

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, September 28, 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
LeAnn Strahan, Destinations Director

Visitors:

Edmeryl Williams	Angie Williams
Jerry Meeks (Veolia)	David McGinty
Kelly Lackey, BISS	William Pole Cat Culver
Melanie Oldham	Ruben Renobato
Ed Garcia	Nick Irene (Facts)
Sam Reyna	Nicole Mireles
Mary Garcia	Ty Morrow
Mike Deleon	Marinel Music
Jeff Pena	Tommy Pearson

Visitors, Via Teleconference:

Pam Tilley	Vander Williams
David Baird	Jessi Parker
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

Ty Morrow, 1867 Acacia Circle thanked the Mayor for keeping the last council meeting in compliance with Due Process. He said that he appreciates that the rules were followed. He said that he hopes that council will follow up and make sure no ethical violations have been committed.

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

Employee of the month for the months of, February, June, July, August 2020.

City Employee Laurie Motley was presented with a certificate recognizing her for Employee of the Month of June 2020. Adriana Martinez was recognized with a certificate for Employee of the Month of July and Donna Fisher was recognized with a certificate for Employee of the Month of August 2020.

CONSENT AGENDA

Consideration and possible action on the approval of City Council meeting minutes from August 31, 2020 and September 8, 2020.

Consideration and possible action on Resolution No. 2020-2654 authorizing the Mayor to execute title and close on the transfer of 212 West Park to the EDC

Consideration and possible action on a Resolution No. 2020-2655 reappointing Kenny Hayes as City representative on the Brazosport Water Authority

On a motion by Councilwoman Loeza, seconded by Councilman Green, with all present voting "Aye" 5-0 Council unanimously approved the Consent Agenda, with the changes to the minutes from August 31, 2020.

REGULAR SESSION

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

Assistant City Manager, Stephanie Russell presented to council the possible approval for award of proposal for the comprehensive zoning ordinance overhaul to Kendig Keast. She said that this was presented to council at the last council meeting. Ms. Russell said that since the last meeting, as requested by Council, staff was able to get the time frame reduced from fifteen months down to nine months. Ms. Russell said that Brett Keast was present to answer any questions.

Mayor Bass asked how is this beneficial to the City, what will be provided? Mr. Kelty said that there are two components to this. One being the zoning ordinance overhaul, and the other being the subdivision control ordinance overhaul. He said that the ordinances that we have now were originally drafted in 1964. He said that there have been updates to it, but it is still poorly written and not up to today's standards.

Councilman Yates asked if this was for just the zoning ordinance, he asked why it would be \$100,000.00 to rewrite about fifty pages? Tim Kelty said this is very extensive and complicated process and ordinance.

Online comment said that the Planning and Zoning needs to be the board that is handling this process. Staff responded that the Planning and Zoning Commission at their most recent meeting had voted to recommend approval of the proposed contract.

Nicole Mireles said that she is the Chairperson for Planning and Zoning, she said that the Planning and Zoning Board feel strongly that this board can update these ordinances.

Brett Keast, owner of Kendig Keast explained how his company would rewrite the ordinances in accordance to the laws. He said that the ordinances need to be brought up to date, he said that they are very outdated.

Mayor Bass asked if the amount could be reduced anymore? Mr. Keast said that they can remove and narrow it down more, but the community time may not have as much involvement.

Councilman Cain asked about the timeframe of fifteen months, or if it will be nine months for completion. Brett Keast said the fifteen months was the original version.

Councilwoman Loeza asked if the funds for this item is already budgeted? Tim Kelty said \$50,000.00 was already budgeted this year, and there is another \$50,000.00 available in the budget that will cover this.

Online comment said that this should be done by the Planning and Zoning Board, they said that there is no hurry to get this done.

On a motion to deny by Councilman Yates, seconded by Councilman Green, with all present voting 3-2 in favor of the motion, Council denied awarding proposal for the comprehensive Zoning Ordinance Overhaul. Councilman Yates, Councilman Green, and Councilwoman Loeza voted "Aye". Mayor Bass and Councilman Cain opposed.

Wyatt Ringgold with BWA spoke to council about the water issue that occurred on Friday night for cities within the BWA area. He said that all was cleared for the City of Freeport, and the issue was isolated to the City of Lake Jackson.

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.

Marinel Music asked that Jeff Pena, Trey Sullivan, and Ed Garcia be reappointed to the EDC Board.

Councilman Green spoke to Council of his concerns regarding Jeff Pena's reappointment to the EDC Board.

Jeff Pena spoke to council regarding his reappointment to the EDC Board.

Councilman Green made a motion to reappoint Ed Garcia, Trey Sullivan and to appoint Keith Stumbaugh. Motion died from a lack of a second.

On a motion by Councilman Yates, seconded by Councilman Cain, with all present voting "Aye" 4-1 Council approved reappointing Trey Sullivan, Ed Garcia and Jeff Pena as members to the Freeport Economic Development Board. Councilman Green opposed

Consideration and possible action regarding commitment of a portion of City COVID Relief Funds in support of Brazosport ISD.

Assistant City Manager Stephanie Russell presented to Council a request from Brazosport ISD for commitment of a portion of City COVID Relief Funds in support of Brazosport ISD. Ms. Russell said that so far the City has spent \$119,000.00 of the \$690,000.00 from the CARES Act. Ms. Russell said that BISS has requested support from the cities of Freeport, Clute and Lake Jackson.

Kelly Lackey, Director of Finance with BISS spoke to council of how the contribution will be matched by a grant through TEA.

Mayor Bass asked if we can spend the amount that needs to be spent in order to contribute the \$50,000.00 to BISS. He said that we need to use this money on PPE and to also help BISS.

Councilman Yates asked, if we must spend the money on PPE for COVID related things? Ms. Russell said yes.

On a motion by Councilman Yates, seconded by Councilwoman Loeza, with all present voting "Aye" 5-0 Council unanimously approved a commitment of \$50,000.00 a portion of City COVID Relief Funds in support of Brazosport ISD.

Public Hearing on 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.

Mayor Bass opened the Public Hearing at 7:39PM.

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. She said that the original ordinance was adopted by council in August.

Kenny Hayes asked why do you pay more if you have a larger meter? Tim Kelty said that the base rate is higher on larger meters because the base rate is not a volumetric charge. The base rate is an availability fee. Larger meters demand a larger available capacity and thus there is a higher charge. Kenny Hayes asked about the residential usage. Tim Kelty said that this will not affect residential customers.

Roy Yates said that the base rate is hurting some businesses.

Stephanie Russell said that customers can downsize their water meters. This is at the customers expense.

Mayor Bass closed the Public Hearing at 7:46PM

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.

Councilman Yates asked how much is this going to cost the residential customers? Ms. Russell said that this does not impact residential customers, this is only commercial.

Online comment said that we do not need to charge by meter size.

On a motion by Councilman Cain, seconded by Councilman Yates, with all present voting “Aye” 4-1 Council approved 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. Mayor Bass opposed.

Consideration and possible action adopting a Citizens Participation Plan for the CDBG-MIT Program, for the City of Freeport

Assistant City Manager Stephanie Russell presented to council the Citizens Participation Plan for the CDBG-MIT Program, for the City of Freeport. She said that staff recommends the adoption of the proposed Citizens Participation Plan.

On a motion by Councilman Yates, seconded by Councilman Cain, with all present voting “Aye” 5-0 Council unanimously approved the adoption of the Citizens Participation Plan for the CDBG-MIT Program, for the City of Freeport.

Consideration and possible action on Resolution No. 2020-2659 approving the Freeport Economic Development Board Budget for FY2020-2021.

Assistant City Manager Stephanie Russell presented to council Resolution No. 2020-2659 approving the Freeport Economic Development Board Budget for FY2020-2021. She said that the proposed budget was presented to the EDC Board in August 2020.

Councilman Yates asked why the salaries budget increased? Ms. Russell said this includes the new proposed assistant position.

Mayor Bass asked what is the new position? Ms. Russell said that this position is for an assistant for Mr. Holman.

Mayor Bass asked what the salary would be, Mr. Holman said about \$45,000.00 annually.

On a motion by Councilwoman Loeza, seconded by Councilman Green, with all present voting “Aye” 5-0 Council approved Resolution No. 2020-2659 approving the Freeport Economic Development Board Budget for FY2020-2021. Councilman Yates opposed

WORK SESSION:

Councilman Green said that he appreciates all the work that has been done on Broad Street.

Councilman Cain said that there are tree branches in Brazos Landing Court that are coming over the road. He also said that street lights are out on Yaupon and 2nd Street, Broad and Mesquite, 7th Street and Locust. He also asked if the city will be doing any event for Halloween.

Councilwoman Loeza said there is a house on Ave H that is abandoned. She said that the grass is very high and it needs to be cut. She also said that there is a light out on Ave H and Yellowstone. She said there is a hole in the alley of Ave D behind Aprils Furniture she said these need to be repaired.

Councilman Yates said that he had no comments.

Mayor Bass said that he is proud of staff and city workers.

City Manager Tim Kelty said that he would like to recognize Chief Motley for his work in getting the message out for the water issue. He said that appreciates all of staff and their response.

Update on reports / concerns from Department heads

There were no comments from Department heads.

Open session was closed at 8:13 pm and Council entered into Executive Session.

Councilman Green was not present during 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 8:57 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 9:00 PM.



Mayor, Brooks Bass
City of Freeport, Texas



City Secretary, Betty Wells
City of Freeport, Texas