



**AGENDA  
SPECIAL MEETING  
FREEPORT CITY COUNCIL  
MONDAY, JANUARY 9, 2023 at 8:00 P.M.**

**Mayor:**

Brooks Bass

**Council Members:**

Jeff Pena  
Jerry Cain  
Mario Muraira

**City Manager:**

Timothy Kelty

**THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, WILL MEET AT A SPECIAL COUNCIL MEETING ON MONDAY, THE 9TH DAY OF JANUARY, 2023, AT 8:00 P.M., AT THE FREEPORT, POLICE DEPARTMENT, MUNICIPAL COURT ROOM, 430 NORTH BRAZOSPORT BOULEVARD FREEPORT TEXAS**

**This meeting will be live streamed via Facebook Live and may be accessed on the City of Freeport Facebook page: <https://www.facebook.com/freeporttexas>**

**THE MEETING IS BEING HELD FOR THE FOLLOWING PURPOSES:**

**CALL TO ORDER:** *The Mayor will call the meeting to order, declare a quorum if present, and declare notices legally posted pursuant to Open Meetings Act.*

**CITIZENS' COMMENTS:**

Members of the public are allowed to address the City Council at this time, and must include name and address. *Note*, specific factual information or a recitation of existing policy may be furnished in response to an inquiry made, but any deliberation, discussion, or decision with respect to any subject about which the inquiry was made shall be limited to a proposal to place such subject on the agenda for a subsequent meeting for which notice is provided in compliance with the Texas Open meetings Act unless said notice appears herein. The public is reminded that there is a (4) minute time limit as approved by City Council on June 21, 2010.

**COUNCIL BUSINESS – REGULAR SESSION:**

1. Consideration and possible action approving a Resolution for Censure on Mayor Bass for a complaint that the Mayor made an inappropriate, demeaning, and disrespectful personal attack and insult toward Councilman Muraira. **(Pena/Muraira)**

2. Consideration and possible action approving Resolution for Censure on Councilman Cain for a complaint that Councilman Cain made an offensive, inappropriate, and discriminatory comment about the hired consultant's physical disability while making a presentation at the council meeting. **(Pena/Muraira)**
3. Consideration and possible action approving a Resolution for Censure on City Manager Tim Kelty for admitting that he instructed City Secretary Betty Wells to put her allegation of "Hostile Workplace" on the agenda, and further instructed and approved of her using the specific legal term of "Hostile Workplace". Such actions are clearly in the personal benefit of a legal claim by Betty Wells against the interest of the City of Freeport without regard to the financial and legal risk to the City. **(Pena/Muraira)**
4. Consideration and possible action approving a Resolution for Censure of City Secretary Betty Wells for abusing her position as City Secretary and as a City Official, to enhance her legal claim against the city alleging a "Hostile Workplace" and further made false and misleading statements about her claim in open session of the meeting of December 19, 2022 **(Pena/Muraira)**

**ADJOURNMENT:**

5. Adjourn.

Items not necessarily discussed in the order they appear on the agenda. The Council at its discretion may take action on any or all of the items as listed. This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code).

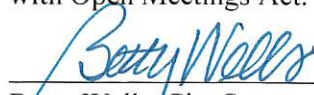
The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

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ACCESSIBILITY STATEMENT This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (979) 233-3526.

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CERTIFICATE I certify the foregoing notice was posted in the official glass case at the rear door of the City Hall, with 24 hours a day public access, 200 West 2<sup>nd</sup> Street, Freeport Texas, before 6:00 p.m. in accordance with Open Meetings Act.

  
Betty Wells, City Secretary,  
City of Freeport, Texas

## **Special Meeting City Council Agenda Item # 1**

**Title:** Censure Resolution of Mayor Bass

**Date:** January 9, 2023

**From:** Councilmen Pena and Muraira

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**Staff Recommendation:**

Staff should approve this Resolution

**Item Summary:**

In the City Council meeting of December 19, 2022, Mayor Bass made an inappropriate, demeaning, and disrespectful personal attack and insult toward Councilman Muraira that was below the standard of the dignity of a council meeting and violating his duty to facilitate council meetings as Mayor.

**Background Information:**

Mayor Bass, in a fit of anger and during an uncontrolled and juvenile temper tantrum, made an inappropriate and insulting personal attack of Councilman Muraira. This incident is one of a number of incidents where Mayor Bass has made bitter and incendiary comments during council meetings toward his fellow council members. The purpose of this Resolution to Censure, is to require Mayor Bass to reflect on his role and capacity as mayor and his duty to the citizens to conduct council meetings in a respectful, professional, and fair manner. The council is hopeful that Mayor Bass will find a way to tame his uncontrollable temper and learn how to conduct himself with dignity according to the status of his office. It is expected that Mayor Bass he will find the maturity to publicly apologize to Councilman Muraira.

**Financial Impact:** None

**Supporting Documentation:** Proposed Resolution.

RESOLUTION NUMBER 2023-\_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, CENSURING MAYOR BROOKS BASS FOR AN INAPPROPRIATE COMMENT AND PERSONAL INSULT MADE DURING COUNCIL MEETING; PROVIDING FOR INCORPORATION OF PREAMBLE AND AN EFFECTIVE DATE.**

**WHEREAS**, during the regular City Council meeting on December 19, 2022, during open session, Mayor Brooks Bass made multiple inappropriate outbursts of anger; and

**WHEREAS**, as Mayor of the City of Freeport, Brooks Bass is charged with leading and conducting the meetings of the city council with dignity, fairness, and respect for fellow council members and all those in attendance; and

**WHEREAS**, at the above meeting, Mayor Bass made an inappropriate, demeaning and disrespectful statement toward Councilman Muraira referring to Councilman Muraira as "Mr. I can't vote for the levee because I don't understand."; and

**WHEREAS**, the City Council finds that the above comment made by Mayor Bass was inappropriate, demeaning, disrespectful, and notably false. In addition, such statement and conduct by the Mayor offends the dignity befitting the interest of public service in conducting the business of the citizens of Freeport and warrants public censure.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, THAT:**

**Section 1.** The facts and statements contained in the preamble are hereby found to be true and correct and are incorporated herein and made a part hereof for all purposes.

**Section 2.** The City Council hereby finds that the comment made by Mayor Bass was inappropriate, demeaning, disrespectful, and below the dignity befitting the conduct of the business of the citizens of Freeport and must be addressed by public censure.

**Section 3.** The City Council does hereby CENSURE, Mayor Bass and instructs him to conduct future council meetings in a dignified and fair manner, without resort to personal attacks and insults.

**Section 4.** This Resolution shall become effective immediately upon its passage.

**DULY PASSED, APPROVED AND ADOPTED** on this the \_\_\_\_ day of January, 2023.

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Jerry Cain, Mayor Pro Tem  
City of Freeport, Texas

ATTEST:

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Betty Wells, City Secretary  
City of Freeport, Texas

## **Special Meeting City Council Agenda Item # 2**

**Title:** Censure Resolution of Council Member Jerry Cain

**Date:** January 9, 2023

**From:** Councilmen Pena and Muraira

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**Staff Recommendation:**

Staff should approve this Resolution

**Item Summary:**

During the City Council meeting of December 19, 2022, Councilman Jerry Cain made an offensive, inappropriate, and discriminatory comment about a consultant that was making a presentation at the meeting. Such a comment is contemptible and violates the moral requirement of the position of city council member.

**Background Information:**

During the above city council meeting, Councilman Cain turned to Councilman Pena and made a discriminatory remark about a perceived physical disability of the consultant hired by the city to assist in its redistricting efforts. Councilman Cain believed his discriminatory comment was funny, and he smiled and chuckled when making the comment. In response, Councilman shook his head in disagreement and immediately wrote a response to Councilman Cain on a piece of paper: "terrible."

**Financial Impact:** None

**Supporting Documentation:** Proposed Resolution.



RESOLUTION NUMBER 2023-\_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, CENSURING COUNCIL MEMBER JERRY CAIN FOR AN INAPPROPRIATE COMMENT MADE DURING A COUNCIL MEETING ABOUT THE PHYSICAL APPEARANCE OF A CONSULTANT; PROVIDING FOR INCORPORATION OF PREAMBLE AND AN EFFECTIVE DATE.**

**WHEREAS**, during the regular City Council meeting on   19th   2022, Council Member Jerry Cain made an offensive, inappropriate, and discriminatory comment regarding the physical appearance of a consultant to the city that was making a presentation to council; and

**WHEREAS**, during the above meeting, a consultant hired by the City to advise the council regarding redistricting made a presentation to the council; and

**WHEREAS**, the consultant has an apparent disability related to his eyes, that is sometimes commonly referred to as a “lazy eye”; and

**WHEREAS**, during the presentation by the consultant, Councilman Cain leaned over to Councilman Pena and stated, referring to the consultant, “I can’t tell, is he looking at you or looking at me?” Councilman Cain made the statement with a smile and chuckle; and

**WHEREAS**, Councilman Pena responded by shaking his head in disagreement, and writing a message to Councilman Cain on a piece of paper “terrible.” Councilman Cain responded with a smile.

**WHEREAS**, the City Council expects its members to conduct themselves in a professional manner and have respect for all members of the public. Further, the City Council condemns all comments and actions that discriminate against persons with perceived physical or mental limitations; and

**WHEREAS**, the City Council finds that comment made by Councilman Jerry Cain was offensive and inappropriate and warrants public censure;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, THAT:**

**Section 1.** The facts and statements contained in the preamble are hereby found to be true and correct and are incorporated herein and made a part hereof for all purposes.

**Section 2.** The City Council hereby finds that the comment made by Councilman Cain was offensive, inappropriate, and discriminatory and must be addressed by public censure.

**Section 3.** The City Council does hereby CENSURE, Councilman Jerry Cain and wholly rejects his offensive, inappropriate, and discriminatory comment.

**Section 4.** This Resolution shall become effective immediately upon its passage.

**DULY PASSED, APPROVED AND ADOPTED** on this the \_\_\_\_ day of January, 2023.

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Brooks Bass, Mayor  
City of Freeport, Texas

ATTEST:

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Betty Wells, City Secretary  
City of Freeport, Texas



## **Special Meeting City Council Agenda Item # 3**

**Title:** Censure Resolution of City Manager, Tim Kelty

**Date:** January 9, 2023

**From:** Councilmen Pena and Muraira

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**Staff Recommendation:**

Staff should approve this Resolution

**Item Summary:**

During the meeting of December 19, 2022, City Manager Tim Kelty, admitted that he instructed City Secretary Betty Wells to put her allegation of “Hostile Workplace” on the agenda, and further instructed and approved of her using the specific legal term of “Hostile Workplace”. Such actions are clearly in the personal benefit of a legal claim by Betty Wells against the interest of the City of Freeport. Further, such action by Kelty was taken purely out of political revenge against Councilman Pena without regard to the financial and legal risk to the City.

**Background Information:**

During the meeting of December 19, 2022, City Manager Tim Kelty, admitted that he instructed City Secretary Betty Wells to put her allegation of “Hostile Workplace” on the agenda, and further instructed and approved of her using the specific legal term of “Hostile Workplace”. Such actions are clearly in the personal benefit of a legal claim by Betty Wells against the interest of the City of Freeport. Further, such action by Kelty was taken purely out of political revenge against Councilman Pena without regard to the financial and legal risk to the City.

**Financial Impact:** None

**Supporting Documentation:** Proposed Resolution.

RESOLUTION NUMBER 2023-\_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, CENSURING CITY MANAGER, TIM KELTY FOR ADVISING AND APPROVING THE AGENDA ITEM REGARDING THE ALLEGATION OF A “HOSTILE WORKPLACE”; PROVIDING FOR INCORPORATION OF PREAMBLE AND AN EFFECTIVE DATE.**

**WHEREAS**, City Manager Tim Kelty advised and approved the placement on the agenda an item regarding City Secretary Betty Well’s allegation of “Hostile Workplace” against Councilman Pena; and

**WHEREAS**, City Manager Tim Kelty specifically approved the use of the legal term “Hostile Workplace” in furtherance of a potential legal claim by Betty Wells against the City; and

**WHEREAS**, during the regular City Council meeting on December 19, 2022, Tim Kelty admitted and acknowledged his role in placing the item and the specific language on the agenda; and

**WHEREAS**, these actions by Tim Kelty created a financial and legal risk to the city and are directly against the interests of the city; and

**WHEREAS**, these actions by Tim Kelty were clearly directed and calculated to cause political harm to Councilman Pena; and

**WHEREAS**, these actions by Tim Kelty clearly violate his ethical duties to refrain from political activities in his role as city manager, and to protect the city against legal claims and financial loss by the city; and

**WHEREAS**, the City Council finds that the actions by City Manager Tim Kelty were purely political nature, created the risk of a legal claim against the city and potential financial loss, and warrants public censure;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, THAT:**

**Section 1.** The facts and statements contained in the preamble are hereby found to be true and correct and are incorporated herein and made a part hereof for all purposes.

**Section 2.** The City Council hereby finds that the actions by City Manager Tim Kelty were purely political nature, created the risk of a legal claim against the city and potential financial loss and must be addressed by public censure.

**Section 3.** The City Council does hereby CENSURE, City Manager Tim Kelty and wholly rejects his offensive, inappropriate, and discriminatory comment.

**Section 4.** This Resolution shall become effective immediately upon its passage.

**DULY PASSED, APPROVED AND ADOPTED** on this the \_\_\_\_ day of January, 2023.

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Brooks Bass, Mayor  
City of Freeport, Texas

ATTEST:

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Betty Wells, City Secretary  
City of Freeport, Texas

## **Special Meeting City Council Agenda Item # 4**

**Title:** Censure Resolution of City Secretary, Betty Wells

**Date:** January 9, 2023

**From:** Councilmen Pena and Muraira

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**Staff Recommendation:**

Staff should approve this Resolution

**Item Summary:**

City Secretary, Betty Wells, used her position as City Secretary and a city official, to enhance her legal claim against the city alleging a “Hostile Workplace” and further made false and misleading statements about her claim in open session of the meeting of December 19, 2022.

**Background Information:**

Betty Wells used her position as City Secretary to draft an agenda item, using the legal term “Hostile Workplace” to promote and enhance her legal claims against the city. Further, Betty Wells made false and misleading statements against Councilman Pena in open session of the December 19, 2022 council meeting to promote her legal claims. The above actions are against the interests of the city and constitute an abuse of her position as City Secretary to promote her own person interest.

**Financial Impact:** None

**Supporting Documentation:** Proposed Resolution.

RESOLUTION NUMBER 2023-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, CENSURING CITY SECRETARY BETTY WELLS FOR CREATING AN AGENDA ITEM IN HER PERSONAL INTERESTS, AGAINST THE INTEREST OF THE CITY, AND MAKING FALSE ALLEGATIONS OF A “HOSTILE WORKPLACE”; PROVIDING FOR INCORPORATION OF PREAMBLE AND AN EFFECTIVE DATE.

**WHEREAS**, City Secretary Betty Wells drafted the agenda for the city council meeting of December 19, 2022; and allegation of “Hostile Workplace” against Councilman Pena; and

**WHEREAS**, City Secretary Betty Wells specifically used of the legal term “Hostile Workplace” on the agenda in her complaint against Councilman Pena; and

**WHEREAS**, City Secretary Betty Wells drafted the agenda item in furtherance her personal legal claim against the City, and against the interests of the city; and

**WHEREAS**, City Secretary Betty Wells used her position as City Secretary to take action in her interests and against the interest of the city; and

**WHEREAS**, City Secretary Betty Wells made false and misleading statements to the council and the public regarding her claim of “Hostile Workplace” during open session of the above meeting; and

**WHEREAS**, the City Council finds that the above actions by City Secretary Betty Wells were made purely for her own personal gain to enhance a legal claim, against the interests of the city, in violation of her duties as City Secretary, a city official, and warrants public censure;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, THAT:**

**Section 1.** The facts and statements contained in the preamble are hereby found to be true and correct and are incorporated herein and made a part hereof for all purposes.

**Section 2.** The City Council hereby finds that the actions by City Secretary Betty Wells violated her duties as City Secretary and were made purely for her own personal gain to enhance a legal claim, against the interests of the city and must be addressed by public censure.

**Section 3.** The City Council does hereby CENSURE, City Secretary Betty Wells.

**Section 4.** This Resolution shall become effective immediately upon its passage.

**DULY PASSED, APPROVED AND ADOPTED** on this the \_\_\_\_ day of January, 2023.

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Brooks Bass, Mayor  
City of Freeport, Texas

ATTEST:

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Betty Wells, City Secretary  
City of Freeport, Texas