

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, October 19, 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  
Kris Vierra, Freeport Fire/EMS  
Amber Phillips, Freeport Fire/EMS  
Zac Armstrong, Freeport Fire/EMS  
Sean Andel, Freeport Fire/EMS  
Blayne Redwine, Freeport Fire/EMS  
Lance Petty, Public Works Director  
Courtland Holman, Freeport Economic Development Director  
Ray Garivey, Freeport Police Chief  
Clarisa Molina, Administrator Assistant Via Teleconference  
LeAnn Strahan, Destinations Director Via Teleconference  
Courtland Holman, Freeport EDC Director, Via Teleconference

Visitors:

|                      |                    |
|----------------------|--------------------|
| Jerry Meeks (Veolia) | David McGinty      |
| Manning Rollerson    | Ruben Renobato     |
| Melanie Oldham       | Nick Irene (Facts) |
| Angie Williams       | Edmeryl Williams   |
| Nicole Mireles       | Sam Reyna          |
| Jeff Pena            | Keith Stumbaugh    |
| Marinell Music       | Eric Hayes         |
| Lila Diehl           | Tommy Pearson      |

Visitors, Via Teleconference:

|              |                 |
|--------------|-----------------|
| Jessi Parker | Vander Williams |
| Amanda       | Ruby Marshall   |

### **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**

Manning Rollerson spoke to council about Christianity. He said that the church in The East End of Freeport was sold, and the money will be donated to a nonprofit organization.

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

#### Employee of the month for the months of February & September 2020.

Freeport Fire/EMS employee Kris Vierra was presented with a certificate recognizing him for Employee of the Month, for the month of February 2020.

Freeport Police Sargent John Perez was presented with a certificate recognizing him for Employee of the Month, for the month of September 2020.

### **CONSENT AGENDA**

#### Consideration and possible action on the approval of City Council meeting minutes from September, 28 2020 and October 5, 2020.

On a motion by Councilwoman Loeza, seconded by Councilman Yates, with all present voting "Aye" 5-0 Council approved City Council meeting minutes from September, 28 2020 and October 5, 2020.

#### Consideration and possible action by City Council approving the sale of trust property within the city limits.

City Manager Tim Kelty said that this property is privately owned and is going up for Sheriff Sale. He said the city has interest in the property for back taxes.

On a motion by Councilwoman Loeza, seconded by Councilman Yates, with all present voting "Aye" 5-0 Council unanimously approved the sale of trust property within the city limits.

#### Consideration and possible action approving Interlocal Agreement with Brazoria County and the City of Freeport for streets and alleys.

City Manager Tim Kelty said that the county does the asphalt reconstruction of the streets that the city designates. The city covers the cost of materials, and the County provides labor and the equipment.

Councilwoman Loeza asked why just two miles a year of repair on the roads? City Manager Tim Kelty said that this is the amount the county will commit to doing, this is the amount that they can do with their resources that they have available.

Eric Hayes asked if these roads are going to be repaired with concrete, or asphalt? And will the curbs and gutters be done before the repairs?

Tim Kelty said that the streets have not been designated yet, but the County contract only includes asphalt. He said that any curb and gutters would have to be completed prior to the work is done.

On a motion by Councilwoman Loeza, seconded by Councilman Yates, with all present voting "Aye" 5-0 Council unanimously approved the Interlocal Agreement with Brazoria County and the City of Freeport for streets and alleys.

## **REGULAR SESSION**

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

City Manager Tim Kelty presented to council the award of proposal for the comprehensive Zoning Ordinance Overhaul. He said that this has been presented to council three times. Mr. Kelty said that the time frame has been shortened, because this was a concern for council. He also said that the price was an issue, so they have gone back to Kendig Keast. He said that if we go with just the zoning ordinance it will be \$76,790. Mr. Kelty said that staff recommends the full scope of work, but if not, then the zoning ordinance is the highest priority.

Manning Rollerson said that he thinks the East End of Freeport needs to be re-zoned.

Nicole Mireles asked if software has been looked into for this project. She also said that Planning and Zoning needs to be given a chance at this project.

Mayor Bass asked if Incode Plus is included in this, and does this reference the operating system?

Mr. Kelty said that Incode Plus does not create the ordinance, it just a tool to use to implement during this process.

Angie Williams opposes this.

On a motion by Councilwoman Loeza, seconded by Councilman Green, with all present voting "Aye" 3-2 Council approved the award of proposal for the comprehensive Zoning Ordinance Overhaul, in the entirety for the \$102,450.00. Mayor Bass and Councilman Yates voted "Ney"

### **Consideration and possible action on designating a representative and an alternate to the Houston-Galveston Area Council General Assembly for the year 2021.**

City Manager Tim Kelty presented to council the action on designating a representative and an alternate to the Houston-Galveston Area Council General Assembly for the year 2021. He said that this group meets twice a year. Mr. Kelty said that in the past Councilman Green served as the representative, and Councilwoman Loeza as the alternate.

Mayor Bass asked Councilman Green if he would like to continue to serve? Councilman Green said yes.

Mayor Bass asked Councilwoman Loeza if she would like to continue to serve? Councilwoman Loeza said yes.

On a motion by Councilman Cain, seconded by Councilman Yates, with all present voting “Aye” 5-0 Council unanimously approved action on designating a representative and an alternate to the Houston-Galveston Area Council General Assembly for the year 2021.

Consideration and possible action on Resolution No. 2020-2663 appointing a new member to the Freeport EDC Board replacing Kenny Hayes.

City Manager Tim Kelty presented to council Resolution No. 2020-2663 appointing a new member to the Freeport EDC Board replacing Kenny Hayes. He said that this term would be until June of 2021. He said that there are seven applicants interested in serving the remainder of this term.

Marinell Music said that she recommends David McGinty to serve on this board.

Jeff Pena said that he hopes that council will consider appointing someone that has the time and flexibility to serve on this board.

Keith Stumbaugh said that he is withdrawing his application from consideration at this time to serve on the EDC Board.

Melanie Oldham said that she has an interest to serve on this board, and asked that council consider her for this vacancy.

David McGinty spoke of his interest of serving on the EDC Board.

Edmeryl Williams spoke on behalf of Joshua Mitchell for serving on the EDC Board. She said that she would love to see the city involve young people on the boards.

On a motion by Councilman Green to appoint Nicole Mireles, seconded by Councilman Yates, with all present voting “Aye” 4-1 Council approved Resolution No. 2020-2663 appointing a new member to the Freeport EDC Board replacing Kenny Hayes. Councilwoman Loeza voted “Ney”

Consideration and possible action authorizing the City Manager to negotiate and execute Professional Services Agreements with Freese and Nichols, Inc. for CDBG-MIT projects.

Assistant City Manager Stephanie Russell presented to council the possible action authorizing the City Manager to negotiate and execute Professional Services Agreements with Freese and Nichols, Inc. for CDBG-MIT projects. She said that council awarded the Request for Qualifications (RFQ) to Freese and Nichols back in August, Ms. Russell said however now the application requires that we submit contracts with them.

Mayor Bass asked what the difference is between what was passed last, and what this is tonight. Ms. Russell said that last was awarded the RFQ. Tonight, is requesting that the City Manager to execute the Service Agreement.

On a motion by Councilman Yates, seconded by Councilman Cain, with all present voting “Aye” 5-0 Council unanimously approved action authorizing the City Manager to negotiate and execute Professional Services Agreements with Freese and Nichols, Inc. for CDBG-MIT projects.

Consideration and possible action approving Resolution No. 2020-2656 to Amend the Investment Policy.

Mayor Bass moved Item # 9 to be presented after Item # 10 at the request of Assistant City Manager.

Consideration and possible action approving Resolution No. 2020-2657 authorizing submission of FICA Application and designating signatories

Assistant City Manager presented to council Resolution No. 2020-2657 authorizing submission of FICA Application and designating signatories. Miss Russell said that she would like to put this money in more opportune place. She said that this FICA is one hundred percent secure, and she can withdraw the funds the next day. Ms. Russell said that this is recommended by the city's Financial Advisor.

Mayor Bass announced that the city bonds were approved, and the \$8 million is in our bank.

City Attorney spoke of his concerns of the contract.

Manning Rollerson said that he opposes this.

After a lengthy discussion with council, Mayor Bass tabled Item Numbers 9 & 10 so that council can do a further review.

**WORK SESSION:**

Mayor Bass said that the city did receive the bond money. He said with this we will start looking into the street and drainage projects. He said that we will be having a meeting on October 26, 2020 at 6 PM.

Councilman Green thanked the Public Works Department on the work that has been done on the streets.

Councilman Cain asked if there is an update on the house that burned on 10th and Velasco. He said that it has been almost a year since the fire. Ms. Russell said that she believes the owners are dealing with the insurance company. Councilman Cain asked if there could be a fence put up around the property. He also said that there are two homes one on 7<sup>th</sup> Street and Avalon, and the other on 1700 block of West 6<sup>th</sup> Street, he said that they have swimming pools set up in the front yards with no fences around the pool.

Mayor Bass asked that Mr. Kelty have Freeport Building and Code Director Billy Shoemaker prepare a list and bring to each council meeting of buildings that he has inspected so that we can start seeing some improvement.

Councilwoman Loeza said that there is a pool on 9<sup>th</sup> Street that has a pool up without a fence around it. She also said that she agrees with Mayor Bass that Mr. Shoemaker needs to bring in a list of things that are being worked on. She asked how often the sidewalks get repaired. Mr. Kelty said that if the sidewalk is reported they will address it, he also said that as the streets are being repaired if the sidewalk needs repair it will be addressed at that time. She asked about a leak possibly a water main. Lance Petty said that Veolia will repair this leak, he said that he will get with Jerry Meeks tomorrow.

Councilman Yates spoke about the Wong Property agreement, he said that from what he understands we are pretty close. He said that he wants to see the projected expenses for the city and the projected income for the city from this project. He also said that businesses are closing. He said that Church's Chicken is back open. He said that he thinks the \$8 million needs to be deposited into our local banks, and come up with a spending plan.

City Manager Tim Kelty said that he would like Lance Petty to recognize the three Public Works employees that have been spraying the city for mosquitos. Lance Petty said that the employees are Paul Neuhaus, John Steig and Jesus Rodriguez.

Update on reports / concerns from Department heads

There were no comments from Department heads.

Open session was closed at 7:37 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.

- a. Port Freeport
- b. Wong Property

**REGULAR SESSION**

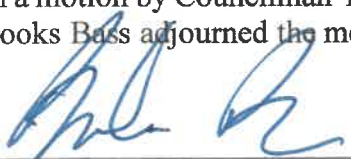
Mayor Brooks Bass reconvened regular session at 8:21 P.M.


On a motion by Councilwoman Loeza, seconded by Councilman Green, with all present voting "Aye" 5-0 Council unanimously approved to formally engage the lawyers from the Baker and Moran Law Firm.

On a motion by Councilwoman Loeza, seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved Resolution No. 2020-2664 an Amended and Restated Resolution of the City Council of the City of Freeport evidencing consent to the creation of the Freeport Municipal Utility District No. 1.

Adjourn

On a motion by Councilman Yates, seconded by Councilman Cain, with all present voting "Aye", Mayor Brooks Bass adjourned the meeting at 8:22 PM.

  
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Mayor, Brooks Bass  
City of Freeport, Texas

  
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City Secretary, Betty Wells  
City of Freeport, Texas