

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, December 16, 2019 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 Jerry Cain
Councilman Ken Green
Councilwoman Sandra Loeza
Councilman Roy E. Yates

Staff: Tim Kelty, City Manager
Stephanie Russell, Assistant City Manager
Betty Wells, City Secretary
Chris Duncan, City Attorney
Brenda Miller-Ferguson Human Resource Director
Courtland Holman, Economic Development Director
Ray Garivey-Freeport Chief of Police
David Hoelewyn, Street Department Director
Nat Hickey, Property Manager
Kim Townsend, Freeport Parks Department Director
Chris Motley, Freeport Fire Chief
Darla Autrey
Laura Tolar, Assistant City Secretary/ Special Projects Coordinator

Visitors: Erin Wood Joseph Paul
Edmeryl Williams Angie Willaims
Randy Wilkinson, Sr Nicole Mireles
Sam Reyna Sheila Carter Monty
David Towers Brad & Erika Stephens
Randy & Kaylyn Wilkinson Roger Lackey
Melanie Oldham Mario Muraira
Donna Hayes Kenny Hayes
Jerry Meeks Desiree Pearson
Tommy Pearson Cindy Cain
Clinton Wong Louie Jones

Call to order.

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

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

Citizen lifesaving award

Freeport Police Chief Ray Garivey presented two Citizen Lifesaving Awards to Randy Wilkinson and Brad Stevenson.

Employee of the month

City employee Darla Autrey was presented with a certificate recognizing her as Employee of the Month for November 2019.

Citizen's Comments

Desiree Pearson asked is the pothole on Caldwell and Ave A could be repaired, and not have just a little something placed to temporarily fix the problem.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council meeting minutes from November 26, and December 2, 2019.

Consideration and possible action for EMS service agreement for EMS billing

On a motion by Councilman Yates, seconded by Councilman Green, with all present voting "Aye", Council unanimously approved the Consent Agenda.

REGULAR SESSION

Consideration and possible action of approving the cost of proposed outriggers to the Mystery Boat.

Parks Director Kim Townsend presented to Council the proposed contractor SWS and bid of \$12,500.00 for the repair of the outriggers on the Mystery Boat. Mr. Lackey with SWS explained the reconstruction and updating of the Mystery Ship. Councilman Green said that he feels the \$12,500.00 seems very costly. Nicole Mireles asked Mr. Lackey if he had a location to do the repairs to the Mystery Boat. Mayor Bass asked Fire Chief Motley if he would be available for fire suppression.

On a motion by Councilman Yates, seconded by Councilwoman Loeza with all present and voting 4 to 1. Council approved the cost of repairs of the outriggers. Councilman Green voted no.

Consideration and possible action approving purchase of Watchguard.

Assistant City Manager Stephanie Russell presented to Council the purchase of a dash camera system and software for the Freeport Police Department patrol fleet. Ms. Russell said that this purchase is \$77,640.00 There is a grant that was awarded which will pay for the purchase. Per the City's purchasing policy since the purchase is over \$50,000.00 the purchase must come before Council. Mayor Bass said

this is budget neutral. David Fernandez from the Freeport Police Department told Council the dash camera system has not be upgraded for about ten years. He said that the current system is failing.

On a motion by Councilwoman Loeza, seconded by Councilman Green with all present and voting “Aye” council unanimously approved the purchase of dash camera system and software from Watchguard.

Consideration of approving and awarding the bid for contract for Lift Station No. 5 & 13 rehab and sewer line replacement

City Manager Tim Kelty presented to Council the approval of the bid from C & A Construction, LLC. This bid is for the rehab of Lift Station’s No. 5 & 13, and the sewer line replacement project. This project was designed by Freese and Nichols. Sealed bids were received and opened on November 26, 2019. from Sorrell Construction, Matula & Matula Construction Inc., and C & A Construction, LLC. Freese and Nichols recommends that the City award the contract to C & A Construction, LLC. Mayor Bass asked if the contracts going forward if there will be language that defines start and end time.

On a motion by Councilman Yates, seconded by Councilman Cain with all present and voting “Aye” council unanimously approved, awarding the bid for contract for Lift Station No. 5 & 13 rehab and sewer line replacement to C & A Construction, LLC.

Consideration and possible action regarding the report of Charter Review Commission recommendations to place items on Charter Review Election Ordinance

City Manager Tim Kelty presented to Council the report from the Charter Review Commission recommendations. There is a total of eight recommendations to be presented to Council.

- (1) **Section 3.01 (b) (d) Number, Selection and Term 5.10 Limitation on Consecutive Terms of Office** Recommend amending the Charter “from two-year terms, to three-year terms for no more than two consecutive years for Mayor and City Council.”

On a motion by Councilwoman Loeza, seconded by Councilman Yates with all present and voting “Aye” Council unanimously approved Section 3.01 (b) (d) and 5.10 to be placed on the May 2020 ballot.

- (2) **Section 3.01 (f)** Recommend amending the Charter to include “Election Dates as standardized by State Law.”

On a motion by Councilman Yates, seconded by Councilman Cain with all present and voting “Aye” Council unanimously approved adding Section 3.01 (f) to be placed on the May 2020 ballot.

- (3) **Section 3.04 Compensation** Recommend amending the Charter that the “Mayor shall receive a monthly compensation of \$400.00 and Council to receive a monthly compensation of \$200.00. And the Mayor and Council shall receive an additional \$50.00 payable monthly for each posted meeting of the City Council that they attend.”

On a motion to disapprove by Councilman Green, seconded by Councilman Yates with all present and voting “Aye” Council unanimously approved the rejection of doubling the Compensation that was recommended by the Charter Review Commission and not place the item on the May 2020 Ballot.

- (4) **Section 3.07 Powers of the City Council** Recommend amending the Charter to “allowing the City Council to adopt, modify and carry out all plans proposed by the Planning Commission.”

On a motion by Councilwoman Loeza, seconded by Councilman Yates with all present and voting “Aye” Council unanimously approved amending Section 3.07 to be placed on the May 2020 ballot.

- (5) **Section 4.06 City Attorney** Recommend amending the Charter to “eliminate” the requirement that the City Attorney must be a qualified voter in Brazoria County, Texas.

On a motion by Councilwoman Loeza, seconded by Councilman Cain with all present and voting 4 to 1 Council approved amending Section 4.06 to be placed on the May 2020 ballot. Mayor Bass voted no.

- (6) **Section 11.011 Selection of Newspaper for Publication** Recommend amending the Charter to “require that every ordinance or resolution adopted by the City Council, shall be published in accordance with State Law.”

On a motion by Councilman Yates, seconded by Councilman Green with all present and voting “Aye” Council unanimously approved amending Section 11.011 to be placed on the May 2020 ballot.

- (7) **Section 1.02 Boundaries** Recommend amending the Charter to “recognize the city boundaries as they currently stand and as may be amended in the future.”

On a motion by Councilman Cain, seconded by Councilman Yates with all present and voting “Aye” Council unanimously approved amending Section 1.02 to be placed on the May 2020 ballot.

- (8) **Section 3.10 Rules of Procedure** Recommend amending the Charter to “allowing the recordation of adopted ordinances and resolutions to be permanently maintained by electronic means.”

On a motion by Councilwoman Loeza, seconded by Councilman Cain with all present and voting “Aye” Council unanimously approved amending Section 3.10 to be placed on the May 2020 ballot.

Consideration of approving Ordinance No. 2019-2591 to extend the industrial district contract

City Manager Tim Kelty presented to Council proposed Ordinance No. 2019-2591. An extension of the industrial district contract with DOW Chemical, BASF and Brock Stratton Ridge. He said that this is a joint agreement with the cities of Lake Jackson, Clute, and Freeport. Mr. Kelty said that this is an extremely important revenue source for the City of Freeport. The original agreement expires in 2026 and that the proposed extension agreement with the ordinance will ensure the revenue until 2034. Mr. Kelty said that the City of Clute has already approved their agreement, and the City of Lake Jackson was presenting theirs on December 16, 2019 to Council for approval. Melanie Oldham asked with this new legislation does this mean that cities cannot annex an industry or business without permission. Mayor Bass said that this was not included in the final passing of the legislation. Councilwoman Loeza asked if the year 2033 was correct in the ordinance. Mr. Kelty asked Council that Ordinance 2019-2591 be amended to the year 2034.

On a motion by Councilwoman Loeza, seconded by Councilman Green with all present and voting “Aye” Council unanimously approved Ordinance No. 2019-2591 to extend the industrial district contract, with the amendment to the ordinance in SECTION 1 to the year 2034.

WORK SESSION:

Councilman Green said that Ave B in Ward C has just one speed limit sign. He asked if there are regulations to get more signs on this street. Ray Garivey said that even if there is no sign posted the speed limit is 30 MPH. Councilman Green said that a resident said that school buses and the transit bus drivers are the worst at speeding down this road. Councilman Green thanked the team that put the Senior Citizen luncheon together, he said it was very nice. He also said that 6th Street and Walnut there is a sink hole that needs to be repaired. Melanie Oldham asked what repairs were being done in Ward A. David Hoelewyn said this will start after the first of the year with the interlocal.

Councilman Cain asked Street Department Director David Hoelewyn if there were any updates on the repairs that we have going on. David Hoelewyn said that the County has one more block that they were going to stabilize today, but they had some repairs that had to be done to waterlines, those were lowered today. And they should be stabilizing tomorrow. He said that it will be after the first of the year before they can get on the asphalt.

Councilwoman Loeza asked about Ave I, she said that there is a bush that has grown out and when you are trying to turn out you cannot see. She asked David Hoelewyn if this is something he can trim or cut down. Nicole Mireles said that there are cars that are parked on the street to where you cannot get around. Councilwoman also thanked the committee that put the Employee Christmas party together, she said that it was lots of fun, and she really enjoyed it.

Councilman Yates said that he wanted to thank the City Employee that repaired the big hole in a street that was reported to him from an employee at CVS Pharmacy. He said he did not remember the street, but the repair was done.

City Manager Tim Kelty said that there are several projects that we are moving forward on. He said that elevator at City Hall, the repair will begin the week of December 30 and it will take about a week to get the repair complete. The final phase of the repair for the HVAC began today and that will be completed. Mr. Kelty also said that he wanted to recognize and thank the employees that put the employee Christmas party together. He said that everyone had a great time. He also announced that he will be gone from December 26-31.

Update on reports / concerns from Department heads

Street Department Director David Hoelewyn said that Munson Street was completed last Friday. He also said that the generator on Mystery Harbor is up and running.

Freeport Fire Chief Motley said that Actions from Lake Jackson asked how the City gets such a large crowd at our Sr. Citizen luncheon, he said that they were very impressed. He said that going into the New Year we have some new mandates for Emergency Management training. He also said that in January or February there will be discussion on the 1495 bridge construction.

Open session was closed at 7:07 pm and Council entered into Executive Session.

CLOSED SESSION:

Executive Session regarding economic development (Projects 2019-2 and 2019-3) and Attorney Consultation (Potential Litigation) in accordance with Vernon's Texas Government Code Annotated, Chapter 551, 551.087 and Chapter 551, 551.071.

REGULAR SESSION

Mayor Brooks Bass re-opened regular session at 8:15 pm.

Consideration and possible action to approve a resolution consenting to the creation of Freeport Municipal Utility District No. 1, to include land located within the City's corporate boundaries, and providing the conditions under which the consent is given.

Resident Melanie Oldham said that the Urban Renewal land is in an AE flood zone cannot be built on. She said that she asked Mr. Wong if the public could look at his drainage plans. She said that she heard that these were just recently approved. She said that she wants the public to have a voice in this. she said that she hopes Council takes time on this. Mr. Wong said that he was not planning on speaking. He said that if we can get the Consent Resolution approved then it will go to TCEQ to approve the MUD. He said that the first thing he wants is to dig the retention pond around the entire property. He said he knows what needs to be done. Melanie Oldham said that the Charter said that there cannot be any building in an AE Flood Zone. Mayor Bass recommended to the public to go by the Drainage District and look at the approved plan. He also told Mr. Wong that he is the owner of the land, and the City wants to see this developed as much as he does. The Mayor said that he understands the deadline with TCEQ is January 31, 2020. Mayor Bass said that we are working hard. Mayor Bass said that Council had a very good discussion on the Consent Resolution.

On a motion by Councilwoman Loeza, seconded by Councilman Cain with all voting 4 to 1, Council approved to table a resolution consenting to the creation of Freeport Municipal Utility District No. 1, to include land located within the City's corporate boundaries, and providing the conditions under which the consent is given, until the next Council Meeting on January 6, 2020. Councilman Yates left Executive Session at 7:25 PM.

Consideration in open session of taking action on any matter discussed in closed executive session

No action taken.

Adjourn

On a motion by Councilwoman Loeza, seconded by Councilman Green, with all present voting "Aye", Mayor Brooks Bass adjourned the meeting at 8:25 PM.

Mayor, Brooks Bass
City of Freeport, Texas

City Secretary, Betty Wells
City of Freeport, Texas