

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Tuesday, September 8, 2020 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
Laura Tolar, Assistant City Secretary/ Special Projects Coordinator
Chris Duncan, City Attorney
Brenda Miller-Ferguson, Human Resource Director
Chris Motley, Freeport Fire Chief
Lance Petty, Public Works Director
Courtland Holman, Freeport Economic Development Director
Billy Shoemaker, Building/Code Director
Clarisa Molina, Administrator Assistant Via teleconference
Yvette Ruiz, Building/Code Secretary
LeAnn Strahan, Destinations Director

Visitors:

Sandra Barnett	James Barnett
Edmeryl Williams	Angie Williams
Jerry Meeks (Veolia)	David McGinty
Mindy Joss	William Pole Cat Culver
Melanie Oldham	Ruben Renobato
Ed Garcia	Nick Irene (Facts)
Jessie Parker	Sam Reyna
Nicole Mireles	

Visitors, Via Teleconference:

Pam Tilley	Vander Williams
Amanda (NLN)	Lila Diehl
Troy Brimage	Donna Williams
Paul Crow	Eric Hayes

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. Pledge was led by Mayor Brooks Bass.

Citizen's Comments

Mindy Joss and William Culver spoke to Council about FOE 311. Ms. Joss said that the reason that were present was to see if Council would be able to make an allowance for the Club to open back up, with members only being able to enter with mask and social distancing. She said that the club is almost to the point of not being able to pay the bills, and possibly closing after 67 years.

Mayor Bass told Ms. Joss to speak with City Manager for him to put this on a future agenda. He said that the Governor may have some new announcements that may take care of the problems.

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

Emergency management briefing COVID-19. (Motley/Garivey)

Freeport Fire Chief, Chris Motley said that the inventory is good. He said that the numbers have gone down drastically. Mayor Bass asked if the positivity rate is down to less than ten percent, and Chief Motley said yes. Chief Motley said to remember social distancing, wash hands, and to wear mask. He also spoke on the hurricane season and the information boards that are set around the city.

Freeport Police Chief Ray Garivey said that business is being done as normal. He said that all his employees are back and healthy. He thanked City staff for all the team work that was there for the possible Hurricane.

CONSENT AGENDA

Consideration and possible action on the approval of City Council meeting minutes from August 13, 2020 and August 17, 2020.

Consideration and possible action to adopt Ordinance No. 2020-2609 amending the General Election for November 3, 2020 for polling locations.

Consideration and possible action on approving Ordinance No. 2020-2610 amending the Charter Amendment polling locations.

Discussion for the postponement of hosting the Veterans Day Parade until 2021, due to the COVID-19 pandemic.

On a motion by Councilman Yates, seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved the Consent Agenda.

REGULAR SESSION

Consideration and possible action on Task Authorization No. 14 with Freese and Nichols for renovation of the DOW Heritage House.

City Manager Tim Kelty presented to council the Task Authorization No. 14 with Freese and Nichols for renovation of the DOW Heritage House. He said that Ron Bavarian with Freese and Nichols was

available if there were any questions, and David Watson an Architect specialist in restoration was also present. Mr. Watson spoke to council about the work that needs to be done.

Mayor Bass asked if this was for direction and discussion from council? Mr. Kelty said yes. Mayor Bass asked if the \$69,000.00 was for the Architectural and the Engineering. Mr. Kelty said that is correct. Mayor Bass asked about the Bond Process, he asked if we will be stuck to this if the budget is approved for this amount. Or can this be changed? Mr. Kelty said yes this can be changed.

Mr. Watson said that the work that was previously done was substandard. The stair lift does not meet commercial requirements. The back-stair case is not up to windstorm and, doesn't meet the building code, and there is not a door. The windows were not installed correctly and the wall around the windows are completely rotten.

Councilman Yates asked if the price is for the architecture and full price on the repairs. Tim Kelty said that this is the cost for the architect and only an estimate for the repairs. We will have to go out for bids.

Mayor Bass asked Mr. Watson if the building is safe to use? Mr. Watson, said no not in the current condition. Mayor Bass told, Billy Shoemaker, Chief Motley and Administration, we are not to rent this building out.

Councilman Green asked what will it take to sell this building? City Manager Tim Kelty said that if council declares this surplus and puts it out for auction, it will not cost anything. Ms. Russell stated that we will have to repay a small amount of grant funds that were used on recent roof repairs.

There was an online question asking if the repairs to Heritage House will have a warranty? Mayor Bass said if we go forward, yes, we will insure that everyone is bonded and there are warranties.

Roy Yates asked if the \$69,000.00 included the bid package also. Mr. Kelty said yes this will include bids, design, and all the professional services.

Mayor Bass said that he wants to table this item.

On a motion by Councilman Cain, seconded by Councilman Green, with all present voting "Aye" 4-0 Council approved to table the Task Authorization No. 14 with Freese and Nichols for renovation of the DOW Heritage House. Councilman Yates voted "Ney".

Public Hearing: Public Hearing Regarding FY 2020-2021 Proposed Budget.

Mayor Bass opened Public Hearing at 6:26 PM

Assistant City Manager Stephanie Russell presented to council FY 2020-2021 Proposed Budget. She said that this was originally presented to Council on August 10 as well as being posted on the city website. She said that since then there have been several changes. The property tax rate, and the water/sewer rates increase are two of the changes.

Ruben Renobato 1507 West 2nd Street, spoke to council of his concern for more roof tops that are needed in Freeport, the Bond Ordinance for streets and drainage. He said he strongly disagrees with managements conclusion with the streets, sidewalks, and infrastructure.

Ms. Russell said that she has not got with the Bond Council, but her understanding the construction did not include news streets or development. She said that we can visit with Bond Council.

Councilwoman Loeza asked if this was to improve streets and not for new.

Mr. Kelty said this is on existing streets that are already there. He said that the bond is intended for the streets that are there. He said that this will not affect the adoption of the budget tonight.

Mayor Bass asked if council approves the budget tonight can changes be made? Mr. Kelty said yes, we are not approving how it will be spent.

Mayor Bass asked about the lights at the softball fields? He said that they need to be replaced for safety issues.

Lance Petty Public Works Director said there should be a quote by the end of the week.

Online question: Asked if the streets will be lowered so that streets will drain properly, and will the streets be repaired with concrete or asphalt? Mr. Kelty said streets will be engineered with engineering recommendations regarding the surface material. We are not planning on proposing concrete just because it was concrete, or asphalt just because it was asphalt.

Nicole Mireles asked if the streets are concrete will they go back to concrete?

Mayor Bass asked what if we want concrete on concrete? Mr. Kelty said if that is what you want that is what you will get the cost will simply determine how much we can afford.

Ed Garcia said if we replace with asphalt then the city will be going backwards.

Melanie Oldham said that she glad to hear that the Bond Council can be spoke with. She said that we need roof tops.

Jessie Parker said that she wants to be reimbursed for her tires that were ruined because of the streets in the city.

Mayor Bass closed the Public Hearing at 7:00 PM

Consideration of an Ordinance No. 2020-2611 Adopting FY2020-2021 Budget

Assistant City Manager Stephanie Russell presented to council Ordinance No. 2020-2611 Adopting FY2020-2021 Budget. She said this is the Ordinance to adopt the budget.

Mayor Bass asked about the softball lights, because it is a safety issue. Ms. Russell said that, depending on the cost she can find the funds from this year's budget to repair the light poles at the softball fields.

On a motion by Councilwoman Loeza, seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved Ordinance No. 2020-2611 Adopting FY2020-2021 Budget.

Record vote: Cain, Approve. Green, Approve. Bass, Approve. Yates, Approve. Loeza, Approve.

Consideration and Possible Action Regarding an Ordinance No. 2020-2612 Establishing a Tax Rate for the 2020 Tax Year.

Assistant City Manager Stephanie Russell presented to council Ordinance No. 2020-2612 Establishing a Tax Rate for the 2020 Tax Year. She said that in past meetings council proposed the NNR Tax Rate. She said that this was published in the paper.

On a motion by Councilman Green, seconded by Councilman Cain, with all present voting “Aye” 5-0 Council unanimously approved Ordinance No. 2020-2612 Establishing a Tax Rate for the 2020 Tax Year.

Record vote: Cain, Approve. Green, Approve. Bass, Approve. Yates, Approve. Loeza, Approve

Ratification of Increased Property Tax Revenues Reflected in the Fiscal Year 2020-2021 Adopted Budget.

Assistant City Manager presented to council the Ratification of Increased Property Tax Revenues Reflected in the Fiscal Year 2020-2021 Adopted Budget. She said that this is a house keeping item.

On a motion by Councilman Cain, seconded by Councilwoman Loeza, with all present voting “Aye” 5-0 Council unanimously approved the Ratification of Increased Property Tax Revenues Reflected in the Fiscal Year 2020-2021 Adopted Budget.

Consideration and possible action approving Ordinance No. 2020-2613 establishing water/sewer discount for the Senior Citizens within the City of Freeport.

Assistant City Manager presented to council Ordinance No. 2020-2613 establishing water/sewer discount for the Senior Citizens within the City of Freeport. Ms. Russell said that this was at the direction by council at a previous meeting.

Councilwoman Loeza asked how the residents will know that they have to fill out an application for this discount? Ms. Russell said that there will be notice on the water bill. She said social media also.

Mayor Bass asked if we can use the phone system as well to get the notice out. Ms. Russell said yes.

Councilman Cain asked if the residents go to City Hall to register. Ms. Russell said yes.

Councilman Yates asked how much the discount is? Ms. Russell said twenty percent.

On a motion by Councilwoman Loeza, seconded by Councilman Yates, with all present voting “Aye” 5-0 Council unanimously approved Ordinance No. 2020-2613 establishing water/sewer discount for the Senior Citizens within the City of Freeport.

Consideration of an Ordinance No. 2020-2614 Amending Sections 52.15 and 52.16 of the Code of Ordinances to Clarify Meter Sizes included in the Rates for Water and Sewer Services.

Assistant City Manager Stephanie Russell presented to council Ordinance No. 2020-2614 Amending Sections 52.15 and 52.16 of the Code of Ordinances to Clarify Meter Sizes included in the Rates for Water and Sewer Services. Ms. Russell said that this is just a clean up on the Ordinance that was passed

a few weeks ago. She said that some meters are in between sizes. She said that if a meter falls between the size then you will move to the next size.

Mayor Bass said that he looked at 2019 rates and he did not see pricing on meters or meter sizes. He said that he feels this is something that was not discussed last meeting. He said that his opinion is this should be tabled and that we place it on the next meeting. Mayor Bass said that he does not feel that we put this before the public. He said that this is adding additional money to commercial and industrial accounts.

Councilman Green asked if this would change the rate? Ms. Russell said not for residential, but for commercial.

Councilman Yates said that he does not understand why the meter size makes a difference.

Mr. Kelty said that if the meter is larger, the customer will use significantly more water and sewer. Smaller meters use water and sewer in the thousands of gallons per month. Large meters have usage in the tens of thousands or gallons per month. The largest meter sizes often use over one hundred thousand gallons per month. The base rate is only charged once and is not a volumetric rate. It is basically an availability fee covering the cost of infrastructure necessary to provide the utility at the quantity needed.

Mayor Bass said that council needs more information and he tabled this item until the next meeting on September 21, 2020.

Consideration and possible approval for award of proposal for the comprehensive Zoning Ordinance Overhaul.

Billy Shoemaker, Building and Code Director presented to council the possible approval for award of proposal for the comprehensive Zoning Ordinance. He said the recommendation that staff is bringing before council is to approve this RFP to Kendig Keast. He said that our zoning ordinances have not been updated since 1964. He said that this will take about 15 months, and there will be public input.

Mayor Bass asked if this can be done sooner and cheaper.

Mr. Shoemaker said that they have gone back and they did get it down to \$102,000.00.

Nicole Mireles said that the 15-month's is too long

Melanie Oldham spoke in opposition to this.

Councilwoman Loeza asked if the Comprehensive Zone and Sub-Division Ordinance will be done together in the 15-month time frame? Billy Shoemaker said yes.

Mayor Bass said that he thinks 15-months is a ridiculous, time frame. He said that we need to make changes, but \$100,000 is a lot of money for something that will take this long.

Mayor Bass tabled this item.

Consideration and possible action approving Ordinance No. 2020-2615 the proposed updates to the truck route on 2nd Street.

Billy Shoemaker, Building and Code Director presented to council Ordinance No. 2020-2615 the proposed updates to the truck route on 2nd Street, he said that this was presented to Planning and Zoning they approved this with a 15MPH speed limit.

Edmeryl Williams said that the streets are being ruined by the tank trucks.

Nicole Mireles said that Planning and Zoning approved the new route for trucks with a new speed limit of 15MPH.

City Attorney said that a traffic study will need to be done first, and then it is presented to City Manager to post new speed limit signs.

Ed Garcia suggested the Port use their main gate.

Angie Williams voiced her concern of the trucks going down 2nd and 5th Streets.

Melanie Oldham spoke of the safety of families on the East End.

Mayor Bass said that safety is a big factor driving this change.

Councilman Yates said that he thinks that we need to figure out how much traffic is coming from the Port.

Mary Garcia asked if the streets can be re-routed.

Nicole Mireles asked if there needs to be a study for speed bumps. City Attorney Chris Duncan said we need to do a speed study before we reduce the speed.

This item was tabled by Mayor Bass until the next meeting.

Consideration and possible action approving Resolution No. 2020-2646 revising Section 9.07 (Overtime) and 9.10 (Longevity Pay) in Chapter Nine of the Personnel Policy Handbook.

Brenda Ferguson, Human Resource Director presented to council Resolution No. 2020-2646 revising Section 9.07 (Overtime) and 9.10 (Longevity Pay) in Chapter Nine of the Personnel Policy Handbook. She said that there was employee feedback on some of the changes. She said that the longevity pay, will be each pay period instead of annually. Also, the holiday pay will be considered as time worked. This is so an employee will not lose their overtime pay.

Mayor Bass said that he appreciates that staff is listening to the employees.

Councilwoman Lozea asked if this was the middle ground that was negotiated with the employees? Brenda Ferguson said “yes”.

Councilman Yates said vacation time does not count towards overtime? Brenda Ferguson said this is correct.

On a motion by Councilman Cain, seconded by Councilwoman Loeza, with all present voting “Aye” 5-0 Council unanimously approved Resolution No. 2020-2646 revising Section 9.07 (Overtime) and 9.10 (Longevity Pay) in Chapter Nine of the Personnel Policy Handbook.

Consideration and possible action approving Resolution No.2020-2647 a resolution amending the Freeport Personnel Policy Handbook to include a Temporary COVID-Related Suspension of Vacation Rollover Limits and a Temporary Limited Vacation Buy-Out Option.

Brenda Ferguson, Human Resource Director presented to council Resolution No.2020-2647 a resolution amending the Freeport Personnel Policy Handbook to include a Temporary COVID-Related Suspension of Vacation Rollover Limits and a Temporary Limited Vacation Buy-Out Option. She said that there are a lot of employees that are not using vacation due to the pandemic.

Mayor Bass asked if the declaration will need to be extended? Tim Kelty said that the emergency declaration stands until it is removed

Councilman Yates asked if they can sell their vacation?

Brenda Ferguson said that this will allow the buy out for some vacation time if they were unable to take vacation due to the pandemic. This is temporary and there is a limit of the amount that they can buy out.

Councilwoman Loeza asked if this is \$.50 on the dollar? Brenda Ferguson said no, this is the full rate up to 40 hours.

On a motion by Councilwoman Loeza, seconded by Councilman Green, with all present voting “Aye” 5-0 Council unanimously approved Resolution No.2020-2647 a resolution amending the Freeport Personnel Policy Handbook to include a Temporary COVID-Related Suspension of Vacation Rollover Limits and a Temporary Limited Vacation Buy-Out Option.

Consideration and possible action of approving Resolution No. 2020-2648 to amend and set the maximum fees charged for Taxicab Service in the City of Freeport.

City Manager Tim Kelty presented to council Resolution No. 2020-2648 to amend and set the maximum fees charged for Taxicab Service in the City of Freeport. He said staff recommends setting the rates at \$3.50 a mile and \$3.50 a pickup. He said that we have a taxicab service that is wanting to lower her rates.

On a motion by Councilman Yates, seconded by Councilman Cain, with all present voting “Aye” 5-0 Council unanimously approved Resolution No. 2020-2648 to amend and set the maximum fees charged for Taxicab Service in the City of Freeport.

Consideration and possible action approving Resolution No. 2020-2649 for requesting Governor Abbot to extend severely distressed New Market Tax Credit, and Opportunity Zone into Downtown.

Courtland Holman, Freeport Economic Development Director presented to council Resolution No. 2020-2649 for requesting Governor Abbot to extend severely distressed New Market Tax Credit, and Economic Opportunity Zone into Downtown. Mr. Holman said that the city needs more attractions. Mr. Holman said that there are areas within the city which are blighted. He said that there are only about 20% of buildings downtown that are being used.

Mayor Bass asked if this cost the city any money. Mr. Holman said no.

Tim Kelty said, if successful, this makes it more attractive to investments.

On a motion by Councilman Green, seconded by Councilman Yates, with all present voting “Aye” 5-0 Council unanimously approved Resolution No. 2020-2649 for requesting Governor Abbot to extend severely distressed New Market Tax Credit, and Opportunity Zone into Downtown.

Consideration of a Resolution No. 2020-2650 appointing and reappointing members to the Historical Commission and the Main Street Board.

City Manager Tim Kelty presented to council Resolution No. 2020-2650 appointing and reappointing members to the Historical Commission and the Main Street Board. He said that this board was reformed last year. He said that this board requires nine members. He said that we need to appoint or reappoint five two-year appointments and three one-year appointments tonight.

Nat Hickey, Brenda George, Sandra Barbree, Carmen Read, and Cliff Vandergriff were reappointed to two-year terms.

Edmeryl Williams, David McGinty and Jessie Parker were appointed to a one-year term.

On a motion by Councilman Yates, seconded by Councilwoman Loeza, with all present voting “Aye” 5-0 Council unanimously approved Resolution No. 2020-2650 appointing and reappointing members to the Historical Commission and the Main Street Board.

Consideration of a Resolution No. 2020-2651 appointing and reappointing members to the Planning Commission.

City Manager Tim Kelty presented to council Resolution No. 2020-2651 appointing and reappointing members to the Planning Commission. He said that there are five members on this board. We need to appoint or reappoint three two-year terms, and appoint one, to a one-year term.

Nicole Mireles, Andrew Dill, and Eric Hayes were reappointed to two-year term.

Melanie Oldham was appointed to a one-year term.

On a motion by Councilman Yates, seconded by Councilman Green, with all present voting “Aye” 5-0 Council unanimously approved Resolution No. 2020-2651 appointing and reappointing members to the Planning Commission.

Consideration of approving Resolution No. 2020-2653 appointing and reappointing members to the Senior Citizens Commission.

City Manager Tim Kelty presented to council Resolution No. 2020-2653 appointing and reappointing members to the Senior Citizens Commission. He said that this board is made up of five members. We need to appoint or reappoint two, two-year terms and fill one vacancy.

Mary Talbert, and Valerie Crosby were reappointed to two-year terms. There were no applications for the vacancy on this board for the one-year term.

On a motion by Councilwoman Loeza, seconded by Councilman Green, with all present voting “Aye” 5-0 Council unanimously approved Resolution No. 2020-2653 appointing and reappointing members to the Senior Citizens Commission.

Consideration of approving Resolution No. 2020-2652 appointing and reappointing members to the Freeport Economic Development Board.

City Manager Tim Kelty presented to council Resolution No. 2020-2652 appointing and reappointing members to the Freeport Economic Development Board. He said that we need three two-year appointments. Ed Garcia, Trey Sullivan and Jeff Pena are up for reappointments for two-year terms.

Councilman Ken Green said that he would like to move this item to Executive Session. He said that he is the Liaison for this Board and he has some things which he would like to discuss with council. He said that he wants to discuss Board Member Jeff Pena.

City Attorney Chris Duncan advised council that if someone is the discussion in executive session, that person has the right to say if they would like to have it discussed in open session.

Jeff Pena, said that he would rather the discussion occur in the open session.

Ed Garcia said he is a Board Member for the EDC and he supports Jeff Pena being on the EDC Board.

On a motion by Councilman Yates to reappoint the three members, but lack of second, motion failed.

On another motion by Councilman Cain to remove Jeff Pena, and appoint Mario Muraira, but lack of second, motion failed.

Mayor Bass tabled this item.

WORK SESSION:

There were no comments from Council.

Update on reports / concerns from Department heads

There were no comments from Department heads.

Open session was closed at 9:40 pm and Council entered into Executive Session.

CLOSED SESSION:

Executive Session regarding a.) (Potential Litigation) consultation with city attorney b.) (Deliberations about Real Property), 212 East Park Ave in accordance with Government Code Annotated, Chapter 551, Sections 551.071, 551.074.

REGULAR SESSION

Mayor Brooks Bass reconvened regular session at 10:04 P.M.

No action taken in Executive Session.

Adjourn

On a motion by Councilman Cain, seconded by Councilman Yates, with all present voting “Aye”, Mayor Brooks Bass adjourned the meeting at 10:04 PM.

Mayor, Brooks Bass
City of Freeport, Texas

City Secretary, Betty Wells
City of Freeport, Texas