

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, November 15, 2021 at 6:00 p.m. at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

City Council:

- Mayor Brooks Bass
- Councilman Jeff Pena
- Councilman Jerry Cain
- Councilman Mario Muraira
- Councilman Troy Brimage

Staff:

- Tim Kelty, City Manager
- Betty Wells, City Secretary
- Cathy Ezell, Finance Director
- Chris Duncan, City Attorney
- Lance Petty, Public Works Director
- Chris Motley, Fire Chief
- Kacey Roman, Building Official
- LeAnn Strahan, Destinations Director
- Ray Garivey, Freeport Police Chief
- Clarisa Molina, Administrative Assistant
- Giselle Hernandez, Financial Analyst
- Yvette Ruiz, Planning and Zoning Coordinator
- Brian Dybala, Municipal Golf Course Director
- Hope Bullman, Code Officer

Visitors:

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| George Matamoras | Stoney Burke |
| David McGinty | Sam Reyna |
| Nicole Mireles | Ruben Renobato |
| Lorenzo Gomez | Gary Guerrier |
| Kenny Hayes | Con Mcleaster |
| Margaret Bachman | Ron Bachman |
| Helen Harris | Julieta Medina |
| Lesla Girouard | Daniea Moreno |
| Landis Adams | Gina Adams |
| Bob Brooks | Keith Stumbaugh |
| Ed Garcia | Pam Dancy |
| Marinel Music | Sabrina Brimage |
| Sandra Barnett | Jim Barnett |
| Ken Tyner | Gordo Campbell |
| Janell Marin | Jaclyn Hildreath |

Jimmy Hildreath
Larry Fansher
Ty Morrow

Kerin Hathcoat
Andy Dill
Raven Wuebker

Visitors, Via Teleconference:

Laura Tolar
Vander Williams
George Hawkins
Yvette Ruiz
Lauralee Ellis
Eddie Saucedo
Desiree Pearson
George Hawkins
Lauralee Ellis
Kevin Harris
Paul Crow

Robert Cramer
Amanda Petty
Tyler Lowe
Lila Diehl
Jen Hawkins
Robert Cramer
Jerry Meeks
Mary Garcia
Cody Hayes
Craig Graham
Kristy Mercado

Call to order.

Mayor Bass called the meeting to order at 6:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation was led by Pastor Andy Dill, Pledge was led by City Manager Tim Kelty.

CITIZENS' COMMENTS:

Keith Stumbaugh said he has lived in the City for 56 years. Mr. Stumbaugh said he has previously served on the Freeport Beautification Committee, the Historical Board, Main Street Committee, and recently he has served on the Planning Committee, and the BOA. He spoke of the last city council meeting and two members being removed by council from the Freeport EDC, and one from the Planning and Zoning Commission. He said on October 3 the Facts Newspaper reported on the allegations the members were being accused of, he said all of this without any specific details being provided, as both members denied the accusations. He said this is disturbing these actions were made without any attempt being made in good faith to resolve these issues among their boards and commissions. Mr. Stumbaugh said "Mayor Bass hit it right on the head, with his comment that these issues should have been handled and worked out amongst themselves, before being brought to council". Mr. Stumbaugh said he loves Freeport, but he refuses to serve a city government that targets city committees because there are opinions on certain issues, differ from others. He said he refuses to stay in his positions where he could be targeted if he expresses an opinion that differs from certain City Council Members. He is resigning from all City Boards he is serving on, effective immediately.

Sam Reyna 2002 North Ave G, spoke to council about the removal of Nicole Mireles from the Planning and Zoning Commission, he said city council can and will do this, but there has to be a reason as to why. Melanie Oldham filed a complaint that the meetings were not being properly conducted. Mr. Reyna said Melanie Oldham wanted to table an item until the next meeting, because she wanted to nominate Andrew Dill as the chairperson. City Council members did not contact Ms. Mireles or any of the Planning Board Members, to verify this complaint. None except for Troy Brimage. Mr. Reyna spoke of Councilman Muraira contacting Nicole Mireles, and Ed Garcia after the October 18, city council meeting. He wanted their support of the Multi-Cultural Event Center. Ed and Nicole told him this is a nonprofit organization,

on prime real estate. Councilman Muraira voted to remove Mr. Garcia and Ms. Mireles from the EDC at the next city council meeting.

PRESENTATIONS/ANNOUNCEMENTS: Announcements by Mayor, City Council and/or Staff.

Presentation of Employee of the Month, for the month of October.

City Manager Tim Kelty, presented a certificate for Employee of the Month of October to Yvette Ruiz.

Mayor Bass announced that Councilman Jerry Cain lost his father last week. Mayor Bass said he got to meet Mr. Cain on Councilman Cain's last campaign, he said they shared stories of his Longhorns and Mayor Bass's Aggies. He said he did not know Mr. Cain, he knows his son, and he believes that children can be mirrors of their parents. He knows he had to have been a good man, because Councilman Cain is such a good man. Mayor Bass said we are praying for your family.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council meeting minutes from November 15, 2021.

Consideration for road closure for MLK Parade on January 17, 2022.

Consideration and possible action approving the Brazoria County Firefighters Association Annual Fire Protection Agreement.

Consideration and possible action approving the Mayor to sign the annual Storm Water Report.

On a motion by Councilman Brimage, seconded by Councilman Cain, with all voting "Aye" 5-0 Council unanimously approved item numbers 2-5 on the Consent Agenda.

COUNCIL REGULAR AGENDA:

Consideration and possible action on Ordinance No. 2021-2651, to authorize the placement of speedbumps in certain segments of streets in Downtown, and an Ordinance No. 2021-2652 reducing speeds limits for certain segments of 2nd Street, Broad, Park Ave. and Nat Hickey Lane.

Nicole Mireles asked do we have enough traffic in downtown to justify speedbumps? She said, she feels this will be a waste of money. She asked if a study was done? Mr. Kelty said there was no study done.

Councilman Pena presented to council Ordinance No. 2021-2651, to authorize the placement of speedbumps in certain segments of streets in Downtown, and an Ordinance No. 2021-2652 reducing speeds limits for certain segments of 2nd Street, Broad, Park Ave. and Nat Hickey Lane. He said downtown is designated as a park, Memorial Park. He said traffic has been neglected, there is speeding, running stop signs and this has been brought to council several times. He said the PD has a patrol unit parked to help curb some of this. He said pedestrian traffic is increasing downtown. He said Mr. Kelty suggested reducing the speed limit.

Chris Duncan said that legally the speed limit can only be reduced to 25 MPH in city limits, and it is less than four lanes. He said the current speed limit is 30 MPH. He said this does not require a traffic study. Another option would be to make East and West Park Streets, to pedestrian only streets.

Mayor Bass asked if this went to Planning and Zoning, and what was their opinion? Mr. Kelty said the Planning Commission discussed this, and the reduction of speed. He said there was some opposition to speedbumps, but they did vote to recommend reducing the speed. Councilman Pena said Planning and Zoning wanted prices, before they consider the speedbumps. Mr. Kelty said yes, they want more information, and did not vote on it.

Councilman Cain said he does not spend a lot of time in downtown. He asked if speed is an issue in this area, and if in fact it is an issue, changing the speed limit from 30 to 25 is not going to do anything.

Councilman Brimage said when events are held downtown, there are road closures for these events. He said he cannot see spending \$10,000.00 for speedbumps. He said he disagrees.

Pam Dancy opposes the speedbumps, she said she does not see the traffic in downtown.

No action was taken on this item.

Consideration and possible action approving Ordinance No. 2021-2647 for Budget Amendment #1 for FY 2021-2022.

Finance Director Cathy Ezell presented to council Ordinance No. 2021-2647 for Budget Amendment #1 for FY 2021-2022. Ms. Ezell said these are the projects and purchase orders that did not get completed from 2020-2021. She said she needs to roll the funds from 2020-2021, into this year's budget.

Mayor Bass said there is no financial impact to this FY? Ms. Ezell said "no". Mayor Bass asked do we have a projected time on the integration of the Technology? Ms. Ezell said the utility billing will be December and January going live in February/March.

On a motion by Councilman Brimage, seconded by Councilman Cain, with all voting "Aye" 5-0 Council unanimously approved Ordinance No. 2021-2647 for Budget Amendment #1 for FY 2021-2022.

Consideration and possible approving Ordinance No. 2021-2640 approving Short-Term Rentals.

Diane McCleaster, 97 Dolphin Lane asked that council adopt the ordinance that is before them tonight. She said there are friends and neighbors here, to help support this item. She said other cities are acting to help their residents. She spoke of action that Galveston has taken. She said our city needs to act now. She said this ordinance will help keep the family atmosphere in Bridge Harbor.

Helen Harris said she and her husband have lived in Bridge Harbor since 2020. She said they retired last year. She said they built their home in 2007, she said during that time the neighborhood was mainly single-family homes. She said today the number of uncontrolled STR property, has changed the tranquility of the peaceful fishing harbor. She said renters' trespass on their property, and tie their boats to her dock. She said the owners of these properties do not maintain the property, nor their bulkheads. She said she asking that council please understand and adopt this ordinance.

Gary Guerrieri, said he has been a resident in Bridge Harbor for 21 years. He said the change over time, has caused Bridge Harbor to lose the home feel. He said renters will walk their dogs on his property as well as tying their dogs under his property. He said renters are also jumping off of his bulkhead. He said a lot of these units are not up to fire code. He said the city needs to look at the possible liability if

someone gets hurts. He said the Police are called a lot because of the loud noise in the early morning hours.

On a motion by Councilman Brimage to approve Ordinance No. 2021-2640 approving Short-Term Rentals, seconded by Councilman Cain, with discussion that followed.

Councilman Muraira asked if this ordinance will interfere with the noise ordinance that is already in place? Chris Duncan said you can have more than one rule for noise ordinance. He said this will not conflict with our existing noise ordinance.

Councilman Pena said at the last meeting a resident made the comment that "he is a STR owner, and he had tabled the ordinance out of self-interest". Councilman Pena said this is completely untrue. He said he wanted to put his eyes on it. He said the truth of the matter is we need additional information from Mr. Kelty, he said he would like a percentage of primary residence, private residence, and investor residence. Councilman Pena asked this be moved to the next meeting.

Councilman Brimage said we have heard from the local residents, from the tax payers, from people that shop in our grocery stores. We have not heard anything from the owner of these houses, because they are not here.

Mayor Bass called the motion for a vote, with a 4-1 vote, council approved Ordinance No. 2021-2640 approving Short-Term Rentals. Councilman Pena voted "Nay"

Consideration and possible action approving Resolution No. 2021-2712 amending the Master Fee Schedule for Short Term Rentals.

Mayor Bass presented to council Resolution No. 2021-2712 amending the Master Fee Schedule for Short Term Rentals. He said this is so we can collect fees, and take care of this administratively.

On a motion by Councilman Brimage to approve Resolution No. 2021-2712 amending the Master Fee Schedule for Short Term Rentals, seconded by Councilman Cain, with a 4-1 vote council approved Resolution No. 2021-2712 amending the Master Fee Schedule for Short Term Rentals. Councilman Pena voted "Nay.

Consideration and possible action on Resolution No. 2021-2718 accepting proposal for solid waste service and giving notice of award.

City Manager Tim Kelty presented to council Resolution No. 2021-2718 accepting proposal for solid waste service and giving notice of award. He said currently our service is being provided by Waste Connections, currently they only provide residential pickup. The city published a request for proposals for Solid Waste Services earlier this year but only one proposal. At that point, staff went out and looked for more providers, and found Ameriwaste who subsequently submitted an alternate proposal. In Ameriwaste's alternate proposal, they included changing bulk waste, to 5.0 cubic yards once a month, instead of 2.0 cubic yard weekly, but proposed a semi-annual community clean up to be held at a centralized location. There will be household pickup twice a week with the 65-gallon totes plus up to 6 additional items. There is also a savings of 20% to our residents for the solid waste service. There was also the inclusion of rates for all commercial and roll-off solid waste service in the city with the exception of Industrial customers.

Larry Fansher, West 10th Street, spoke to council about the once a month bulk trash pickup. He asked how this will help with the beautification of Freeport. He said there is weekly bulk pickup now, and there is trash everywhere in the city. He said it is a better rate, with less service. He asked how can we approve anything, that will not improve the service that we have right now?

Ms. Janell with Ameriwaste, explained the pickup and the service that the company will provide to the city.

Mayor Bass said West 10th is in bad shape. Mayor Bass said proper notice needs to be given out of when bulk trash can be set out. Mr. Kelty and a Councilmember went through this contract. He said customer service is important, that was one of the problems we have had with the other company.

Councilman Brimage said Janell is a stand-up lady. Superior customer service. He said the company just bought brand new garbage trucks. He said the cans are dumped by men, not a machine, less trash on the streets. Councilman Brimage said the city will have an inventory of totes, that the city will deliver as the residents are needing them. He said they are all numbered and logged.

Kenny Hayes asked the size of the new totes. Janell said they are 65 gallons, with six additional items that can also be picked up, as long as the tote is out with the trash.

Councilman Cain said the issue with Waste Connections is the bulk trash pickup. Will bulk trash be picked up? He said if not we need to go to twice a month, if that is possible. Mr. Kelty said the difference is the additional trash that will be picked up twice a week. Councilman Cain said, "what I am understanding is the limbs that are wrapped up, and the Halloween costume that has been on his curb for two weeks will be picked up.

On a motion by Councilman Brimage to approve Resolution No. 2021-2718 accepting proposal for solid waste service and giving notice of award, seconded by Councilman Cain, with discussion that followed.

Councilman Pena asked for the current size of the totes, he also asked about the bulk service going from weekly to monthly. Mr. Kelty said the old totes are 95 gallons, the new ones will be 65 gallons. Councilman Pena said this is a 1/3 reduction for 20 percent discount. Mr. Kelty explained you can place six additional items out with your tote. Janell explained how the service will work with the additional bags placed out with the tote.

City Manager Tim Kelty said that the bulk pickup will be done by quadrants, each week a certain area will have the bulk pickup.

Councilman Cain asked if the second can will be an increase or decrease? It is a decrease; the second can will be \$7.10. Currently is \$11 and some change.

Mayor Bass called the motion for a vote, with all present voting "Aye" 5-0 Council unanimously approved Resolution No. 2021-2718 accepting proposal for solid waste service and giving notice of award.

Consideration and possible action approving the Grant Agreement for the GLO \$5.93 Million 2016 Flood HUD Mitigation, for I & I.

Finance Director, Cathy Ezell presented to council Grant Agreement for the GLO \$5.93 Million 2016 Flood HUD Mitigation, for I & I. She said this is the first of the two grants which was awarded to the

City of Freeport. This one for the I & I. Ms. Ezell said the city will have to match these funds in the amount of \$59,316.26.

Mayor Bass said he has the documents to sign if this is approved tonight, so we can start the process to get these funds.

On a motion by Councilman Pena, to approve the Grant Agreement for the GLO \$5.93 Million 2016 Flood HUD Mitigation, for I & I, seconded by Councilman Muraira, with all present voting "Aye" 5-0 Council unanimously approved the Grant Agreement for the GLO \$5.93 Million 2016 Flood HUD Mitigation, for I & I.

Discussion and guidance on the levee walk trail.

Public Works Director, Lance Petty presented to council for discussion and guidance on the levee walk trail. He said he has bid documents ready to go for crushed granite, and asphalt. He said he got some quotes on the concrete and it is not in the budget. He also checked into the rubberized material, and this is not in the budget. Mr. Petty said he will add to the bid documents for asphalt the ribbon curbs, he said this will help keep the asphalt in place.

Councilman Muraira said he had a survey on Face Book, he said they were split almost evenly between the three. Councilman Muraira said he would like to have crushed granite. He said it is easier on the joints. He said asphalt would be his least to request. He also said he would like to make sure there is maintenance on the crushed granite.

Councilman Brimage said he agrees with the crushed granite. He asked if the concrete will be removed? Mr. Petty said yes.

Mayor Bass asked what is the length of the levee trail? Mr. Petty said it is 1.8 miles. It starts at Riverplace and ends at Velasco.

Councilman Pena asked if there is map of this route? Mr. Petty said yes and he would send it to him. Councilman Pena said that he is confused, he sees 1.1 miles and wants to know where the 1.8 miles comes in. Mr. Petty said the .7 miles is the extension to Velasco. Councilman Pena asked how the material will be decided on. Will it be with council decision or will there be a social media informal polling?

Mayor Bass said this is just discussion and guidance for Mr. Petty.

Consideration and possible action to remove Board Members from the Freeport Economic Development Corporation Board.

Councilman Pena asked if we can table this into executive session? Mayor Bass said no, it will stay in Open Session.

Mayor Bass said that he does not believe that these items should come to council, until they have gone through the committees.

Leas Girouard spoke to council, she said that she is a former member of the EDC. She said that she resigned in February of this year. She said she does ask council to act to remove Jeff Pena from the Freeport EDC Board. She said perception is everything.

George Matamoras read some press clippings from the Facts Newspaper. He says this is negative on our city. He said he chooses to live in Freeport, at 1722 North O. Mr. Matamoras said seeing the removal of Board Members is very concerning. He said he believes that Mr. Pena and Mr. Marquez need to be removed from the Freeport EDC. He spoke of the lawsuit with his father and the EDC, he said there was a settlement offered, but Mr. Pena wanted to go forward with the lawsuit, he said that it cost the city more money, because they lost. Mr. Matamoras said it is disconcerting to hear the impartial City Attorney doing the investigation on Mr. Pena, and the Boys and Girls Club. He said he comes to city council asking to remove Mr. Pena and Mr. Marquez, he said the other members are fairly new, and he thinks they need a chance. He said he would like to volunteer, but he does not want to volunteer with petty politics.

Mayor Bass told Mr. Matamoras to remember, to change the process, you have to be part of the process. He said he really wishes he would reconsider.

Nicole Mireles spoke to council of her concern of all the allegations she was accused of. Ms. Mireles said she has requested open records, and she wants the information. She said she wants proof of what Mr. Pena accused her of. Ms. Mireles said she does not know what it is going to take, to make everyone understand, the problem on the EDC is Jeff Pena. She said this is embarrassing, and he will not get away with this. Ms. Mireles said she wants the information and the proof he has of the wrong doings, she was accused of. She said it is horrible what he did, and you all allowed him to do this, shame on y'all.

Mr. Cundieff asked "What has the EDC done for Freeport lately"? He said there is money and things to do. He said all new members may get it done.

Councilman Cain said as the liaison to the EDC, he is going to stand firm on his decision to remove Nicole Mireles and Ed Garcia, he said it is nothing personal nor political. In his opinion they were holding the EDC back. The rest of the members of the EDC has the city's best interest at heart without underlying agendas. He said there were more than one member who has come to him on the removal of these two, and if this continues, and others start to hold back the movement of the EDC, then he will stand up and vote for them to come off as well. He said at this moment he thinks we need to move forward with what we have, add a couple more members and move on.

Councilman Brimage told Councilman Cain that he respects him very much. Councilman Brimage said that he can add some light to this issue, he told the Mayor that he hopes he does not call him down. Councilman Brimage said the research that has been done is from talking to people. He said these are issues the people want addressed. They are issues the people need to be aware of, and are issues that Council needs to be aware of. Mayor Bass asked if this information was provided to Mr. Kelty, Councilman Brimage said no it was not. He spoke of individuals that have served on the EDC Board, and have resigned because of Jeff Pena. He spoke of issues such as Councilman Pena's own real estate company managing and selling EDC Properties. Some members felt this was unethical. Councilman Pena also applied for three \$10,000.00 grants, one in his name Jeff Pena, and two in his LLC Names, this was \$30,000.00 in grants that he applied for, this is unethical. Pop Boxes were purchased and presented to the EDC by the President Jeff Pena, and City Attorney Chris Duncan. Councilman Brimage said originally, they wanted to purchase three boxes, but there is a threshold for the EDC, and the cost of \$30,000.00 would have to go before council. Mayor Bass asked if this is based on fact or his opinion? Councilman Brimage said this is from the EDC Board Members that were present at this meeting. City Attorney advised to purchase one box at a time to keep it under the threshold. He spoke of the investigation; the purpose was to determine if any ethical violations had been done by Mr. Pena, with the purchase of the Boys and Girls Club. He said he wants to know what "Joint investigation with TML,

means". He asked what the relationship is with the City Attorney and Councilman Pena? He said this is important for the people to know. He asked about the 500 emails that were reviewed, he asked whose emails? He stated the report states that he interviewed the Director and Members of the Boys and Girls Club, Councilman Brimage asked if he interviewed Donald Sisk? He also asked if he interviewed the Director of the EDC, Courtland Holman, Marinel Music, City Manager, Tim Kelty that was present in the EDC meetings, Mayor Bass, or himself Troy Brimage? Once the investigation was complete did you share the information with Mr. Pena, before the rest of the City Council? He said that he would rather have no EDC than for them to continue operating the way we are right now.

Mayor Bass commended Councilman Brimage temperament on this item, he told the audience that these are very serious statements made, and he expects, and demands the audience to be attentive and not responsive.

Councilman Pena said he was disappointed this item was on the agenda, and disappointed by the citizens comments. He said that he volunteers, to be apart of the community, and he feels pretty beat up. He said that he will defend himself. He said that he got to know Lesa Girouard, and she came to him and said she felt uncomfortable on the vote to allow Jeff Pena, to list the properties and sell the properties of the EDC. She said she felt this was unethical and she was resigning. He said since her resignation, because of her concerns, he has not listed any properties, for the EDC. Councilman Pena said he did not review the investigation report before any other Council Person. He said he knew the truth. He said there has been a lot of money spent on deals throughout the city, before his time. He said these deals set the City and the EDC back five to six years. He said if he would have been here, he would have policed it. Councilman Pena said Mr. Matamoras made comments about the bad news for the City of Freeport he read in the paper. He said he is going to make every effort he can to clear his name. He said there were bad contracts made before he came on the EDC Board, and contracts that lost money. He said there were backroom deals, and now a lawsuit. He said he was signaled by the City Manager Tim Kelty, to keep quiet during meeting regarding Realty World. He spoke of the Waterstone deal. He spoke about the 8.8 acres of the Marina Property that was suggested to sell at \$400,000.00. He said this would have caused the city to lose \$2.5 Million. He said most people that serve on these boards are nice people. He said he is not a "yes" man, and he will always tell the truth. He said he does not bully anyone. Councilman Pena spoke of the EDC Grants. He was told by then President Ed Garcia, EDC Director Courtland Holman, and the EDC Attorney, Chris Duncan that he could apply for these Grants. He said he is not passionate of Freeport, but he is very deliberate of Freeport. He has a vision of Freeport. He said he is for the river development. Councilman Pena said he wants to be clear, about not getting get rid of the EDC Board. He said let's be clear on what is happening tonight, the personal attacks, and it's a slippery slope. Councilman Pena spoke of the Pop Box that was set on the Levee Southside of the River, he asked where is the box now? He said it was removed because Councilman Brimage demanded that it be removed. Councilman Pena said he was not in favor of the idea of these boxes, then he saw the value and he suggested just one, the sub-committee, which was Ms. Music, Lesa Girouard, and Chris Duncan suggested that they purchase six.

Councilman Brimage asked why the City/EDC Attorney is on a sub-committee?

Councilman Brimage said that perception is the key. He said perception is what we should see tonight. He said unethical is unethical. Councilman Brimage asked to play a video. Mayor Bass, said I am asking you not to play this. But it is your choice.

A motion was made by Councilman Brimage, to approve the removal of Board Members from the Freeport Economic Development Corporation Board. There was no second. No action was taken.

Mayor Bass said that he was always raised with, there is right and there is wrong. He said there is a famous Senator Patrick Moynihan who said "Everybody is entitled to their own opinion, but they are not entitled to their own facts." The facts are what you believe them to be". If we want this city to continue doing the things that are positive in regards to infrastructure, in regards to changing Waste Connections trash pickup, recognizing the streets that need to be done, recognizing the things we are doing for our kids, we have to work together. He said I don't know if we will fix this divide or not. He said he considers Troy Brimage a dear friend, and he has a great heart. And he considers Jeff Pena a good friend, and he thinks that he has great ideas, but he does not know how to bring the two folks together. He said we have to get to one voice. We don't necessarily have to agree all the time. But we have to stand together. He said if we don't stop beating our heads against the wall, we aren't ever going to get outside of these walls.

Discussion and possible action regarding transferring land from Texas Parks and Wildlife Parkland Protection Program.

Kenny Hayes said if we transfer the property, it should be up to the citizens to decide.

Ruben Renobato spoke of the Brazoria County Hispanic Chambers 2019 tax return and the finances of the organization. He said this organization is a 501c 6 organization. He said they have no land, no buildings and no other assets.

Sam Reyna said he has been a resident of Freeport since 1943. He spoke to council about the property at 1300 West 2nd Street, the Community House. He said this is protected by development restrictions by the Texas Parks and Wildlife Parkland Protection Program. He said the Freeport Community House created a balance between the three other rental properties in Freeport. He said Mayor Brimage said it would be better to tear it down and build a new one. It was demoed, with the expectation to build a new one, he said he hopes this is still the expectation.

Ed Garcia 1924 North Ave G said he hoped that Council and Mayor had given him the privilege of an investigation before they removed him from the Freeport EDC Board. He said you gave Mr. Pena a good amount of time to get his cleared up. Mr. Garcia spoke of the removal of the restrictions from the park. He said he is not against any nonprofit organization. He said that our Jr. Councilman and Mr. Pena decided that they did not like his stance on this position of removing the restrictions. He said that he is against any organization, that ask the city to give them the most valuable property of the city. He said he is asking council to not remove the restrictions.

Lesla Girouard said her opinion is, this is the most beautiful property in Freeport. She said it is on the river, with boat access. She said to give the land to an entity where we will get no tax revenue she does not agree with.

Larry Fansher said he gives his condolences to Councilman Cain. He said at the October 18 regular city council meeting there was a presentation made of development of a Hispanic Cultural and Event Center located on 2nd Street. He said the Facts published on the front page of the paper the talk of building a Multi-Cultural Center off of 2nd Street. Mr. Fansher said this raises many questions, why is there such a rush to take action, to remove development restrictions on City Park Property, to facilitate a project which has no specific plans or budget? Why has there been no discussion to rebuild the Freeport Community House as originally discussed? He said this should be decided by City of Freeport tax payers.

Gina Adams CEO of the Brazoria County Hispanic Chamber said that she appreciates the concerns. She said she was hit hard due to COVID in 2019. She said she has applied for a 501-C-3. She said she thinks

this Multi-Cultural Center will benefit this city. She said Freeport needs this. Ms. Adams said this will include a grocery store, she said a community center will be included in this. She said we should let the community vote on this, she said I want what the community wants. She thanked council for allowing her to speak.

City Manager Tim Kelty presented to council the possible action regarding transferring land from Texas Parks and Wildlife Parkland Protection Program. He said the city received grant funding from the Texas Parks and Wildlife Parkland Program. He said this was for park improvement around the river. He said in doing this the Freeport Park Land shall forever remain dedicated as recreational land. He said recently the city council approved an agreement with the ISD to swap the land that was involved in the 50-year lease agreement with the city and ISD. This is where their baseball and softball diamonds are, East of the school property. He said in doing this we agreed to take that piece of property out of this program. Mr. Kelty said what he is asking for tonight, is action to take land out of the Texas Parks and Wildlife Parkland Protection Program.

Councilman Pena said he wants to let the public know this particular agenda item was never intended to be for any specific developer. He said this is the opportunity to allow for many developers.

Mayor Bass said his concern has always been the levee to the river.

Mr. Elliot Cundieff said this is a valuable boat ramp, he said a lot of people use this.

Ms. Dancy said a community center will be nice, she feels the community needs to vote on this.

Mayor Bass said we have to proceed with a part of this, for a contractual duty with the land swap with the BISD. He said some action has to be taken, and we have 270 days to make the contractual transfer of the baseball property.

Councilman Brimage made a motion for partial removal of property allocated with the ISD, seconded by Councilman Cain, with discussion that followed.

Councilman Pena said the council and public need to know there is a timetable with the school board, but if we are going to delay the open land space, these developers are not to going to act, to present to the city, and we may lose them.

Councilman Brimage asked why not use the eight acres that the EDC owns? Councilman Pena said this property is better, he said the eight acres was offered, but developers say this property is better.

Mayor Bass called the motion for a vote, with a 4-1 vote council approved for partial removal of property allocated with the ISD. Councilman Pena voted "Nay"

Discussion and possible action regarding an Ordinance establishing procedures and deadlines for items requested by one or more Council Members to be placed on the City Council Agenda.

Councilman Pena presented to council regarding an Ordinance establishing procedures and deadlines for items requested by one or more Council Members to be placed on the City Council Agenda. He said this is just to give a procedure for council, to be allowed to put items on the agenda. He said right now there is no procedure.

Mayor Bass said that the Home Rule Charter had no guidelines on this issue, and it has been this way for years. He said the Mayor has always listened to council or the citizens of Freeport, and the items requested were put on the agenda. By Mr. Kelty, or City Managers before him. He said Mr. Pena is correct and we can no longer have a process where Thursday before the meeting, a councilman request that an item be placed on the agenda. And administration or Betty to come up with memos for agenda. He said in the ordinance there will be a timeline established, it must be submitted in writing to the City Manager on or before Tuesday by noon prior to the meeting. In addition, the Mayor is requesting that a Councilman with a co-sponsor, may put an item on the agenda.

Mayor Bass made a motion to approve Ordinance No. 2021-2650 Version # 2 with corrections by Chris Duncan regarding special meetings. With discussion that followed.

Councilman Brimage said that he is voting against this, because it's obvious he has no allies on this Council.

Councilman Cain told Councilman Brimage not to sell himself short.

Mayor Bass called a second to the motion, seconded by Councilman Cain, with discussion that follows.

Councilman Pena asked if this will cause the risk of a walking quorum?

City Attorney, Chris Duncan said it will take three or more people to make a quorum, he said do not discuss the merits of the item.

Mayor Bass called the motion for a vote, with a 4-1 vote council approved Ordinance No. 2021-2650 Version # 2 with corrections by Chris Duncan. Councilman Brimage voted "Nay".

Consideration and possible action approving the full compliance review of all current 380 Agreements through the City and EDC.

Councilman Pena presented to council the possible action approving the full compliance review of all current 380 Agreements through the City and EDC. He said he wants to public to know we have true transparency.

City Manager Tim Kelty said we have four active 380 Agreements in the city, one is with Mr. Wong, he said this agreement will be hard to enforce because there is no specific time guideline. Second is with Realty World, this agreement is not in compliance and nothing has been paid out but land had been transferred, and is actually in litigation. Third is Elliot Cundieff. Mr. Kelty said this one is currently developing, but he wants to bring up tonight, that he had met with Mr. Cundieff today, and Mr. Cundieff asked for an extension for 90 days. He is having issues with getting the lighting in because of delivery, and he is having some issues with the sidewalks as well. Mr. Kelty said he will be bringing this before council at the next meeting for their consideration. Fourth Agreement is with the Freeport EDC, this is active and will be complete by the end of this fiscal year.

Councilman Pena asked Mr. Kelty if he contacted the City Attorney to be aware of all the EDC active 380 Agreements as well? Mr. Kelty said that he did not talk to Mr. Duncan.

Mayor Bass asked Mr. Kelty if the four 380's are the ones of which he is aware? Mr. Kelty said 'yes sir'.

Councilman Pena made a motion for the City to review these agreements and make sure they comply, and have a report at the next council meeting.

Mayor Bass asked if there are any other 380 agreements. Councilman Pena said he is not sure yet. Mayor Bass asked if anyone is aware of any other 380 agreements?

Mayor Bass said he believes Mr. Kelty has answered the question of the 380 Agreements of which he is aware, that are active.

No action taken.

Discussion regarding an Ordinance No. 2021-2648 to require all City Council and Public Board Members to disclose: All current Real Estate Assets in Brazoria County held in their personal name, immediate family's name, business name. All Business Entities owned or partnered in Texas. Any and all business agreements with any other Board or Council member. Any and all agreements or contracts with the city.

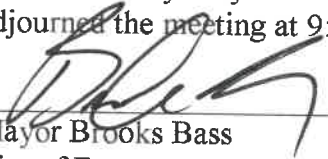
Councilman Brimage said that he can save a lot of time, he said he will get his attorney to get all of his information put together for Mr. Pena. He said he will submit it to the council, because he has nothing to hide. He said do not run off other board members to just attack him. He told Mr. Duncan if you know of any 380 Agreements, I have open, just say it now, don't wait until next week. Mayor Bass said he thought all of Councilman Brimage's 380 Agreements were complete, Councilman Brimage said they are.

After an exchange between Mayor Bass and Councilman Brimage, Councilman Brimage left the meeting.

Mayor Bass said right now he has a good friend that is very angry with him.

Adjourn

On a motion by Mayor Bass, seconded by Councilman Cain, with all present voting "Aye", Mayor Bass adjourned the meeting at 9:41 P.M.



Mayor Brooks Bass
City of Freeport, Texas



City Secretary, Betty Wells
City of Freeport, Texas