

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, April 4, 2022 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
- Mike Prazliska,
- Kacey Roman, Building Official
- Donna Fisher, Human Resource
- Ray Garivey, Freeport Police Chief
- Clarisa Molina, Administrative Assistant
- LeAnn Strahan, Destinations Director
- Toby Cohen, Information Technology
- Kaytee Ellis, EDC Administrative Assistant

Visitors:

Raven Wuebker	David McGinty
George Matamoros	Kenny Hayes
Bob Casale	Stella Casale
Shonda Marshall	Lucy Ware
Aaron Ware	Melanie Oldham
Sam Reyna	James Saccamano
Con McCleaster	Diane McCleaster
Dan Croft	Manning Rollerson
Sabrina Brimage	Kody Gordel
Raul Ramirez	Vincent Kirk
Patricia Kirk	Josh Mitchell
Pam Dancy	Sandra Loeza
Mingo Marquez	Ben Kelty
Alma Kelty	

Call to order.

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation was led by City Manager Tim Kelty, the Pledge was led by Mayor Bass.

Mingo Marquez called the meeting for the Freeport EDC to order at 6:01 PM.

CITIZENS' COMMENTS:

Manning Rollerson spoke to council of a March 25 article in the New York Times, it was concerning the East End. He said the Mayor said you were going to fight for the East End. He said all these years the East End endured no streets. He said the City has to have change and growth. He spoke of the boat parade that was held in April, 2021 he said someone has to know something about who allowed this parade.

Lucy Ware spoke to council about the property she is trying to purchase from the city. She said that she would like to offer \$5000 for just the Levee Property. She said this is a fair offer. Aaron Ware said this is a fair offer. He spoke of what others paid for property that has been purchased. Ms. Ware said that she would like to know what was said at the meeting that had Mario rescind his motion. She said she tried speaking with him, and he seemed nervous to talk with her. She said this is very sad, that you cannot speak with someone and them be scared.

Sam Reyna 2002 N Ave G spoke to council about his neighbor, 1936 N Ave G. He said Code Enforcement came to this house, and took pictures. He was told by Code Enforcement that AmeriWaste would not pick up the debris, so his neighbor paid \$1000 to have the debris removed. He said his neighbor at 1925 N. G, was told to remove the carpet off of his front yard, and to fix a flat on his car. He was told by Code Enforcement, there was a complaint called in. Mr. Reyna said this is not true. 1911 N. G remodeled his house and put the debris out. He was told AmeriWaste would not pick this up, so he paid to have it removed. 321 N. Gulf Blvd was told they need a new grease trap. He said this was replaced and they were told they needed to put landscaping around the grease trap.

Bob Casale Bridge Harbor, said he wants his gate replaced. He also told council to please direct Mr. Kelty to put the gate back, he said this is for our safety.

Kenny Hayes 414 Mystery Harbor Lane said he wanted to commend the City, on the new trash service, he said the City is a lot cleaner now, than it was a month ago.

PRESENTATION/ANNOUNCEMENTS:

Presentation for the Texas Main Street Program.

LeAnn Strahan introduced the Main Street Resource Team who is here for the next three days. Ms. Strahan introduced Texas Main Street Coordinator, Ms. Amy Hammons. Ms. Hammons said she is here to deliver the City's Main Street, signs. Ms. Hammons also introduced the Main Street Resource Team. There was a PowerPoint presentation. Ms. Hammons said this is a group effort and support is critical.

Presentation to Chief Garivey in recognition of his receiving The BLUES Magazine's Lifetime Achievement Award.

Michael Barron, with BLUE'S Magazine presented a Lifetime Achievement Award to Chief Raymond Garivey.

CLOSED SESSION:

Open session was closed at 6:36 pm and Council and Freeport EDC entered into Executive Session

JOINT EXECUTIVE SESSION – ECONOMIC DEVELOPMENT

The City Council and the Freeport Economic Development Corporation will conduct a joint meeting in executive session regarding Project 2022-B pursuant to Texas Government Code Chapter 551, Section 551.087.

Executive session was closed at 7:25 pm, and entered back into Open Session.

No action was taken.

CONSENT AGENDA:

Councilman Pena requested items numbers 3 & 5 be pulled from the Consent Agenda, Mayor Bass pulled all items from the Consent Agenda.

COUNCIL REGULAR AGENDA:

Consideration and possible action on the approval of City Council meeting minutes from March 21, 2022.

A motion was made by Councilman Brimage, and seconded by Councilman Cain to approve the City Council meeting minutes from March 21, 2022. With discussion that followed.

Councilman Pena said the minutes did not include Ms. Tilley's comment of a house being boarded up, and then the boards being removed by someone.

Mayor Bass asked City Attorney Chris Duncan if the minutes need to be verbatim? Mr. Duncan said the minutes do not need to be verbatim.

Councilman Pena said this was an important talking point to her, she called him this afternoon.

Mayor Bass tabled the meeting minutes from March 21, 2022 until the next council meeting.

Councilman Brimage recalled his motion.

Consideration and possible action on approving Centerpoint GRIP Resolution No. 2022-2742.

City Manager Tim Kelty presented to council the possible action of approving Centerpoint Grip Resolution No. 2022-2742. Mr. Kelty said, said Centerpoint has presented a rate increase. The city is a Member of TCUC of Cities. Alfred Herrera asked that we present this resolution, it will delay this rate increase for 45 days to give the coalition time to review the increase and make a recommendation.

A motion was made by Councilman Brimage, and seconded by Councilman Cain. With all present voting "Aye" 5-0 vote, Council unanimously to approve Centerpoint GRIP Resolution No. 2022-2742.

Consideration and possible action on approving Ordinance 2022-2657 amending Ordinance 2021-2650 establishing specific procedures and deadlines for items to be placed on the City Council agenda.

City Manager Tim Kelty presented to Council Ordinance No. 2022-2657, amending Ordinance No. 2021-2650 establishing specific procedures and deadlines for items to be placed on the City Council agenda. Mr. Kelty said per our Charter Procedures for Passing Ordinances “every ordinance shall be introduced in written or printed form and upon passage shall take effect at the time indicated therein”. Mr. Kelty said staff has been following this rule that has been passed.

Mayor Bass asked if the ordinance accurately reflects what was approved. Mr. Kelty said yes.

A motion was made by Councilman Brimage, seconded by Councilman Cain. With discussion that followed.

Councilman Pena said he is curious if Ordinance No. 2022-2657 will it be taking effect today? And he asked if Council violated anything if it was improperly adopted?

City Manager Tim Kelty said Ordinance 2022-2657 was improperly adopted because it was not presented in written form when it was considered, which is required by the city Charter to adopt ordinances.

City Attorney Chris Duncan said it was originally introduced in writing, he said he thinks it was properly passed. He said bringing it back before Council is good practice.

Mayor Bass called the motion for a vote, with all present voting “Aye” 5-0 vote, Council unanimously approved Ordinance No. 2022-2657, amending Ordinance No. 2021-2650 establishing specific procedures and deadlines for items to be placed on the City Council agenda.

Public Hearing: Consideration and possible action on approving Re-Plat Consideration and possible action on approving Re-Plat of GLC Subdivision Replat Of Lots 1 Thru 6 Block 81 of the Freeport Townsite As Recorded in Volume 2, Page 95 Of the Brazoria County Plat Records in The Stephen F. Austin Labor Abstract 31 City of Freeport Brazoria County, Texas February 2022.

Mayor Bass opened a Public Hearing at 7:36 PM

Building Official Kacey Roman presented to Council possible action on approving Re-Plat of GLC Subdivision Replat Of Lots 1 Thru 6 Block 81 of the Freeport Townsite As Recorded in Volume 2, Page 95 Of the Brazoria County Plat Records in The Stephen F. Austin Labor Abstract 31 City of Freeport Brazoria County, Texas February 2022. Ms. Roman said this is the entire property at West 1 Street. She said this is a property where the owner, Mr. Gardner Campbell previously acquired the ROW from the City. She said the owner intends to create a Home Owners Association. Ms. Roman said this replat was approved by Planning and Zoning. She said this is zoned as C2 and the owner will be requesting a rezone to a WR. Staff recommends approval of this replat.

Councilman Cain asked the owner of the property, Gardner Campbell if he still has the active 380 Agreement? Mr. Campbell said that he has never has a 380 Agreement. Councilman Cain asked if this will affect any agreements? Mr. Campbell said no.

Councilman Pena asked if this is not a 380 Agreement, what kind of agreement is it? Chris Duncan said a 380 is authorized by Chapter 380 and it authorizes municipalities to enter those types of agreements. This would be called and Economic Development Agreement. Councilman Pena asked if Mr. Campbell

is compliant? Mr. Kelty said he believes he has one house left to build. Councilman Pena asked about the lot that has two houses on it, should there be only be one. Mr. Kelty said the contract was silent on this issue.

Mayor Bass asked if there will be any potential violations with the new zoning? Mr. Kelty said it is something that will have to be considered during the rezoning, but it would not prevent the Council from Rezoning. That specific issue would be grandfathered.

City Attorney Chris Duncan said that he does not see any problem with this replat, he said the agreement will still be effective.

Councilman Brimage apologized to Mr. Campbell for the negativity, and said that he appreciates all of the development and the continued effort and money that he puts into the City.

George Matamoros said that he is in favor of the replat, but he opposes Private HOAs.

Councilman Pena asked if the HOA will affect the City Code Department? Mr. Kelty said City provisions will always trump the HOA but the city does not have authority to enforce HOA regulations. Mr. Campbell said the HOA is for the maintenance of the road, mowing of the properties, and maintaining the gates.

Pam Dancy asked how much was paid for the properties, and did we get an appraisal? Mayor Bass said he believes the agreement negotiated by the EDC was \$5000 per lot back in 2017. Mayor Bass advised that she go to the EDC to look at the records.

Councilman Pena asked if this replat will allow for any additional units? Kacey Roman said with this replat there will be only one empty developable lot.

Mayor Bass closed the Public Hearing at 7:56 PM.

A motion was made by Councilman Brimage, seconded by Councilman Cain to approve the plat. With discussion that followed.

Mayor Bass asked City Attorney Chris Duncan if there are any pre-requirements that the City can have a hand in, for the formation of this HOA? Mr. Duncan said the agenda item is to approve this replat. This item does not include any discussion or approval of a HOA. Just the approval of a replat.

Mayor Bass called the motion to a vote. With all present voting "Aye" 5-0 vote, Council unanimously approved the approval of a Re-Plat of GLC Subdivision Replat Of Lots 1 Thru 6 Block 81 of the Freeport Townsite As Recorded in Volume 2, Page 95 Of the Brazoria County Plat Records in The Stephen F. Austin Labor Abstract 31 City of Freeport Brazoria County, Texas February 2022.

Mayor Bass opened Public Hearing at 7:57 PM

Public Hearing: Consideration and possible action on approving Re-Plat Consideration and possible action on approving Re-Plat of Jones Addition, A Subdivision of a 0.6520 Acre (Called 0.6480 Acre) Tract of Land Situated in the Guy M. Bryan Survey, Abstract No. 157 In Brazoria County, Texas, Being Known As Lot 30, In The J.R. Thurman Subdivision Recorded In Volume 6, Page 35, Of The Plat Records Of Brazoria County, Texas, Known As Tract I Together With Tracts II and III Conveyed to Robert L. Michie as Recorded In Volume 1438, Page 708, of the Deed Records of Brazoria County,

Texas, Being Those Particular Tracts Known as Lot 29, in the J.R. Thurman Subdivision, As Recorded in Volume 6, Page 35, Of The Plat Records Of Brazoria County, Texas, A 40.0 Feet By 52.0 Feet Tract Conveyed To Robert L. & Barbara Michie In Deed Recorded In Volume 1570, Page 369, Of The Deed Records Of Brazoria County, Texas And A Called 40.0 Feet By 52.4 Feet Tract As Recorded In Volume 1570, Page 366, Of The Deed Records Of Brazoria County, Texas.

Building Official Kacey Roman presented to Council the possible action on approving Re-Plat of Jones Addition, A Subdivision of a 0.6520 Acre (Called 0.6480 Acre) Tract of Land Situated in the Guy M. Bryan Survey, Abstract No. 157 In Brazoria County, Texas, Being Known As Lot 30, In The J.R. Thurman Subdivision Recorded In Volume 6, Page 35, Of The Plat Records Of Brazoria County, Texas, Known As Tract I Together With Tracts II and III Conveyed to Robert L. Michie as Recorded In Volume 1438, Page 708, of the Deed Records of Brazoria County, Texas, Being Those Particular Tracts Known as Lot 29, in the J.R. Thurman Subdivision, As Recorded in Volume 6, Page 35, Of The Plat Records Of Brazoria County, Texas, A 40.0 Feet By 52.0 Feet Tract Conveyed To Robert L. & Barbara Michie In Deed Recorded In Volume 1570, Page 369, Of The Deed Records Of Brazoria County, Texas And A Called 40.0 Feet By 52.4 Feet Tract As Recorded In Volume 1570, Page 366, Of The Deed Records Of Brazoria County, Texas. Ms. Roman said this is in our ETJ. She said that Planning and Zoning approved this replat, and staff recommends approval by Council.

Mayor Bass closed the Public Hearing at 8:01 PM

A motion was made by Councilman Pena, and seconded by Councilman Brimage. With all present voting "Aye" 5-0 vote, Council unanimously approved the Re-Plat of Jones Addition, A Subdivision of a 0.6520 Acre (Called 0.6480 Acre) Tract of Land Situated in the Guy M. Bryan Survey, Abstract No. 157 In Brazoria County, Texas, Being Known As Lot 30, In The J.R. Thurman Subdivision Recorded In Volume 6, Page 35, Of The Plat Records Of Brazoria County, Texas, Known As Tract I Together With Tracts II and III Conveyed to Robert L. Michie as Recorded In Volume 1438, Page 708, of the Deed Records of Brazoria County, Texas, Being Those Particular Tracts Known as Lot 29, in the J.R. Thurman Subdivision, As Recorded in Volume 6, Page 35, Of The Plat Records Of Brazoria County, Texas, A 40.0 Feet By 52.0 Feet Tract Conveyed To Robert L. & Barbara Michie In Deed Recorded In Volume 1570, Page 369, Of The Deed Records Of Brazoria County, Texas And A Called 40.0 Feet By 52.4 Feet Tract As Recorded In Volume 1570, Page 366, Of The Deed Records Of Brazoria County, Texas.

Consideration and Possible Action on Ordinance No. 2022-2662 approving Amendment #3 to the FY 2021/2022 Budget.

Finance Director Cathy Ezell presented to council Ordinance No. 2022-2662 approving Amendment #3 to the FY 2021/2022 Budget. Ms. Ezell said this Budget Amendment is for some of the Grants that we have received. She said the Radio Grant, Fire Department Grant for equipment, Museum Grants, and the disposal of debris from Hurricane Nicholas.

A motion was made by Councilman Cain, seconded by Councilman Brimage. With all present voting "Aye" 5-0 vote, Council unanimously approved Ordinance No. 2022-2662 approving Amendment #3 to the FY 2021/2022 Budget.

Consideration and possible action to award bid, and approve Resolution No. 2022-2743 authorizing the Mayor to sign the contract for the Annual Fuel Contract with Petroleum Traders Corporation.

Finance Director Cathy Ezell presented to council the possible action on approving Resolution No. 2022-2743 authorizing the Mayor to sign the contract for the Annual Fuel Contract with Petroleum Traders

Corporation. Ms. Ezell said the city went out for bid for gasoline and diesel, and Petroleum Traders came in with the lowest and best bid. She said they are the current provider. Ms. Ezell said the contract has been reviewed and approved by Legal. She said it is staff's recommendation to approve this Resolution and Contract.

Councilman Pena asked what is the OPIS rate? Ms. Ezell said this rate varies. The new contracted rate is .0164 for gasoline and diesel orders over 2500 gallons and 0.235 for orders under 2500 gallons, over the OPIS rate. Councilman Pena asked if this is local company? Ms. Ezell said no they are out of State.

A motion by Councilman Pena, seconded by Councilman Brimage. With all present voting "Aye" 5-0 vote, Council unanimously approved Resolution No. 2022-2743 authorizing the Mayor to sign the contract for the Annual Fuel Contract with Petroleum Traders Corporation.

Consideration and possible action of awarding bid, and approve Resolution No. 2022-2744 authorizing the Mayor to sign the contract for Lift Stations 3, 4, and 14, to CFG Industries, LLC.

Finance Director Cathy Ezell presented to Council Resolution No. 2022-2744 authorizing the Mayor to sign the contract for Lift Stations 3, 4, and 14, to CFG Industries, LLC. Ms. Ezell said staff advertised for Competitive Sealed Bids, and we received three. Ms. Ezell said Freese and Nichols completed the analysis and recommends the City to award the bid to CFG Industries, LLC.

Jared Barber, with Freese and Nichols said there are two lift stations on the South Side (Freeport Side), and one on the North Side (Velasco Side). Mayor Bass asked the timeframe? Jared said the contract is 270 days. Mayor Bass asked once these are replaced, will we have better flow? Jared said the noise will be a lot quieter. The flow will be more lively and much more.

Councilman Cain asked where CFG is located? Councilman Cain said he did some research and he found a CFG out of Houston, but did not see where they do rehabs of lift stations. Jared said that they received six different references on this company. They were all called, and was told the time frame was met, and the quality of work was good. He said all six references were positive.

A motion by Councilman Brimage, seconded by Councilman Cain. With all present voting "Aye" 5-0 vote, Council unanimously approved Resolution No. 2022-2744 authorizing the Mayor to sign the contract for Lift Stations 3, 4, and 14, to CFG Industries, LLC.

WORK SESSION:

Mayor Bass announced there are blown up maps of certain areas of Freeport with sewer issues. He said the red lines in the maps are problem areas that were identified after much study as the most problematic areas. He said these fall under the GLO Contract. He said these funds are to repair, replace and fix our Sewer Collection system in these areas to reduce I & I. He said he brings this up because there are issues with our sewage. Mayor Bass said that The City of Brazoria received a letter from the GLO stating they were threatening to withdraw their funds, because the City of Brazoria did repairs to the lines identified by the grant. Mayor Bass said this is a violation of the contract with the GLO. Mayor Bass said we cannot do repairs to our sewer, because we will be subject to losing the \$6 million grant. He said we have to be careful. We want the money. He said he wants everyone to be able to see the lines that will be repaired. Mayor Bass said the other \$6 Million will be going to the WWTP.

Councilman Pena presented pictures of the beach and the driftwood at the entrance of the beach. Councilman Pena said he is hoping that we can get this cleaned up soon. He showed a picture of the

asphalt at the entry, and said he is not sure what the white mesh material is. He said that the asphalt looks clean. Mayor Bass said it will take heavy equipment to remove this debris. And he asked if this is on the Quintana side? Councilman Pena said it is the entry, and Quintana would be happy for us to clean it up. Mayor Bass said Bryan Beach looks wonderful. Councilman Pena showed the lighting from a subdivision on Surfside. Councilman Pena said our primary lighting is not enough coming into Freeport at 288. Councilman Pena spoke of the Pop box, and the positive it brought to the City. He said EDC is talking of bringing more pop boxes to the city. Mayor Bass said to be sure and get permission before putting them on City Property. There were pictures shown of Park Ave and East and West Park. He spoke of Alley's behind Barcadia, the Museum, the old Pharmacy and the three EDC Buildings. He said there needs to be lighting behind Barcadia. He said the alley's need repair. He said the EDC Buildings 208, 210 and 212 need grading repairs to the alley. Councilman Pena spoke of trash and code. He showed a picture of what a "red tag" looks like, he said that there were several from last week, and he was glad to see that. He said it shows everyone is working together. Councilman Pena asked if AmeriWaste picks up their cans, and Waste Connections cans? He asked if AmeriWaste picks up any can 50 pounds or less. Councilman Pena asked when is Ward A's heavy pickup? Councilman Pena said there has been a lot of social media questions of when they can put out the trash. He said some are testing to see when it should be picked up, and it wasn't picked up. Councilman Pena said let's all test it this week and see if it gets picked up. Councilman Pena said he is not speaking for or against AmeriWaste.

Councilman Cain said as a city, since we have a new trash company we need to continue educating the public of what is expected of us, and what is expected of them. He said he is encouraged by what Mr. Reyna said, that Code went by spoke with the resident and did not write a citation. But explained what is expected. At this point the owner had a couple of choices, and he spent a lot of money. He said Ward B heavy pickup is not until next week, and there is not a street in Ward B that does not have large trash out. He said it will take education. Councilman Cain said he saw AmeriWaste trucks was out on Saturday starting to pick up limbs.

Councilman Muraira said the 1st week of the month is Ward A, 2nd week is Ward B, 3rd week is Ward C and 4th week is Ward D for heavy pickup. Mr. Kelty said yes, and residents are supposed to set it out on Tuesday night and it is picked up on Wednesday. Councilman Muraira asked about the lighting on Ave D, he asked what is the status? Mr. Kelty said that Ms. Cramer has made of map of all the lighting in Freeport. Councilman Muraira asked what the reason was to start the street repair on Arbutus? Mr. Petty said they can do minor storm water repairs, and knock this street out quickly. It was the contractor that determined the order of construction of streets in the contract. Mr. Petty said Council approved the streets. Councilman Muraira said that there is a pothole on 9th Street between Dixie and Yaupon, he said that this needs to be repaired. Councilman Muraira talked about the Boxing Show, he said it did really good. He said there were people from Bay City, Houston, and he believes San Antonio. He said the local State Champion, Fabian Arredondo was there. Councilman Muraira said there were some problems with Code Enforcement at the event. He said he was told that they did not want to give them the list of items that were needed for food service. He said that they felt they were in a scramble getting the things they were told they needed, and then were told they needed more. He said they were also told they could not play music outside. Councilman Muraira said they felt terrorized. He said what helped them is that they knew code and were able to ask questions.

Councilman Brimage said if you go out Velasco and take a right on Hwy 36 less than a ¼ of a mile there is a huge pot hole. He said he knows this is TXDOT, but if we can get with them. He said this has to be repaired, he said it takes the bottom out of your car, or it is going to cause a horrible accident.

Tim Kelty said AmeriWaste will be starting the non-residential service this month, if you need a dumpster please call City Hall.

Pam Dancy spoke of people putting their trash on someone else's property.

Update on reports / concerns from Department heads

Cathy Ezell said the city has new system for water bills. She said they no longer use postcards, but the statements are mailed in an envelope with a return envelope enclosed. Mayor Bass asked that this be put on the website.

Councilman Pena spoke of the News Letter sent out by Mr. Petty, he said he seen it on the website, and he was glad to see this. He said the Riverfest sign needs to be updated. Councilman Pena spoke of the 1495 expansion, he said they are expanding it from a one lane, to a one lane. He said we need to be proactive enough to tell TXDOT this is not going to be helpful today. Councilman Brimage said he agrees this needs to be two lanes. Councilman Pena said we may need to sit down and submit a letter to TXDOT as a Council. Councilman Pena said he did not get the information he requested on the sale of the ROW properties he requested from Mr. Kelty. Mayor Bass asked Councilman Pena if he is requesting ROW's that have been sold by the city? Councilman Pena said yes. Councilman Pena said he is not for the city giving away property. Councilman Pena said again he would like to receive this list of properties, and he is uncertain why he has not received it in its entirety. Mr. Kelty said the city only has certain information. He said he sent Councilman Muraira and Pena what had been assembled for Mrs. Ware. But was uncertain what specifically Councilman Pena was still wanting. Councilman Pena said Mrs. Ware has been here three times, and two of those times she said she is still waiting for the information. Mayor Bass asked if Councilman Pena had looked at the original request submitted by Ms. Ware? Councilman Pena said he has the email. Mayor Bass said that the original request submitted was not a clear request, he said the request was too vague, and should have been objected to and asked to resubmit a clearer request. Mayor Bass said it did not state what river, what town, how far to go back for these records. He said they have to be properly done.

CLOSED SESSION:

Open session was closed at 8:59 pm and Council entered into Executive Session

Executive Session regarding a.) (Potential Litigation) consultation with city attorney b.) (Deliberations about Real Property), East End, c.) (Personnel Matters) Discussion regarding job performance of City Attorney, Chris Duncan, in accordance with Government Code Annotated, Chapter 551, Sections 551.071, 551.072, 551.074.

Executive session was closed at 9:16 pm, and Open Session was reconvened.

A motion was made by Mayor Bass to allow Mr. Kelty to be in Executive Session, seconded by Councilman Brimage. With discussion that followed.

Councilman Pena said his position is, if Mr. Kelty is required for his input and knowledge on any of the materials then he should be invited back in. Mayor Bass said Mr. Kelty as our City Manager should not be excluded from any Executive Session, even when we do a review of his performances.

Mayor Bass called the motion for a vote, with a 3-2 vote Mr. Kelty was allowed to remain in Executive Session. Councilmen Muraira and Pena voted "Nay".

Open session was closed at 9:17 pm and Council entered back into Executive Session.

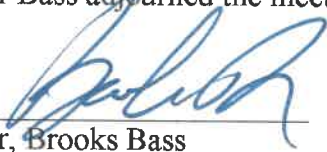
Executive session was closed at 10:16 pm, and Council entered back into Open Session.

A motion was made by Councilman Brimage to remove Chris Duncan as the City Attorney, based on the evidence that he provided to council tonight.

With a lack of a second, motion fails. Mayor Bass asked that this issue be back on Executive Session on our next Regular City Council Meeting.

Adjourn

On a motion by Councilman Cain, seconded by Councilman Muraira, with all present voting "Aye", Mayor Bass adjourned the meeting at 10:17 PM.



Mayor, Brooks Bass
City of Freeport, Texas



City Secretary, Betty Wells
City of Freeport, Texas