

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, December 6, 2021 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 Jeff Pena
- Councilman Jerry Cain
- Councilman Mario Muraira
- Councilman Troy Brimage

Staff:

- Tim Kelty, City Manager
- Betty Wells, City Secretary
- Cathy Ezell, Finance Director
- Chris Duncan, City Attorney
- Lance Petty, Public Works Director
- Chris Motley, Fire Chief
- Kacey Roman, Building Official
- LeAnn Strahan, Destinations Director
- Ray Garivey, Freeport Police Chief
- Clarisa Molina, Administrative Assistant
- Wade Dillion, Museum Attendant
- Brian Bruce, Director of Veolia

Visitors:

George Matamoras	Bob Casale
David McGinty	Sam Reyna
Ruben Renobato	Pam Dancy
Lorenzo Gomez	Pam Tilly
Kenny Hayes	Con McCleaster
Sandra Leavy	Manning Rollerson
Edmeryl Williams	Brett Bowles (IAD)
Diane McCleaster	Janell Minter
Ed Garcia	Desiree Pearson
Raven Wuebker	Sabrina Brimage
Jessie Parker	Elliott Cundieff
Melanie Oldham	Alma Kelty
Jaclyn Hildreth	Stella Casale
Angie Williams	James Harrison
Norma Harrison	

Visitors, Via Teleconference:

Laura Tolar
Brian Mabry
Phyllis Saathoff
Jerry Meeks
Paul Crow
George Hawkins
Kim Hammonds

Robert Cramer
Amanda Petty
Ashley Woosley
Vander Williams
Donna Williams
Justin Davison

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.

CITIZENS' COMMENTS:

Jessie Parker thanked the Council for the best support that they could give to the residents of the East End. She said that she has relocated to Lake Jackson because she had no other option. She said that this has never been a fair fight. She said that she wanted to thank council publicly.

Manning Rollerson spoke to council about the investigation that was done by the city. He said he is still concerned about this, because this is a conflict of interest. He said we do need to move forward. He thanked the Mayor for standing beside the residents in the East End.

George Matamoras said when he spoke to council at the last city council meeting, it fell on deaf ears, he said it is time for a change. Mr. Matamoras said one person is dictating, and this one person is causing these problems in our city. Mr. Matamoras said it is time to have an independent investigation, so we can let the city residents really know what is going on within our city. We need transparency. Mr. Matamoras told Councilman Muraira he voted for him because he thought he would bring change to our city, and he is disappointed in him. Mr. Matamoras said he cannot guarantee, that Councilman Muraira will get his vote next election. Mr. Matamoras said he is disappointed in Councilman Muraira judgment, and who he is siding with.

Pam Tilly spoke to council about FEMA, she said that she has not heard anything from them, and is uncertain of where this has gone. She said she has called her City Councilman and has got nowhere with this. She spoke about the Eminent Domain. She said there is no equal value, there is harassment to the residents. Ms. Tilly said that Colleen Hagerty with the Guardian Newspaper from Los Angeles is here to tell the story of Freeport. She asked if the city has considered the possibilities, the East End can bring?

Sam Reyna, 2002 North Ave G, he spoke of an editorial written by Michael Morris in the Facts Newspaper. Mr. Reyna said council needs to build another Community House, instead of \$300,000.00 on a walking trail. Mr. Reyna said there is on an average seven people that use this walking trail. Mr. Reyna handed out to council information on businesses and the sprinkler systems that the city is now requiring. There were a few businesses that were worked with by staff. Epic Hooka Lounge ran out of money after three years. Mr. Reyna said he tried to help by calling and checking into grants through the EDC. Mr. Reyna asked if the ordinance can be amended to grandfather in the older businesses.

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

Presentation from Brett Bowles with IAD on the façade of the Museum.

Brett Bowles with IAD presented to council the façade plans for the Museum he had completed in 2012 along with his updated cost estimates. Mr. Bowles said the estimated cost would be about \$250,000 to perform this scope of work. There was discussion on this item by council and City Manager.

Sandra Leavey spoke to council, in opposition to this item.

Pam Dancy spoke to council in opposition to this item.

Council asked that this item come back with a reduced scope to fit within the budget approved.

Public Hearing and Presentation from Kendig Keast Collaborative on Subdivision Control Ordinance revisions.

Mayor Bass opened Public Hearing at 6:40 PM.

Building Official, Kacey Roman said that the City of Freeport has not had an overall Comprehensive Zoning Ordinance update since 1964. Ms. Roman said this is a complete rehab of Zoning and the Subdivision Control Ordinances. There is a presentation by Ashley Woosley with Kendig Keast.

Ashley Woosley with Kendig Keast Collaborative presented to council the Subdivision Control Ordinance revisions. Ms. Woosley presented a summary of the changes to the ordinances. Ms. Woosley said the primary goal is to implement the recommendations that were outlined in the city's 2019 Master Plan. She said to reorganize the ordinances, to make them more user friendly, and to ensure the new ordinances comply to Federal, and State Statue. Ms. Woosley said there has been review and input from the Steering Committee, as well as Planning and Zoning.

Councilman Pena asked when the last Planning and Zoning meeting was held. City Manager Tim Kelty said the Planning and Zoning Commission has reviewed this on multiple occasions with the most recent meeting of the Planning and Zoning on November 8, 2021. There were also joint meetings with the Steering Committee and Planning Commission. Mr. Kelty said all of the information for this project has been available for public review online. Mayor Bass asked Mr. Kelty when the draft of the ordinance, and the map was given out to council. Mr. Kelty said November 9 & 10.

Pam Dancy spoke to council in opposition to this item because she did not understand it or have time to review it.

Sandra Leavey spoke to council in opposition to this item regarding its effect on her property.

Mayor Bass said the map, and the revised ordinance has been on the city website since the start of this.

Melanie Oldham spoke to council, and said the effort to create this ordinance was extensive and thorough and very transparent. She said it is a very good ordinance for the City

George Matamoras said he is unable to locate the map or any other information on the city's website. He said he appreciates the hard work. He reminded council of the 25-foot lots, Mr. Matamoras said the residents have voiced their opinions of dislike on this. This may cause some upset residents.

Councilman Muraira asked if more time can be given this item. Councilman Pena said he agrees with allowing more time on this item, and Councilman Pena thinks it should be held at RiverPlace. Mayor Bass said the acoustics are horrible at RiverPlace.

City Manager Tim Kelty, spoke of a few changes he was recommending that were overlooked by the Steering Committee, and Planning and Zoning Commission that need to be made.

City Attorney Chris Duncan, spoke of some conflicts that need to be addressed.

Councilman Cain asked that Mr. Kelty inform the public, of where to find the information on the City's website. Mr. Kelty stated that he would print out a copy and make a hard copy available for public review at the Library.

Mayor Bass closed the Public Hearing at 7:43 PM.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council meeting minutes from November 15, 2021.

Consideration and possible action approving Resolution No. 2021-2719 amending errors in Resolution No. 2021-2706 saying "Radio Console Upgrade" to "Portable Radio Upgrade.

Consideration and possible action on Resolution 2021-2720, approving the Lease Agreement with Amistad for office space a City Hall.

Consideration and possible action approving Resolution No. 2021-2721 awarding the contract for Janitorial services of city facilities.

On a motion by Councilman Brimage, seconded by Councilman Cain, with a 3-2 vote, Council approved item numbers 3-6 on the Consent Agenda. Councilmen Muraira and Pena voted "Nay"

COUNCIL REGULAR AGENDA:

Consideration and possible action on adoption of Zoning Ordinance No. 2021-2653 and Subdivision Control Ordinance No. 2021-2654.

Mayor Bass tabled this item until the December 20, 2021 meeting.

Public Hearing: Harrison subdivision replat of Lots 63, 64 and 71, Block 14 of the Las Playas Subdivision Part II of Section 5 Recorded in Volume 15, Pages 81-82 Of the Brazoria County Plat Records Situated in the T. & W. Alley League, Abstract 2, Brazoria County, Texas October 2021.

Mayor Bass opened the Public Hearing at 7:46 PM.

Building Official Kacey Roman, presented to council Harrison subdivision replat of Lots 63, 64 and 71, Block 14 of the Las Playas Subdivision Part II of Section 5 Recorded in Volume 15, Pages 81-82 Of the Brazoria County Plat Records Situated in the T. & W. Alley League, Abstract 2, Brazoria County, Texas October 2021. She said this did go before Planning and Zoning, and was approved.

Mayor Bass closed the Public Hearing at 7:48 PM.

On a motion by Councilman Muraira, seconded by Councilman Cain, with all voting "Aye" 5-0 Council unanimously approved Harrison subdivision replat of Lots 63, 64 and 71, Block 14 of the Las Playas Subdivision Part II of Section 5 Recorded in Volume 15, Pages 81-82 Of the Brazoria County Plat Records Situated in the T. & W. Alley League, Abstract 2, Brazoria County, Texas October 2021. Ms. Roman said this did go before Planning and Zoning, and it was approved.

Public Hearing. Re-plat on TEXAS GULF FREEPORT MHJB A Subdivision of 1.589 Acres/69,205 SQ FT Situated in the S. T. Angier Survey Abstract No. 8 City of Freeport, Brazoria County, Texas 1 Blocks 2 Lots July 2021 Owner Texas Gulf Bank, N. A., A national banking association P. O. Box 738, Lake Jackson, TX 77566 979-297-7211 Surveyor Windrose Land Surveying/Platting 11111 Richmond Ave, Suite 150 Houston, TX 77082 713-458-2281 Firm Registration No. 10108800.

Mayor Bass opened the Public Hearing at 7:49 PM.

Building Official Kacey Roman, presented to council Re-plat on TEXAS GULF FREEPORT MHJB A Subdivision of 1.589 Acres/69,205 SQ FT Situated in the S. T. Angier Survey Abstract No. 8 City of Freeport, Brazoria County, Texas 1 Blocks 2 Lots July 2021 Owner Texas Gulf Bank, N. A., A national banking association P. O. Box 738, Lake Jackson, TX 77566 979-297-7211 Surveyor Windrose Land Surveying/Platting 11111 Richmond Ave, Suite 150 Houston, TX 77082 713-458-2281 Firm Registration No. 10108800. Ms. Roman said this is the second time, this re-plat has come before council. She said that there was an issue with the carport, which would not meet the setback requirements. She said the carport has been demolished. Ms. Roman said with this being done there will be no issues with setbacks. This did go before Planning and Zoning, and it was approved.

Mayor Bass closed the Public Hearing at 7:51 PM.

On a motion by Councilman Muraira, seconded by Councilman Pena, with all voting "Aye" 5-0 Council unanimously approved Re-plat on TEXAS GULF FREEPORT MHJB A Subdivision of 1.589 Acres/69,205 SQ FT Situated in the S. T. Angier Survey Abstract No. 8 City of Freeport, Brazoria County, Texas 1 Blocks 2 Lots July 2021 Owner Texas Gulf Bank, N. A., A national banking association P. O. Box 738, Lake Jackson, TX 77566 979-297-7211 Surveyor Windrose Land Surveying/Platting 11111 Richmond Ave, Suite 150 Houston, TX 77082 713-458-2281 Firm Registration No. 10108800.

Consideration and possible action approving the Grant Agreement for the GLO \$6. Million Wastewater Treatment Plant.

Finance Director Cathy Ezell presented to council Grant Agreement for the GLO \$6. Million Wastewater Treatment Plant. Ms. Ezell said this is the second of the two GLO Grants. This grant is in the amount of \$5,991,468.00 and the city must match \$60,520.00. She said this is the agreement between the city and the GLO to obtain these funds.

Mayor Bass said he has the documents to sign electronically tonight if approved, which will speed up the process of receiving the funds.

On a motion by Councilman Cain, seconded by Councilman Pena, with all voting "Aye" 5-0 Council unanimously approved Grant Agreement for the GLO \$6. Million Wastewater Treatment Plant.

Consideration and possible action approving Resolution No. 2021-2722, amending the City of Freeport Policy Handbook Chapter 9- Employee Wage and Benefits 9.18 Assignment Pay.

Finance Director Cathy Ezell presented to council Resolution No. 2021-2722, amending the City of Freeport Policy Handbook Chapter 9- Employee Wage and Benefits 9.18 Assignment Pay. Ms. Ezell said Police and Fire have special classifications in their departments. Staff requires that some employees do over and above their regular duties, which requires additional training. Ms. Ezell said this was budgeted in this FY Budget.

Councilman Muraira asked how this works with the budget? Ms. Ezell said when staff created the budget, we included Assignment Pay.

Consideration of approving Resolution 2021-2724, to Participate in Texas Cooperative Liquid Assets Securities System Trust (Texas Class) an investment pool administered by Public Trust Advisors, LLC.

Finance Director Cathy Ezell, presented to council Resolution 2021-2724, to Participate in Texas Cooperative Liquid Assets Securities System Trust (Texas Class) an investment pool administered by Public Trust Advisors, LLC. Ms. Ezell said this structured just like the TexPool, which the city is already a member of.

Mayor Bass asked if there is a cost to the city for this? Ms. Ezell said “no sir”. Mayor Bass asked if there is a return of investment? Ms. Ezell said “there is just interest”.

Councilman Pena asked what percentage of investment funds will go into this pool? Ms. Ezell said probably \$5 Million. Councilman Pena asked what cities participate in this pool? Ms. Ezell said “I will have to get this information, because I am not certain”. Councilman Pena said he would like more information.

This item was tabled until the next meeting.

Consideration and possible action on Resolution No. 2021-2725, authorizing the Mayor to sign a contract with AmeriWaste.

City Manager Tim Kelty presented to council Resolution No. 2021-2725, authorizing the Mayor to sign a contract with AmeriWaste. Mr. Kelty said the residential service will begin February 1, 2022. Mr. Kelty said that this contract also includes commercial service. Commercial service will begin on April 1, 2022.

On a motion by Councilman Brimage, seconded by Councilman Cain, with discussion that followed.

Councilman Pena asked if this business becomes insolvent, what are our options? Mr. Kelty said this company is required to be bonded and provides full liability insurance. The contract includes provisions which would allow the city to seek other providers and get out of the contract if this became an issue. He added this company comes highly recommended. Councilman Pena said there is no true financial due diligence? AmeriWaste will invest over \$1,000,000 to be able to provide this service and has already ordered the new garbage trucks, Mr. Kelty said “I do not think they would be able to do that, without the necessary financial resources”.

Mayor Bass called the motion for a vote, with all present voting “Aye” 5-0 Council unanimously approved Resolution No. 2021-2725, authorizing the Mayor to sign a contract with AmeriWaste.

Consideration and possible action to approve Resolution No. 2021-2726, to amend the 380 Cundieff Family Partnership, LTD Agreement with the City of Freeport, originally approved on December 7, 2020.

City Manager Tim Kelty, presented to council Resolution No. 2021-2726, to amend the 380 Cundieff Family Partnership, LTD Agreement with the City of Freeport, originally approved on December 7, 2020. Mr. Kelty said Mr. Cundieff is developing the property on 2nd Street. This is a nine-lot subdivision. In the agreement he is to install water and sewer, electrical, sidewalks, street lights. There was an issue on getting the lighting which caused it to be delayed.

Mr. Cundieff spoke to council. He said the lighting has come in, and it is in his shop. He said the driveways, need to be in place before the city sidewalks are put in. Mr. Cundieff said they are asking for a 90-day extension for the street lights to be installed.

On a motion by Councilman Brimage, seconded by Councilman Pena, with all voting "Aye" 5-0 Council unanimously approved Resolution No. 2021-2726, to amend the 380 Cundieff Family Partnership, LTD Agreement with the City of Freeport, originally approved on December 7, 2020.

Consideration and possible action On Resolution No. 2021-2727, approving Amendment # 1 to the Interlocal Agreement for Animal Control.

City Manager Tim Kelty, presented to council Resolution No. 2021-2727, approving Amendment # 1 to the Interlocal Agreement for Animal Control. Mr. Kelty said the city entered into an Interlocal Agreement with City of Clute, Lake Jackson and the SPCA. Over the years cost started to escalate. This amendment will freeze the amount the city pays until 2023.

On a motion by Councilman Muraira, seconded by Councilman Cain, with all voting "Aye" 5-0 Council unanimously approved Resolution No. 2021-2727, approving Amendment #1 to the Interlocal Agreement for Animal Control.

Consideration and possible action on Resolution No. 2021-2728 appointing a member to the Freeport Economic Development Board.

City Manager Tim Kelty, presented to council Resolution No. 2021-2728 appointing a member to the Freeport Economic Development Board. Mr. Kelty said there are two vacancies on this board. We received applications from Melanie Oldham, Stoney Burke, Sandra Loeza and Sam Reyna.

Melanie Oldham spoke to council of her interest of serving on the Freeport EDC Board.

Councilman Cain made a motion to appoint Melanie Oldham to the vacancy that expires on May 31, 2022, and to appoint Sandra Loeza to the vacancy that expires on May 31, 2023, with a second by Councilman Muraira. Discussion that followed.

Councilman Brimage said he does not think one person should serve on more than one board. He said he does not agree with a Councilman being on Council, and serving on a board. Councilman Brimage said he feels this is a conflict of interest. Councilman Brimage said Councilman Cain is the liaison for the EDC, and Councilman Pena is on the Board, this make it where a Council member is unable to attend an EDC meeting. Councilman Brimage said he thinks council should look at the EDC as a whole, before any new appointments are made.

Councilman Pena said that he likes the motion because it adds two women to the board. Councilman Pena said there are other boards that need members, and he hopes we look at these soon.

Mayor Bass called for a vote on the motion. With a 3-2 vote, Council approved Resolution No. 2021-2728 appointing Melanie Oldham to the vacancy that expires on May 31, 2022 and appointing Sandra Loeza to the vacancy that expires on May 31, 2023. Mayor Bass and Councilman Brimage voted "Nay".

WORK SESSION:

Mayor Bass spoke of the events downtown, he said they were fun. He said he agrees with Councilman Pena, we do need more lights downtown. Mayor Bass told Mr. McGinty he did a nice job on the tree. Mayor Bass thanked everyone for all the hard work, it was a well-done event.

Councilman Pena thanked the Museum Staff, City Staff and EDC Staff for all of the hard work on getting the Christmas lights up. Councilman Pena spoke of Mr. Matamoras comments, he said he needs to speak with the current Board Members, on all of the Boards. Councilman Pena spoke of Ms. Tilly's comments, he said she asked, "do we look into recent buys on the East End", Councilman Pena said he is not aware of any other entities looking to buy property on the East End. He welcomed the Guardian Newspaper, and said he looks forward to answering any questions, Ms. Hagerty may have. Councilman Pena spoke of the article that Mr. Reyna spoke of in citizens comments. Councilman Pena said the way the article is written, it is the wrong conclusion that council had decided. It was written as we had moved the 25 Acres into Parks and Wildlife, but in fact we moved it out of. Councilman Pena asked about the sprinkler ordinance, he asked if we can amend the ordinance, and it supersede Osha. City Attorney Chris Duncan said City of Freeport adopts the International Building and Fire Codes. Mr. Duncan said when the codes are adopted you can delete certain portions, he said so yes this is possible. Mayor Bass said this is protect the citizens. Councilman Pena said he wants to make sure we are not hindering businesses from opening. Councilman Pena spoke of enhancing and improving the city, he said that Ms. Dancy said, "the infrastructure needs to be taken care of". He said he wants to remind everyone the money that we have today for the sewer plant, he said this money is applied. He said he wants to make one point very clear "we can walk and chew gum at the same time", meaning we can handle all this infrastructure. But we cannot ignore the things that help with the quality of life, and attract the growth for the City of Freeport. Councilman Pena asked where we are at on the 9th Street issue. He said this is the property that backs up to Mr. Hayes property. He said this has been a at least a month and he wants this problem taken care of ASAP. Councilman Pena said he created a map of the lighting on 1st Street, 2nd Street, Broad, 4th – 9th Streets. He said there are about 30 lights that are out. He said Centerpoint has put up a lot of lights, but we still have a lot of work ahead of us. Councilman Pena said he would like Council to come up with an agenda policy, this is for council members to review the preliminary agenda ten days before the next council meeting. He said with doing this, it will give at least seven days for any final edits that may need to be done to the agenda. He said this will allow each ward to have their voice heard, of what needs to be discussed.

Councilman Cain said that we passed the AmeriWaste contract, he said we can have one or two cans out with at least five additional bags. He said he would like our city to start selling the large black garbage bags. Councilman Cain said he does not want to keep going to City of Lake Jackson to purchase these bags, he wants to purchase them here.

Councilman Muraira commended LeAnn, and Mr. McGinty and the rest of the folks that were involved in the Holiday on the Brazos. He said that he feels the weekend was a huge success. He appreciates all of the work that was done. He said that he felt the City of Freeport come alive, and this is something he hasn't felt since 2004. Councilman Muraira said that he would like to see the city get 14-20-foot

Christmas trees in Downtown and in Municipal Park, so we can have people come out to our City, and celebrate here. Councilman Muraira asked if we are moving on the Rental Inspection Program? Mr. Kelty said he is hoping it will be on the next agenda for discussion, we are moving on this, but we are wanting to go through the proper process. Councilman Muraira said in response to Mr. Reyna's comment about repairing the running trail. Councilman Muraira said he runs on this running trail every day, sometimes twice a day, he knows this is something that needs to be done.

Councilman Brimage had no comment.

Mr. Kelty said staff has been meeting with TexDot frequently. He said they have at least six projects being planned, for the next three years. Mr. Kelty said this includes improvements on 1495, Hwy 36, Hwy 288, 523, all the way through Gulf Boulevard and on 288 between the high school and the river. He said the different sections start at different times and significantly overlap so much work will be happening simultaneously. He wants to make sure TxDOT and their Contractors stay on target. Mr. Kelty said he had a meeting with Representative Vasut, and he will be participating with monthly meetings with TxDot, and the Port. Mr. Kelty answered Councilman Pena's question about the issue on 9th Street. He said has met with Mr. Petty, and the Engineer out at the property. Mr. Petty had his crew shoot elevations in this area. he had hoped from the elevation stand point they would be able to raise the back and cut the sidewalks, to drain to the street. Mr. Kelty said unfortunately the elevations don't allow this. Freese and Nichols has recommended the develop a small swale behind the properties running east and west to the big ditches. He spoke of the Rental Inspection program, and said he is hoping to have this at the next city council meeting for discussion. City Hall renovation bids will go out in late January and the first phase of concrete street bid opening is January 9.

Councilman Pena asked Mr. Kelty if we are able to request a correction to the article that was published. Councilman Pena said that he wants item 17 from the last agenda to be placed on the next agenda.

Pam Tilly said there are people that are adjacent from properties that fit eminent domain, that have never been eminent domain. Mayor Bass asked Ms. Tilly to get this information to her Councilman after Executive Session.

Update on reports / concerns from Department heads

Finance Director Cathy Ezell, announced City Hall Hours has changed starting on November 29, 2021. The new hours are Monday – Thursday 7:30 AM – 6:00 PM and Friday will be 8 AM – 5 PM. She said we will do a trial run for six months. Councilman Muraira asked if this is a big hit to the budget? Ms. Ezell said it is no hit on the budget, she said it is a 9/80 schedule.

CLOSED SESSION:

Open session was closed at 8:47 pm and Council entered into Executive Session

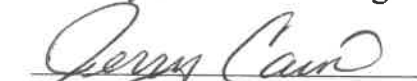
Executive Session regarding a.) (Potential Litigation) consultation with city attorney b.) (Deliberations about Real Property), East End in accordance with Government Code Annotated, Chapter 551, Sections 551.071, 551.072.

REGULAR SESSION

Mayor Bass reconvened regular session at 8:23 P.M.

Adjourn

On a motion by Councilman Pena, seconded by Councilman Cain, with all present voting "Aye", Mayor Bass adjourned the meeting at 9:15 P.M.



Mayor Pro Tem, Jerry Cain
City of Freeport, Texas



City Secretary, Betty Wells
City of Freeport, Texas