



**AGENDA
REGULAR MEETING
FREEPORT CITY COUNCIL
MONDAY, MAY 10, 2021 at 6:00 P.M.**

Mayor:

Brooks Bass

Council Members:

Jeff Pena
Jerry Cain
Mario Muraira
Roy Yates

City Manager:

Timothy Kelty

THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, WILL MEET ON MONDAY, THE 10TH DAY OF MAY, 2021, AT 6:00 P.M., AT THE FREEPORT, POLICE DEPARTMENT, MUNICIPAL COURT ROOM, 430 NORTH BRAZOSPORT BOULEVARD FREEPORT TEXAS

BECAUSE OF THE PUBLIC HEALTH THREAT, SEATING WILL BE POSITIONED TO MEET THE REQUIREMENTS OF THE CDC, AND ATTENDEES WILL BE REQUIRED TO WEAR A FACE MASK.

OR YOU MAY JOIN THE PUBLIC MEETING REMOTELY BY TELECONFERENCE BY DIALING:

(425) 436-6312 AND USING ACCESS CODE 5678901#

OR

AUDIO VISUAL CONFERENCE CALL USING:

PCs, Macs®, Chromebooks™, iOS and Android™ phones and tablets.

International dial-in numbers: https://fccdl.in/i/council_mtg_051021

For users wanting to view and listen to the council meeting via a web browser go to

https://join.freeconferencecall.com/council_mtg_051021

enter access code 5678901# and the online meeting code is: council_mtg_051021.

OR

Visit the App Store or Google Play to download FreeConferenceCall. Enter the phone number, access code and online code listed above to view the meeting.

REMOTE PARTICIPANTS WILL NOT BE ABLE TO ADDRESS COUNCIL DIRECTLY. **COMMENTS FROM REMOTE PARTICIPANTS MUST BE SENT VIA EMAIL TO publiccomments@freeport.tx.us ANY TIME PRIOR TO, OR DURING THE MEETING ALL COMMENTS RECEIVED WILL BE READ ALOUD INTO THE RECORD.**

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.*

INVOCATION AND PLEDGE OF ALLEGIANCE: (Council Member)

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 Ordinance No. 2021-2629 canvassing the returns and declaring the results of the May 1, 2021 election. **(Kelty)**
2. Administer Oath of Office to Mayor, and elected Council Members to Wards B and D, and signing the required affidavits. **(Wells)**
3. Consideration and possible action of selecting a Mayor Pro Tem. **(Kelty)**

WORK SESSION:

4. **The City Council may deliberate and make inquiry into any item listed in the Work Session.**
 - A. Mayor Brooks Bass announcements and comments.
 - B. Councilman Pena Ward A announcements and comments.
 - C. Councilman Cain Ward B announcements and comments.
 - D. Councilman Muraira Ward C announcements and comments.
 - E. Councilman Yates Ward D announcements and comments.
 - F. City Manager Tim Kelty announcements and comments.
 - G. Updates on current infrastructure.
 - H. Update on reports / concerns from Department heads.

CLOSED SESSION:

5. Executive Session regarding a.) (Potential Litigation) consultation with city attorney, b.) (Deliberations about Real Property), in accordance with Vernon's Texas Government Code Annotated, Chapter 551, Sections 551.071, 551.072.

COUNCIL BUSINESS – REGULAR SESSION:

ADJOURNMENT:

6. 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).

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.

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 2nd Street, Freeport Texas, before 6:00 p.m. in accordance with Open Meetings Act.


Betty Wells, City Secretary
City of Freeport, Texas



City Council Agenda Item # 1

Title: Consideration of approving Ordinance No. 2021-2629 canvassing the returns and declaring the results of the May 1, 2021 election, signing the required affidavit and authorizing the administration the Oath of Office by the successful candidate.

Date: May 10, 2021

From: Betty Wells, City Secretary

Staff Recommendation: Staff recommends the approval of Ordinance No. 2021-2629 canvassing the returns and declaring the results of the May 1, 2021 election.

Item Summary: This ordinance declares that the election was legally conducted and certifies the results. Brooks Bass to be Mayor of the City. In Ward B It declares that Jerry Cain did receive a majority of votes and will take the Oath of Office to become the elected Councilman for Ward B. In Ward D it declares that Troy Brimage did receive a majority of votes and will take the Oath of Office to become the elected Councilman for Ward D.

Background Information: Annually the votes are canvassed from the Municipal Election by the City Council prior to being declared final.

Special Considerations: Because the Charter amendment passed that established Council terms to be changed to 3-years, Mayor Bass, Councilman Cain, and Councilman Brimage winner election and shall serve for terms extending through the city council election to be held in May of 2024.

Financial Impact: We have currently paid a deposit with Brazoria County as part of our interlocal agreement for the election.

Board or 3rd Party recommendation: NA

Supporting Documentation:

Ordinance

Brazoria County Elections Department Unofficial Results.

ORDINANCE NO. 2021-2629

AN ORDINANCE OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS, MAKING CERTAIN FINDINGS OF FACT REGARDING, CANVASSING THE RETURNS AND DECLARING THE RESULT OF THE ANNUAL GENERAL ELECTION HELD ON THE FIRST SATURDAY IN MAY, 2021, BEING MAY 1, 2021, IN AND THROUGHOUT SAID CITY FOR THE PURPOSE OF ELECTING, FOR A THREE (3) YEAR TERM, A PERSON TO BE MAYOR OF SAID CITY AND, IN WARDS B AND D OF SAID CITY, FOR THE PURPOSE OF ELECTING, FOR A TERM OF THREE (3) YEARS EACH, PURSUANT TO PASSAGE OF CHARTER AMENDMENT A, PERSONS TO FILL COUNCIL POSITION B AND COUNCIL POSITION D ON THE CITY COUNCIL OF SAID CITY; PROVIDING FOR RATIFICATION AND CONFIRMATION OF THE ACTION TAKEN BY THIS ORDINANCE BY THE MAYOR OF SAID CITY; AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT ORDAINED AND ORDERED, RESPECTIVELY, BY THE CITY COUNCIL AND MAYOR OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS:

SECTION ONE--Scope of Ordinance

This ordinance relates to the annual General Election held on the Uniform Election Date, called by Ordinance No. 2021-2624 of the City of Freeport, Brazoria County, Texas, heretofore read, passed, adopted and ratified on January 25, 2021, by the City Council and Mayor of said City, ordaining and ordering, respectively, that an election be held in and throughout said city on the first Saturday in May, 2021, being May 1, 2021, for the purpose of electing to office, for a term of three (3) years a person to fill the office of Mayor of said city and for a term of three (3) years each, persons to fill the offices of Council Position B and Council Position D on the City Council of said City.

SECTION TWO--Findings of Fact Regarding Election

The Mayor and City Council of the City of Freeport, Texas, make the following findings of fact with respect to said election, to-wit:

First, that notice of said election was given in the manner and at the time required by law.

Second, that said election was duly called and held in the manner and at the time required by law, and said Ordinances No. 2021-2624, and that at said election only qualified voters were permitted to vote.

Third, that based on the returns of said elections, which are now before the Mayor and City Council and which are found to be in due form and order and to have been regularly made as required by law, a total of 336 votes were cast in the election for Mayor, a total of 154 Council Position B and a total of 156 votes were cast in the election for Council Position D.

Fourth, that the following named candidates received the number of votes set opposite their names, to-wit:

<u>NAME</u>	<u>POSITION</u>	<u>TOTAL VOTES</u>
BROOKS BASS	MAYOR	336
ERIC LOREN HAYES	COUNCIL POSITION B	55
JERRY CAIN	COUNCIL POSITION B	99
TROY BRIMAGE	COUNCIL POSITION D	82
ROY YATES	COUNCIL POSITION D	74

Fifth, that the following named persons received the number of write-in votes for the position set opposite their names, to-wit: NONE.

SECTION THREE-Declaring the Results of Election for Mayor

The Mayor and City Council of the City of Freeport, Texas, hereby declare and ordain, respectively, that, Brooks Bass. been elected Mayor of the City of Freeport for a term of three (3) years or until his/her successor shall have been duly elected and qualified according to law

SECTION FOUR-Declaring the Results of Election for Council Position B

The Mayor and City Council of the City of Freeport, Texas, hereby declare and ordain, respectively, that, in the election for Council Position B, Jerry Cain received a majority of the votes cast and has been elected to Council Position B for a term of three (3) years or until his/her successor shall have been duly elected and qualified according to law.

SECTION FIVE--Declaring the Results of Election for Council Position D

The Mayor and City Council of the City of Freeport, Texas, hereby declare and ordain, respectively, that, in the election for Council Position D, Troy Brimage received a majority of the votes cast and has been elected to Council Position D for a term of three (3) years or until his/her successor shall have been duly elected and qualified according to law.

SECTION SIX--Qualification

Upon filing the signed statement and taking the Constitutional Oath of Office as required by Article 16, Section 1 of the Texas Constitution Brooks Bass, Jerry Cain and Troy Brimage has been elected for a term of three (3) years and until his successor shall be duly elected and qualified according to law.

SECTION SEVEN--Ratification and Confirmation by Mayor

By signing this ordinance, the undersigned Mayor of the City of Freeport, Texas, hereby ratifies and confirms as his action all matters herein above recited which by law come within his jurisdiction.

SECTION EIGHT--Effective Date

This ordinance shall be effective immediately upon its passage and adoption.

READ, PASSED AND ADOPTED this _____ day of MAY, 2021.

Brooks Bass, Mayor,
City of Freeport, Texas

ATTEST:

**Betty Wells, City Secretary,
City of Freeport, Texas**

APPROVED AS TO FORM ONLY:

**Christopher Duncan, City Attorney,
City of Freeport, Texas**



City Council Agenda Item # 2

Title: Administer Oath of Office to newly elected Council Members to Wards B and D, and Mayor of City.

Date: May 10, 2021

From: Betty Wells, City Secretary

Staff Recommendation:

Staff recommends that the City Secretary administer the Oath of Office to Brooks Bass, Jerry Cain, and Troy Brimage the newly elected, or re-elected Mayor and Councilmen for Wards B and D.

Item Summary:

The Freeport Charter states “The Mayor and other members of the city council and all appointed officers of the city, before they enter upon the duties of their offices, shall take and subscribe the oath or affirmation. This is to be filed and kept in the office of the City Secretary.

Background Information:

None

Special Considerations

None

Financial Impact:

None

Board or 3rd Party recommendation:

None

Supporting Documentation:

None



City Council Agenda Item # 3

Title: Consideration and action regarding the selection of a Mayor Pro-Tem.

Date: May 10, 2021

From: Betty Wells, City Secretary

Staff Recommendation: Staff recommends that a nomination be made and vote be taken by council on the appointment of a Mayor Pro Tem to serve until the next regular election is held and canvased.

Item Summary:

With the election of Troy Brimage as councilman of Ward D, the Mayor Pro-tem position has become vacant. It is important that another councilmember be appointed to the Mayor Pro-Tem position in case Mayor Bass is absent or is unable to perform as Mayor.

Special Consideration: According to section 3.04 of the Freeport Charter, "...the council shall select on a rotating basis among the Wards, a Member of the City Council, who has been a on City Council for at least 2 years to serve as Mayor Pro Tem. At this point, only Councilman Brimage meets these requirements. Councilman Cain was appointed in December 2019 to Councilman Ward B and has served one and half years.

Financial Impact: None

Board or 3rd Party recommendation: None

Supporting Documentation: None