 4-0. The Council unanimously approved the motion.

A motion was made by Mayor Cain to appoint Councilman Pena as the alternate, seconded by Councilman Matamoros with discussion that followed.

Councilman Pena said he wanted to recuse himself from that position. Mayor Cain said to Councilman Pena he could recuse himself from the vote. Councilman Pena said yes, but well, from consideration he should say. Mayor Cain said to Councilman Pena he did not have to worry about it, Councilman Rossow is not going to miss any meetings he would be good.

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

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

Mayor Cain thanked the gentleman for being volun told.

Consideration and possible action approving a contingent fee contract with Perdue Brandon Fielder Collins and Mott, LLP pursuant to Section 552.001(b) of the Texas Local Government Code, said contract being for the collection of delinquent utility accounts owed to the City of Freeport and notice of said contract is posted with the agenda in accordance with Section 2254 of the Government Code.

Finance Director Ashlee Hurst said it was discovered that debt collections for past utility accounts have not been pursued in the City since 2017, and that has allowed for the delinquent balances to remain open indefinitely. She said those balances have been included in her monthly financial reports to the Council, with an estimated grand total of \$400,000 that has accumulated since the collection stopped. She said due diligence was performed by researching different debt collection options for the City after learning that the previous company the City used was no longer in the collections business. She said additionally she reached out and spoke with the neighboring Cities about what current debt collection process they used, and Perdue Brandon was referred by Richwood and Clute, who both currently use. She said Perdue Brandon assists the City with property tax collections and court fee collections already. She said the City has a strong working relationship with that law firm, and wishes to extend that working relationship to begin pursuing debt collections on a regular basis. Ms. Hurst said if this is approved, the law firm will receive a report on delinquent accounts as of today, and then, going forward, this would be a routine process sent over to them on a monthly basis. She said it would result in balances that are 60 plus days old to be sent out, and for the law firm to pursue the collection process. She said this is the typical process for utility billing collections in other Cities, and she believes that this should be pursued here in our City to try to recover monies owed to the City. She said the contract that is before the Council tonight would allow for the collection of the delinquent utility account balances with a 30% collection fee added to the total due that is turned over to the law firm. She said that a fee would be added to the utility account balance before it was sent out for collections that way the fee would only be collected on balances that are successfully collected by them, and would not cost the City any additional money. She said the contract would enter the City into a one-year contract for the collection service, and could be reviewed and possibly renewed yearly thereafter.

A motion was made by Mayor Cain to approve a contingent fee contract with Perdue Brandon Fielder Collins and Mott, LLP pursuant to Section 552.001(b) of the Texas Local Government Code, said contract being for the collection of delinquent utility accounts owed to the City of Freeport and notice of said contract is posted with the agenda in accordance with Section 2254 of the Government Code, seconded by Councilman Matamoros

Councilman Davis said it is a good idea. Finance Director Ashlee Hurst said it is the best option rather than leaving balances just sitting.

Mayor Cain said Perdue and Brandon have done a good job in the past. Finance Director Ashlee Hurst said they did warn the City that it is not as easy to collect on the property and the court fees because there are not as strict repercussions as the customers could face, but it is still worth a try. Mayor Cain said something is better than nothing.

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

Consideration and possible action to clarify utility billing policies and disconnection procedures.

Finance Director Ashlee Hurst said to ensure the department is running as it should under her leadership, she is coming before the Council tonight to seek official guidance in a public platform on a few things that have been found in the utility department. She said they just want to open the door for discussion and possible action to clarify the processes. She said the morning after she brought the possible water fee changes to the Council on June 2nd, she dove really deep into the utility billing software. She said she works directly with the support staff of the software, and she confirmed that past due processes were set up incorrectly in the system, that the system had been set up to look at a 60-day balance instead of through a current balance,

which allowed those accounts to get further behind than they should have. She said it was also discovered that commercial and senior citizen accounts are marked as a no-cut-off option in the system, meaning that anytime they run a disconnect report or a past due balance, they are automatically excluded. She said staff are unsure whether this was a prior discussion among the Council, and she could not personally find anything stating that fact either way. She said she is seeking official opinion and guidance on those types of accounts. Ms. Hurst said she also put maybe there is just a set amount of time they would like to establish that they actively try to personally reach out to try to get payment before they pursue a disconnect on that. She said it is not a huge issue, but at the same time, they wanted that official guidance to make sure they were handling them the correct way, and then she also wanted to bring another issue to the table for the public to know, but the City is currently being operating as stated on the website with the \$10 late fee being applied on the 13th if the payment was not made, that does not comply with what the charter states and again, she could not find any resolution or any other things stating that the billing dates were supposed to be what the website states. She said she attached a copy of the charter where she found that late fee so again, just asking for guidance and or blessing that they update the website so that the \$10 late fee, the bill is due on the fifth and the \$10 late fee should be applied on the 6th and not the 13th.

Councilman Pena said there are a lot of legal questions that he has and, until they get an attorney there, he thinks they need to table this because how they decide to move forward on all this billing they want to make sure that they are not opening themselves to any legal liability, number one, but also if they are trying to change the charter to fit a more common sense approach for our citizens, then he is all for that. He said that was just his take on it early on.

Mayor Cain said his initial thought is if they are not doing what the charter says they are supposed to be doing, they need to at least be doing what the charter says they are supposed to be doing, get to that point, and then if they need to make changes, and it needs to go in front of the charter and follow the proper procedures and if the charter specifically says these dates and, this is the repercussion, in his opinion, that is the way they should be handling it. Interim City Manager/Police Chief Jennifer Howell said that was more kind of the concern that came up when Ms. Hurst and she had the discussion that the charter was saying one thing, but the standard operating procedure they were doing was something else, and so they did not like having that the charter was saying do it this way, but that was not the protocol being followed. Finance Director Ashlee Hurst said she thinks overall they have a really hard time, since trying to clean that up and finding the black and white in this department, so she is trying to make that black and white and in the black and white in this aspect is contradicting itself, so she does not know which way to go. Mayor Cain said he appreciated that.

Councilman Pena asked how many folks are out of nonpayment? He said he guessed people that are over 30 days later, 60 days late, both, seniors and commercial. Finance Director Ashlee Hurst said as of seniors today, they only have two, and they did go in for a payment arrangement, so those are taken care of and then there are several apartments she is aware that will take legal action, and will have to wait. She said there are a couple of churches and then as far as commercial, they probably have ten or so within a month of being behind. Councilman Pena asked if that list was provided in the agenda? Ms. Hurst said no, she did it at 3:00 today so it was current. Mayor Cain said he would say seniors are probably the most responsible that we have as far as paying their bills on time. Ms. Hurst said she did reach out to the neighbors again for this and Clute was the only one that responded, and they just said that their senior citizens get that discount, but they are treated as a normal residential customers, and then their businesses and apartments are given one courtesy phone call before disconnection.

Councilman Rossow asked if Finance Director Ashlee Hurst had said the 6th day? Ms. Hurst said the Charter says the 6th that \$10 fee should be applied, but they have been doing it on the 13th. Councilman Rossow asked if that was a grace period? Ms. Hurst said that is what they have been saying that it is due on the 5th but are not charging a late fee until the 13th currently. Councilman Rossow said that sounds good.

A motion was made by Councilman Matamoros that on the bills a late fee being applied on the 6th instead of the 13th, which complies with the Charter, and other information such as the account balance 60 days have legal look into that before implementing any process because that conflicts with what the Charter states with discussion that followed.

Councilman Matamoros asked if this would conflict with what the Charter states? Finance Director Ashlee Hurst said there is actually no guidance about the senior citizens and businesses in the charter. She said she was told today that, by Ms. Cramer that she believes that the excluding seniors and businesses came up from, a couple City Managers ago, that it was a personal decision. Councilman Matamoros said he would like to get some guidance on that before they make a decision, but with what the charter states on the late fee being applied, after the 6th he agrees with that.

Mayor Cain said there is a motion to change the late fee from the 13th to the 6th per the charter, and then hold off on any other changes until they have legal.

Mayor Cain called for a second. The motion failed due to a lack of a second.

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

Mayor Cain said he assumed Councilman Pena wanted to table this until they have legal eyes put on it and not until the next meeting? Councilman Pena said that was correct. Councilman Pena said he wanted to make sure, at least for him, he had questions on the charter, what the due date was and, for that matter, what the late date was, and they could have that conversation, but he was also thinking about just the compassionate component and if somebody made an executive decision that was leaning on a component of compassion to our residents, he is kind of glad to hear that, and he does not think they need to be walking backwards on that one. He said especially since a lot of seniors are on fixed incomes, they receive checks at a certain part of the month and give them a little extra time that is where he comes from. Councilman Davis said on the apartments they need to pay because people pay for rent. Mayor Cain said the apartments fall under a completely different issue which is definitely going to require legal guidance.

Interim City Manager/ Police Chief Jennifer Howell said they just want the Council to understand that they are not trying to take out any kind of compassion element, just merely trying to set up some procedures and protocols in black and white and that way it is not a changing situation.

Councilman Davis asked if on the charter it says the bill is late the next day? Finance Director Ashlee Hurst said yes, every date that is followed is correct other than the date they apply that \$10 the charter states that they apply it on the 6th but currently apply it the 13th. Interim City Manager/Police Chief Jennifer Howell said she does not know that if when the charter was done, if there was a different due date then that she does not know. Ms. Hurst said the due date was set as the 5th. Ms. Howell asked if it always set as the 5th? Ms. Hurst said yes. Councilman Pena said it does not leave for much of the grace period, but it will be figured out.

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

Discussion regarding future Utility Operations and possible action to issue an RFQ.

Finance Director Ashlee Hurst said with it being budget time, a decision on how utilities are going to be handled is imperative specifically, the decision on whether utility operations are coming in-house or whether they are going to contract the services out again, is the decision that really needs discussion. She said if they are going to contract out services, should due diligence be done and post an RFQ for utility operations. She

said the City has used Veolia for services in the past. She said the City has been working under the impression that utilities were coming in-house as of October 1st, 2025. She said she comes before the Council for some discussion to get that decision rolling, whichever way it is going to go.

Councilman Pena said he would like to in the interest of making sure they have a full set of information from both the City and Veolia, our current operations, utility operations contractor, that, so that they can have a workshop with all the parties and decide whether or not they do need to submit an RFQ.

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

Councilman Matamoros said this states discussion only; it does not state discussion and action. Mayor Cain said it says discussion and possible action to issue RFQ. Councilman Matamoros asked where that was at? Mayor Cain said it is under the title. Councilman Matamoros said he sees title discussion regarding and in the packet it states discussion regarding future utility operations.

Mayor Cain said this is an important decision that has to be made for the City and there are he guesses you can say pros and cons regardless of how they go. Mayor Cain said everybody is going to have their personal opinion and his is of which is the City needs to take it in-house. Mayor Cain said a public meeting or an open session where they can have all parties involved and can get more information out there so that they can have more citizens input and give Mr. Rudy a chance to prepare.

Interim City Manager/Police Chief Jennifer Howell said they would just like to ask that if that is the direction that the Council decides to go, that they do get that set up as soon as possible, since they are in such a time crunch since this has not been addressed before. Councilman Davis asked if they were in a discussion period right now? Mayor Cain said yes. Mayor Cain said for the public this is the situation, back in October of last year, somewhere around there, the Council was of the opinion that they were going to get away from the Veolia contract and take water and wastewater in-house. Councilman Pena said to Mayor Cain that was not true, that it was never brought to the Council to decide or to discuss and this is the first time it has been being discussed. Mayor Cain said it was the year before that it was discussed, and last year was when the letter was sent out. Mayor Cain said the previous Council had decided that it would be best to take the water and wastewater in-house it is going to save the City money and in the long run will benefit the City by lift stations that work. Mayor Cain asked how long had that pump been sitting out there? Mayor Cain said that was the previous Council's decision was they were going to move on and here lately, one of the salesmen or the representatives from Veolia has reached out to a couple of Council members and those Council members have expressed concerns about moving on, so here they are in the position they are kind of in a conundrum because and asked when is the contract expected to expire? Ms. Howell said September 30th. Mayor Cain said September 30th, which is right around the corner. Mayor Cain said if they are going to have this meeting, he recommends that they have it quickly because time is of the essence either way whichever way they decide to go, either Veolia has got to get geared up for another ten years or Mr. Rudy is going to have to get geared up to take it over and those are his two cents.

Councilman Davis said as they went back and looked at this situation, they did meet and had a little meeting there last week or so about this situation and the Mayor just stated that it was last year that they sent the letter out, but the previous Council made a decision to take it in-house. He said he has been there a year, and now they are talking about it that it has to be done in September, but they had no discussion on what the plan is, how much does this cost, where are they going to get that. He said they have to go buy the equipment to do this job. He said you need vacuum trucks, backhoes, company trucks, the workers need trucks. He said they are talking about the budget that they are on now, and then the budget that was just got presented to them the other day cannot confirm that the numbers were not right. He said so they were going to go off a budget that the numbers were not even right, and so Ms. Ashley had to go over the budget and try to fix the

numbers, scramble and fix the numbers within a couple of days or he did not know how long it took to come up with that, but that was because they could not jump into a multimillion dollar. He said this is our water, sewer. He said in the future looking forward, it is probably smart they need to get ready, but they should have got ready two years ago this contract was coming up, and then they would be ready today. He said you do not just jump into a big or rushing into a big. He said they are looking at the budget and the audience are not seeing what is in the budget they are not seeing what they could possibly step into when they get here. He said everybody is saying well look at the parks they have been sitting there, true enough they have but they do not have Veolia's side of the story. He said the whole time he has been there he has been trying to get Veolia to meet with the City Manager and meet with the Council and would not happen and would not do it and asked why not? He said because you are telling him one thing, and they are saying another, but they do not want to meet together because that is when the lie is going to come out. He asked so who was lying? Councilman Davis said this part is willing to meet, but they are not. He said he did not understand why and still had not met with them. He said he thinks they got to talk to the Chief the other day and does not know is Ms. Hurst got to talk with them he said this was the Finance Director. He said this project, something like this the water and the sewer yes, Veolia has made mistakes they have admitted, they have made mistakes, the Council has made mistakes, City Hall has made mistakes. He said Ms. Hurst just emailed them 6 or 7 pages of mistakes that she found, but nobody knows about that they do not know that they do not know none of this stuff that was going on that is the sad part about it. He said they just had one meeting the other day where all the department heads came together for the first time they said, this is not what he said. He said to the audience they do not know what is going on behind the scenes. He said the City department heads said this is the first time they have ever been under this management they have ever met together this is what they need to do. He said there complaints not complaints but had concerns and ideas, but they could not. He said this is how to get it done. He said the first time they went there, that is how they get information it was no transparency everything that goes there is a vote tonight it has to be done next week but have not been researched on, have not been able to go back and talk about it. He asked what kind of sense does this make? Councilman Davis said they are talking about it is budget time right now, and they are talking about the Police Department needing this, the Parks department needs this, the Fire Department needs trucks, the Rec center needs, our numbers are wrong, and then they are going to go in and make a decision, and get ready in three months. He said that if they wanted to do this, they should have been getting ready last year, and they would have had all the numbers here and so the numbers that they got and that you are going get they are not right because when it comes time to take over, then they have to pay a salary to all these people and these are no City salaries they are going to make more than everybody on the team, they are going to make supervisor salaries. He said it is just not smart because there are too many unknowns. He said there are meters they just got 3 million and some dollars and got numbers on that saying they are supposed to gain this, and they are supposed to make this much money off the meters for the water bills being wrong, that is unknown. Councilman Davis asked how do you know that, and they have not even been through it in a year yet? He said you base the numbers off after the first year, then you see what you returned, and now you can base the numbers on it. Mayor Cain said Councilman. Councilman Davis said now they get cut off. Mayor Cain said no, they are going to have a lot of time to discuss budget. Councilman Davis said they had a lot of time tonight they have been there discussing everything, and now they go cutting off when people start getting informed, they cut you off just like they do the citizens. Councilman Davis said this is on track he did not get off track and asked how did he get off track? Mayor Cain said they are not talking about budget. Councilman Davis said they got to talk about budget if you are talking about taking over, if you are talking about taking over the water and the sewer plant, that is budget it is going to take budget to do that. Councilman Davis said they need to meet with Veolia over there and hash that out and if that does not make no sense, because there is a lot of been telling the Council one thing and doing something else. He said the City is the reason, so they say that the pumps are sitting there and need to be fixed on, but everybody is blaming them, but nobody can talk to them nobody will come to the table, so they can see who is telling a lie. He said you got to go with the budget. He said if Ms. Hurst is looking at the budget and but it is too much uncertain, too much unknown, it is just not enough time to be jumping into a situation like this at this point in time for all the unknowns when they get in there, you never know what are

they going to fix in there and you can not say no, well, I do not want it now, I do not have the money to do that. He said no, you have to find the money somewhere, and you got to spend, and you got to keep going because these people's sewers got to keep flowing these people water got to keep going but he did not know, maybe it was just him.

Interim City Manager/Police Chief Jennifer Howell asked Mayor Cain in tabling this would he like to see about setting up a workshop next week? Mayor Cain said he would. Ms. Howell said to also have Veolia do a presentation. Mayor Cain said sooner rather than later.

Councilman Pena said he has five points. He said the first one is obviously they are in the motion to table this, and it is because, like he said earlier, this Council did not decide to terminate the contract with Veolia and the previous Council did not either. He said he wanted to clarify that it is important that people understand the true entirety of what really happened behind closed doors. He said to the audience that they were not there in the executive session but he was going to tell them, they decided, and they made a motion and the rationale behind that motion was, yes they wanted to make sure they were told Veolia was dropping the ball there was problems left and right it was not working with the City, and he was the first one to say, get rid of them, get rid of them then but first find out what is wrong, sit them in there and tell them what the needs list is. He said so, then they brought a list of all the problems and, apparently, those problems have been addressed, so the condition was if they do not want to even try to fix all the problems, they are out of here and he is all for it and they have to have teeth and basically hold the line for the City the bottom line. Councilman Pena said well, he is going to get into all the reasons why they got to November in that termination letter by Lance Petty, and he will put that on his podcast because he does not want to waste any more time, but he is going to make a point to say the full context of the Council deciding to remove Veolia, as the contractor was conditioned on whether or not they wanted to cooperate and here in the last eight months, Veolia has been trying to have a conversation ever since they received that letter prematurely and for that matter, unqualified by the previous City Manager and so now they are just trying to sit down and understand everything. He said he goes to his next point here is that it is irresponsible to be talking about any of this stuff with so many unknowns. Councilman Pena said Councilman Rossow, Councilman Davis, were making an agenda request in December to have a meeting with Veolia, and it was denied on agenda technicalities on the Pena rule technicalities, so it is irresponsible for them to hurry up and put us in a worse position, just as much as it is to make a decision with no information with not enough information to hear both sides. He said he does not have kids, but he can imagine if you are asking two kids who are arguing about what happened and one says they are not going to say, and the other one says they will tell you exactly, he asked what choice you have? He said you go to a used car dealership to buy a car, and they see you walk in, coming in off the bus they know you need a car you do not make a decision like that. He said they have to be prudent about it, and he has to say the agenda says they are supposed to be talking about an RFQ to go out, nobody said anything about taking this in-house or out house or you know, out for contractors. He said he is not sure why they are even talking about that. Mayor Cain asked if he could clarify that? Councilman Pena said yes. Mayor Cain said because if it is going to be taken in-house, then they do not have to issue an RFQ. Councilman Pena said correct. Mayor Cain said if they are not taking it in-house, then they have two choices one is to renew or the other is to put out an RFQ. Councilman Pena said they got a lot of work ahead of them there, and they only have two and a half months and do not have three months, and they can not be afraid to ask tough questions and make tough decisions, and they can not be lazy about it, they have to do the work. Councilman Pena said he will put in the work and he is not interested in just hurrying this up because he wants to go sit at the beach, no, they got elected to get some work done. He said this is a long meeting, this is the work, and he is also not interested in being dishonest. He said he wants to make sure that the audience is always informed exactly of what is going on and there is more to this, and it is problematic, and they are going to make sure that everybody knows that and that is the transparency part but last but not least, let him make this super clear and to Veolia, he does know if they are in the audience or if they are listening or watching right now or tomorrow, they are going to have a negotiation they are going to have a fair negotiation, a discussion, first and foremost, to see who is really at fault and where the

problems are and what the solution is going forward, and how they can move forward, and who wants to work together but make no mistake about it, no matter what agreement they have with Veolia or anybody, it is going to have teeth.

Councilman Matamoros asked the audience when they have a heavy rain are they able to flush their toilets? Councilman Matamoros said no. Councilman Davis said his flush. Councilman Davis asked Councilman Matamoros if his toilet did not flush. Councilman Matamoros said no and he has a brand-new house. Councilman Davis said his flush. Councilman Matamoros said Veolia has been in charge of our system for greater than 15 years and they have been paying them to do maintenance on our system, and they are lacking. He said when they have a pump station on Slaughter Road that when the power goes out a backup generator does not kick on yet they have it in there, and then you look at the generator, and it states that it has not been on for five years and Veolia says they do their maintenance on it, and then you have other pump stations that do not have pumps, and they are working they have to get bypass pumps but yet they continue to pay them, they continue when they have issues with lines that break they bring in a contractor to do the work, and they do not have, and they are asked where is the issue at, and they do not have a camera to run down there to show us where the issues at it is time to look for an RFQ for a new wastewater and water. He said they all received an email this weekend with some disturbing information about water unaccounted for and that it is the company that they trust to take care of our system and steadily, year after year, it has gone downhill and so anybody who says, well they are not aware if you ask the right questions, you can become aware. He said there is a lot of information that he has asked questions about that he has documentation, pictures where it has come out that Veolia and their management have not done the necessary work to keep our facilities up and running, and so he welcomes a meeting with them because he will be as poignant as he is right now with them, showing the information that he has and see what their answers are.

Councilman Rossow said he agrees they should meet with Veolia.

Mayor Cain said Interim City Manager/Police Chief Jennifer Howell is going to try to set up a meeting with Veolia, and he wants Rudy there as well, next week. He said he would like to do it in a forum similar to what they are doing right now is having an open public meeting where everybody can ask, everybody can hash out, and can come up with some kind of resolution on this issue.

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

Consideration and possible action approving Ordinance No. 2025-2738 amending the Code of Ordinances to Adopt the 2021-2020 Editions of the International Codes.

Building Inspector Holden Ezell said per the Council's request he wants to say it was at the end of the last meeting in May it was brought or the first meeting in May it was brought to the Planning and Zoning, and they discussed everything and met with him before the meeting, and they also took copies of parts of the books that they have for the 2021 code year, and they were discussing what the changes were, and they approved the change from 2014 to 2015 to 2020 to 2021, with a vote of 3 to 1, and so they brought this back to the Council to have the approval to change the code year from 2014 to 2015 to 2020 to 2021.

A motion was made by Mayor Cain to approve Ordinance No. 2025-2738 amending the Code of Ordinances to Adopt the 2021-2020 Editions of the International Codes, seconded by Councilman Rossow with discussion that followed.

Mayor Cain asked Fire Chief Chris Motley if he thought this was a good idea for the City? Chief Motley said yes, this brings some things that like he mentioned in the last presentation to the Council, like food trucks, previous editions does not cover it, but at least it puts them in one spot they go to and look at, and that is what they are inspecting based on that. He said the major changes that took place in the codes were

back in 2015 so that dealt with population occupancies, assembly areas, bars and establishments to serve alcohol, and things like that. He said the other changes are to address what new ideas have come up in delivering food, stuff like that.

Councilman Pena said he has some very serious concerns that were brought to his attention by the Planning and Zoning Chair that they basically passed this holding their nose, number one, and they felt that they were pressured to do it, but more importantly, they are telling him, they passed it, but they have a lot of changes they want to request, and they are not here tonight and that is kind of annoying, quite frankly, because if the Council tasked you to be on these boards, they expect you to do the work, because now you put in the work on the Council and if they want to just fast track stuff irresponsibly, he is going to vote no. Councilman Pena said the problem is that Andy Dill, the chair of the board, contacted him saying they needed to change a whole bunch of stuff. Councilman Pena told him dude, do not give that to him and to do that on his board, he is the chair, and so, respectfully he wants to send it back to Planning and Zoning so they can clean it up so that it does fit Freeport. Councilman Pena said he was not sure if they were made aware of that, and he was hoping that anybody from Planning and Zoning would be here tonight so that they could spell that out, but that is a problem they have. He said he knows that everybody's time limits are off, so they can not get any comments, but he just wanted to make sure and let everybody know that that was what he was communicated with, and so he was frustrated, like pulling his hair out like why then are you pushing this to the Council? Why are you passing the buck? What are you afraid of? Councilman Pena said that is his first concern it is a very serious concern because they are not doing their work and that should be enough for us to just hold off and let them do the job, but another concern he has is, right now they are trying to make sure that the Building and Inspection Department is qualified to do these inspections on the current code, much less this newer code, which is a lot more onerous. He said they do not even have the right staff to do it and that is a problem. He said the only person that has experience is Chief Motley but he is the Fire Chief and can not be taxing him wearing the hat of so many other people that are going to be in this department, and so he respectfully requested that they pass it back to Planning and Zoning and table it, because there is nothing so pressing right now that requires that this be passed. Councilman Pena asked the audience if there was anybody on the Planning and Zoning that was willing to speak for Mr. Andy? Councilman Pena said the chair reached out, and he had the text message he always has the receipts. He said they can not be doing this it is irresponsible for them to be pushing this forward. He said he understands the intention, he understands the intention by Chief Howell, by Chief Motley, and the idea that they want to be code compliant but one fat lie that he heard from another resident was this is going to help with their insurance and with their lending firm and that is completely untrue. He said no lender, and he is a mortgage broker, no lender is looking at well what is the kind of codes you have in your City and they are not looking at that so that is false if you have heard that one. Councilman Pena said his biggest concern is P&Z has not finished, and he is happy to show the messages and have that conversation.

Mayor Cain asked Fire Chief Chris Motley if he had any response to any of that? Mayor Cain said sorry to put him on the spot. Councilman Pena said he does not expect Chief Motley to speak for Andy Dill. Chief Motley said at the Planning and Zoning there was no discussion of anything brought up other than that there were a couple of things there that were misquoted and the wind speed, things like that, or Brazos County instead of Brazoria County and that was the only discussion, out an open conversation. Chief Motley said as far as back to how it impacts your insurance, it does because the agents call and ask all the time for Treasure Island do they meet Freeport's Code standards, and he tells them, they are two or three miles down the highway, and they do not respond and do not have any say so in that in the water supply system, there is a supply there as well so that rating that the Billing Department goes under and the Fire Department and communications in the water supply go under are two different rating criterias that the insurance industry uses for when they write their underwriter policy, which boils down to on that where that classification falls that on is what are you going to pay for your premium. Councilman Pena said correct. Chief Motley said that is where that boils down to. Councilman Pena said everybody is still able to get insurance. Chief Motley said yes, at what rate are you wanting to pay is the question at the end. Councilman Pena said there is no

guarantee that the new code actually gives you a lower premium that is not true. Chief Motley said if we do not pass things to move forward, it will be recognized they do not have a standard, and then it is a strike against both departments, now where that falls in that formula overall will be based on when they come back out for evaluation. Councilman Pena said this is a good talking point, and he is happy to get to the facts and provide those facts, but he really would like P&Z to be here to speak about all the other issues that they came up with and that is the problem he has, and he basically had to tell Mr. Andy, like why is he going to him with this if he did not want to have that conversation in P&Z, then they have a problem at P&Z. He said they need to be having these really good conversations where like this is an issue this is a concern does not come after the matter. He said that is his whole deal and it is the same thing with here like they do not want to go into this RFQ because they need to make sure they have all the facts before they can pass it. He said the same thing with that truck stop they do not want to be giving this truck stop green light until they have all the information, same thing with this ordinance here. Councilman Pena said he appreciates that Chief Motley is here speaking to the point of the insurance, but there are other points that the chair of P&Z did not present, and he was hoping he would be there tonight, he thought he was, because he was quite alarming to him to say, they need to make sure this is done he is like, okay, but he has got to be here. Councilman Pena said he would like for the Council to be responsible about it he said he definitely believes they need it. Chief Motley said he has one more speaking point on this code change it recognizes our area, increasing the windstorm requirements create a resilience community at the same time that they are not fixing the problems that they face in the past in destroying as what they face on the waterfront so some of those wind speeds have increased, they mentioned in the changes that came up so it is just not insurance it is building a structure that will be sound and hold up to other things that go on in the community as well so that was one of the highlights they pointed out in their deal the wind speed change to 149 he believes instead of being Brazos County, it is Brazoria county. Councilman Pena said he appreciated the concerns there they are legitimate concerns, but have to do it responsibly, informative and not out of fear he is not here to fear monger he is here to find out what exactly Mr. Andy wants to change, what exactly did Eric Hayes want to change, what exactly did the other board members want to change but apparently they did not have a chance to discuss it and he is not sure why but they want to discuss it but now they are finding they are not even there, and he can not in good conscience just move forward with it, knowing that all that information was there. Councilman Pena asked Mayor Cain if Mr. Andy was down the street from him. Mayor Cain said yes. Councilman Pena said to Mayor Cain to give him a call, please. Mayor Cain said if he would known before 9:00 on Monday night in the middle of a Council meeting he might have made that phone call. Mayor Cain asked the changes that Councilman Pena is talking about that Mr. Dill is wanting to make are those changes that can be made before and or after this is adopted or he does not know because he does not know what the changes are? Councilman Pena said he wants to be compliant it helps the City, do not get him wrong, but they have to do it right that is all. Councilman Rossow asked if Mr. Dill have the authority to change? Mayor Cain said depends on what part of it he wants to change. Councilman Rossow asked so he could change certain parts and not other parts. Councilman Pena said P&Z can make those revisions, adopt that as the ordinance and then bring it to the Council they do have that authority it was done for the rental ordinance, making sure that it was fit to meet requirements for the City but yes, they can revise it.

Mayor Cain asked if anybody happened to know what happened to Councilman Matamoros? Mayor Cain asked Councilman Matamoros if he had been at least listening in on the discussion being had. Councilman Matamoros said yes, he had been listening a little bit. Councilman Matamoros asked what the motion was? Mayor Cain said the motion to approve by the Mayor and Councilman Rossow. Mayor Cain said Councilman Pena is pushing for a table. Councilman Pena said he was not pushing, he was just informing. Mayor Cain said Councilman Pena said there are some concerns that have been brought to him, by Pastor Dill, the P&Z, and it is his opinion to send it back to P&Z and let them fine tune or discuss the issues that they are wanting to discuss. Councilman Matamoros asked if it was approved by P&Z correct? Councilman Pena said Councilman Matamoros missed the conversation that he had here earlier basically, right after they voted for it he got a call from the chair. Councilman Matamoros said which he was a single no vote and asked if this was correct? Councilman Pena said he was not the no vote he went with it, but he called him to

tell him there is a whole bunch of problems they need to get these changed, and he thought he was going to be there to speak to those so that they could revise them there in real time they have that authority. Councilman Pena said but he is not there and those problems are serious enough for him to basically counter his vote let them do the work, they were supposed to do this work, why they did not do it at the last meeting. Councilman Matamoros asked Mayor Cain if he was going to call the vote if that was what his next plan was? Councilman Davis asked Councilman Matamoros if he did not have anything he was just checking to see if he was done. Councilman Matamoros said yes.

Councilman Davis said he really does not know what his concern was, but his concern is that they have done this a couple times, and they do not know the background it has not been researched good. He said he would say for instance, as they have been changing things and a department told him like when the phones were changed it was not taken into consideration this department, how they use phones in this department, how they use phones and that was not even and that is what that group meeting comes in at, and it has been saying that they are going to change this and that is where the transparency, and so he has been voting and thinking that they have done their due diligence, and it has not been done it is just been personal agendas to change things. He said now this is not what this is, but if it is a concern, he is done just voting on stuff just because somebody say if they need to do something else to it, they need to take care of that it will not take about a week he does not think. Councilman Davis said they could be ready by the time they come with the special meeting. He said it would not take about a week, he said to get it done right and not change something and then go back and then say they need to change the charter, they need to change this. Interim City Manager/Police Chief Jennifer Howell said she just wants to say she believes this is the first time that she has heard anything and Chief Motley, and they did not hear that there were any kind of concerns from P&Z so hearing this tonight is the first time that they have heard it as well so their impression was that at the P&Z meeting there was little to no discussion over it and that everything was good. Councilman Davis asked so what if it was? He said somebody was calling and saying that it was not and needs to be looked into. Mayor Cain said he goes back to the the statement made a while ago, 9:00 on Monday night is not the time to be finding this out. Building Inspector Holden Ezell said the Planning and Zoning meeting they meet not a week from now it is actually the fourth Tuesday of every month that is when they meet and that is when they would discuss this. Councilman Pena said they can call a special meeting, they do it all the time.

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

Consideration and possible action appointing Julian W. "Pat" Taylor as Interim Deputy City Attorney on a temporary basis while the City appoints permanent legal counsel.

Interim City Manager/Police Chief Jennifer Howell said as the City terminated the contract with Olson and Olson, Mr. Taylor had volunteered to assist the City some. She said he is currently the Deputy Attorney for our prosecutor for the municipal court, and he extended to be able to just assist some while in this transition period. She said maybe review contracts, different things of that nature that might have. She said the bid process closes on Thursday at 2:00P.M. currently there is only one bid that has been received, but oftentimes those are received the day of or the day before closing and then currently four applications that have been submitted online as well, so this is just part of the transition process before getting to final selection. Ms. Howell said Mr. Taylor has stated that he is not looking to come out of retirement, to do the job full time, but was kind enough to be able to extend his service to help the City during this transition.

Mayor Cain said he wants the Council as well as the City to know they are not looking to hire Mr. Taylor on a full time basis. He said since moving on from the previous Counsel, there have been times that it is needed for somebody to answer a question, whether it is look over the agenda to make sure that the verbiage is correct or just a legal answer and Mr. Taylor has graciously stepped up, and he actually approached the City instead of us going to him, and he said in his capacity he can assist he is not looking to be permanent fixture however, he will do what he could do. Mayor Cain said this does not move them from the direction in which they are looking to go, and that is to hire a full-time City Attorney.

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

Councilman Pena said simply on the basis that the City Council appoints two very important roles in the City the City Manager and the City Attorney and he could appreciate that they need an Interim Deputy City Attorney at this time, however the Council was never provided any of this information to interview any of the candidates. He said he was not even aware that there was a job posting for this interim positions. Mayor Cain said there is not a job posting. Councilman Pena said at the end of the day, in terms of who is actually being considered, that particular step in the process was not afforded the Council and so just as a matter of procedural that is the responsibility of the Council to determine and dictate who in fact, is their legal representatives, whether it is full time, part time, contracted or interim, that step was missed and so on that grounds there he would like to table it so that they can consider all those other candidates that did in fact submit an application.

Councilman Davis asked if it was said four applications were received and one bid? Interim City Manager/Police Chief Jennifer Howell said that is for the permanent position this would just be for the next 30 to 45 days, however long it took for the Council to process the interviews and, so that way the City could still have something legally reviewed and continue on with business and do not have to delay so much. Councilman Davis asked if it was over July 10th? Ms. Howell said Thursday the 10th at 2:00P.M.

Mayor Cain called for a second. Councilman Davis seconded the motion.

Councilman Pena said he just wanted to reiterate if they have other applicants that they can consider as part of that process so that the Council is, in fact, involved in that process that is all he is asking. He said if Mr. Taylor ends up being the strongest candidate that they can get there in the next meeting, and they can even put it on the agenda for the next special meeting and they can review those applications if they get them emailed to them tonight or tomorrow. He said then again, it goes back to this false sense of urgency that could be perilous in how they move forward, whether it is the City Hall again, the truck stop, Code Enforcement or the code of ordinances and here they now have the Attorney and, for that matter they are having the same conversation about the Interim City Manager at the same point. He said he knows they want to get stuff done, but it has to be done right otherwise they end up with a Lance Petty experiment that goes completely awry, and he is not the only one there are other City staff that have been shoehorned in and there have been other City ordinances that have been shoehorned in, and it has been disastrous for the City. He said they have an opportunity there to just take a breather and do it the right way. Ms. Howell said just for clarity, there was no application process for Interim this was just a transition process to that he offered during this time. Councilman Pena said he understands that, but from his point of view, since again, the Council is the one that actually does appoint the City Attorney or votes on that and the City Manager that step even though it is an interim, it is just as important because he can sit there and say when they talk about both the Attorney, and he is not sure if they are going to be a part of the process, but they are certainly going to be dictating the legal ease and really weighing all the legal liabilities and legal options that they have so it will affect the City just the same as an Interim City Manager can affect the interview process or for that matter the balance of morale even at City Hall and so that is why he wants to make sure that like, right now, at a time when the City staff and for that matter, the residents are really asking the question of what is going to happen? Who is in charge? Let's not make this mistake again. Let's make sure we do the due diligence. Let's make sure we do it right. Councilman Pena said that they have an opportunity to say they are doing it right it is not being fast tracked that is all he is saying. Ms. Howell said part of the concern was so like the City always has legal review the agenda and review the memos and everything attached before going public so not having any legal to review would we be in a limbo land to just not have any more council meetings that is what they wanted to be able to just have somebody to help the City continue during this process. Mayor Cain said they are not looking for someone to write a contract. Councilman Pena asked what the stipulations on this particular position? Councilman Pena asked is it simply to bless the agendas?

Councilman Davis said and all the rest of them have been jacked up. Councilman Pena said there were agendas that Olson and Olson did not review. Councilman Davis said those agendas were not right.

Councilman Pena said he is just trying to push back at the idea again that the agenda is. Ms. Howell said Mr. Taylor did review this agenda he has gone ahead and reviewed some things for the City and felt it would be a better formality to bring this to Council for official actual consideration and action.

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

Consideration and possible action approving Resolution No. 2025-2936 updating the City of Freeport Master Fee Schedule.

Interim City Manager/ Police Chief Jennifer Howell said the master fee schedule is to be reviewed, evaluated and presented each year. She said it was not evaluated or presented last year. She said department heads have been working on this and asked City Secretary Clarisa Fernandez? Ms. Howell said it has been probably at least probably six months or more that department heads have been working on this. She said Ms. Fernandez was kind enough on going through the master fee schedule on the updates that are being proposed that she placed those in red so that way the Council can see the difference in the proposals that are being made. She said some of it is just stating some of the referencing some of the ordinances that are associated with it, others do have some changes in actual amounts and again, each department reviewed their section to be able to make their suggestions on what they would like to see changed.

A motion was made by Councilman Matamoros to approve Resolution No. 2025-2936 updating the City of Freeport Master Fee Schedule as presented, seconded by Councilman Davis with discussion that followed.

Councilman Matamoros said he would definitely like to challenge City staff to look into an impact fee for all future development, and present that to the Council shortly. He said the City is one of the few Cities that does not have impact fees and so it is something that needs to be looked at very closely.

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

Mayor Cain closed the Regular Session at 9:15P.M. and the Council entered into the Executive Session.

Mayor Cain closed the Executive Session at 9:16P.M. and the Council entered into the Regular Session.

A motion was made by Mayor Cain to invite Mr. Pennington into Executive Session, seconded by Councilman Matamoros with a quorum present and voting "Aye" 3-0. The Council unanimously approved the motion. Councilman Pena and Councilman Rossow were not present for this motion.

Executive Session

Executive Session: Texas Government Code, Section 551.074: Personnel Matters: to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee; Interim City Manager.

The Regular Session closed at 9:16P.M. and the Council entered into the Executive Session.

Reconvene into Open Session:

Take any action resulting from Executive Session.

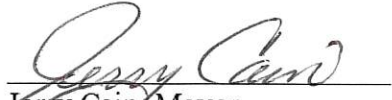
Executive Session ended at 10:21P.M. and the Council went back into Regular Session.

There was no action from Executive Session.

Adjournment

Adjournment – Jerry Cain, Mayor

A motion was made by Councilman Pena to adjourn the meeting, seconded by Councilman Davis with all present and voting "Aye" 5-0. Mayor Cain adjourned the meeting at 10:21P.M.



Jerry Cain, Mayor



Clarisa Fernandez, City Secretary