

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, June 21, 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  
Chris Duncan, City Attorney  
Cathy Ezell, Finance Director  
Lance Petty, Public Works Director  
Laura Tolar, Special Events Coordinator, Via Teleconference  
LeAnn Strahan, Destinations Director  
Courtland Holman, EDC Director  
Clarisa Molina, Administrative Assistant  
Billy Shoemaker, Building/Code Director  
Ray Garivey, Freeport Police Chief  
Bob Cramer, Via Teleconference  
Giselle Hernandez, Financial Analyst

Visitors: David McGinty  
Ken Green  
Manning Rollerson  
Sabrina Brimage  
Nick Irene (Facts) Teleconference  
Diane McCleester  
Jerry Meeks  
Marinell Music  
Maniell Rollerson  
Edmeryl Williams  
Gina Adams  
Kenny Hayes  
Con McCleester  
Gardo Campbell

Visitors, Via Teleconference: Amanda Petty  
Melissa Ashington (GLO)  
Nick Irene (Facts) Teleconference  
Ruby Marshall  
Lila Diehl  
Vander Williams  
Kim Hammonds

**Call to order.**

Mayor Bass called the meeting to order at 6:00 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

Invocation and Pledge was led by Councilman Brimage, Ward D.

**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.

Jeff Pena spoke to council of an email that was sent to all of Council, and to the City Manager. He said that he was attacked in this email in three ways. First being his residence in Freeport, of where he actually resides. Second paying his sales tax on the property he owns, "The Park Ave Loft" he said that there are no taxes due on this long-term rental property, and third his purchase of the former Boys and Girls club property, which he said was purchased legally. He said that all of the accusations are not true.

Maniell Rollerson, 1700 North Ave A, spoke to council about her apartment. She said that she has complained to her landlord about the AC not working in her apartment. She said that even though she has reported this issue to the city, nothing has been done.

Manning Rollerson spoke to council about his concern with the Eminent Domain. He also talked about the East End and the Mineral Rights. He said that the East End needs the support of council, he said that he is very concerned about the Mineral Rights being taken away.

Diane McCleester 97 Dolphin spoke to council about getting an Ordinance for Short Term Rental property. She spoke of the noise, the trash, and the parking that is a problem from these rentals. She said that the quality of life is suffering for the Senior Citizens that own property in Bridge Harbor. She said that she feels Freeport is ignoring their request, and she hopes that council will consider the ordinance.

Marinell Music 126 Dutch Lane, Oyster Creek spoke to council about opening an investigation on Jeff Pena and the purchase of the Property of the Boys and Girls Club. She said that things were discussed that need to be looked into.

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

Presentation for employee of the month for the Month of May 2021.

City Manager Tim Kelty said that we do have an employee of the month, but the employee was unable to be here so we will issue his certificate in July.

**CONSENT AGENDA**

Item Number 4 was moved from Consent Agenda to Council Regular Agenda by Mayor Bass.

Consideration and possible action on the approval of City Council meeting minutes from June 7, 2021.

Consider changing the date of the first meeting in July 2021 due to the Independence Day Holiday, to Tuesday July 6, 2021.

Consideration and possible action approving Resolution No. 2021-2693 adjusting the Master Fee Schedule for Freeport Ball Diamond fees.

On a motion by Councilman Brimage, seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved item numbers 2, 3, and 5 of the Consent Agenda.

### **COUNCIL REGULAR AGENDA:**

Ordinance No. 2021-2632: An Ordinance Authorizing the Issuance and Sale of the City of Freeport, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2021; Levying a Tax and Providing for the Security and Payment Thereof; and Enacting Other Provisions Relating Thereto.

Finance Director Cathy Ezell presented to council Ordinance No. 2021-2632: An Ordinance Authorizing the Issuance and Sale of the City of Freeport, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2021; Levying a Tax and Providing for the Security and Payment Thereof; and Enacting Other Provisions Relating Thereto. She said that Drew Masterson is here to answer any question about the Bond Issuance. Mr. Masterson said that we went out for bids, and they were due today at 1:30PM. He said that he can take any questions that council may have.

Mayor Bass asked if the funds will be in our bank account on July 14? Mr. Masterson said yes.

Councilman Brimage thanked staff for the work on this.

On a motion by Councilman Pena, seconded by Councilman Brimage, with all present voting "Aye" 5-0 Council unanimously approved Ordinance No. 2021-2632: An Ordinance Authorizing the Issuance and Sale of the City of Freeport, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2021; Levying a Tax and Providing for the Security and Payment Thereof; and Enacting Other Provisions Relating Thereto.

Discussion and possible action regarding full implementation of Salary Survey Recommendations.

Finance Director, Cathy Ezell presented to council possible action regarding full implementation of Salary Survey Recommendations. She said that this is the salary survey that council has requested. She said that this would be for the full implementation of both Non-Public Safety and Public Safety employees.

Mayor Bass asked if Ms. Ezell has looked into the anticipated revenue for the next year? Ms. Ezell said yes, we have an additional \$330,000 in recurring revenue. She said there will be no need for a budget amendment for implementation for the balance of this year. Mayor Bass asked Ms. Ezell if she felt we could cover the full cost of this change in the up coming budget for next year. She said yes.

City Manager, Tim Kelty said that this is the recommendation of the salary survey to bring these positions to up to market competitiveness equal to the average or median of other cities surveyed. We are not trying to be the highest paid, but we do not want to be the lowest.

On a motion by Councilman Brimage, seconded by Councilman Muraira, with all present voting "Aye" 5-0 Council unanimously approved full implementation of Salary Survey Recommendations.

Mayor Bass said that he wants to make sure we are secure in doing this now. Ms. Ezell said that we are.

Councilman Pena said that he wants to make sure we will not be hindering our budget with doing this now. Ms. Ezell said no, projection shows that we can do this. Councilman Pena said that he is impressed with Ms. Ezell's planning of succession. He said that Ms. Ezell seems genuine to the City of Freeport.

Consideration and possible action approving Ordinance No. 2021-2633 amending deposits required on utility and solid waste accounts.

Finance Director, Cathy Ezell presented to council Ordinance No. 2021-2633 amending deposits required on utility and solid waste accounts. She said that for Residential the proposed rates will be \$100.00 deposit, Commercial will be \$100.00 or a month's usage whichever is higher, Senior Citizens will remain at \$50.00 and apartments of more than four units will be \$50.00. She said that raising the utility deposits rates will help cover unpaid utility bills.

Mayor Bass asked if this is because the rates went up? Ms. Ezell said yes, and they have not been adjusted in a very long time.

Councilman Muraira said that the landlords are getting left with bills when tenants just move out. He said that he agrees with this.

Councilman Cain said he understands that the rate will not change for the Senior Citizens. Ms. Ezell said that this is correct it will remain the same.

On a motion by Councilman Cain, seconded by Councilman Pena, with all present voting "Aye" 5-0 Council unanimously approved Ordinance No. 2021-2633 amending deposits required on utility and solid waste accounts.

Consideration and possible action on Resolutions appointing/reappointing members to various Boards and Commissions.

- a. Resolution No. 2021-2694, Historical Commission and Main Street Appointments.
- b. Resolution No. 2021-2695, Charter Review Appointments.

City Manager, Tim Kelty presented to council Resolutions appointing a member to the Historical Commission and Main Street Board. He said that there is one opening on each of these boards.

On a motion by Councilman Brimage to appoint Donna Hayes to the Charter Review Board, seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved Resolution No. 2021-2695, Charter Review Appointment.

Ms. Edmeryl Williams spoke to council of her interest in continuing to serve on the Historical Commission and Main Street Board.

On a motion by Councilman Brimage to appoint Edmeryl Williams to the Historic Commission and Main Street Board, seconded by Councilman Muraira, with all present voting "Aye" 5-0 Council unanimously approved Resolution No. 2021-2694 Historic Commission and Main Street Board Appointment.

Consideration and possible action approving the agreement for Sister City with Altamira, Tamaulipas Mexico.

Gina Adams spoke to council about this program with Sister City Altamira, Tamaulipas Mexico, she said that we have been working on this for about two years. She said that she believes this will be really good for the city, and this is the first city to have a Sister City in Brazoria County.

City Manager presented a video from Sister City with Altamira, Tamaulipas Mexico.

Mayor Bass said that he appreciates the Hispanic Chamber for their involvement in this.

City Manager Tim Kelty said that this is a great opportunity with investors for our city. He said that this does not commit the City to anything. He said that this does open up tremendous opportunity.

On a motion by Councilman Muraira, seconded by Councilman Brimage, with all present voting "Aye" 5-0 Council unanimously approved the agreement for Sister City with Altamira, Tamaulipas Mexico.

Consideration and possible action approving the renewal of the annual contract for Freese and Nichols.

City Manager Tim Kelty presented to council the action of approving the renewal of the annual contract for Freese and Nichols. He said that Freese and Nichols was selected for General Services for the City of Freeport.

Councilman Pena asked what the total billable dollars was to Freese and Nichols last year. Mr. Kelty said that he does not have that dollar amount available right now. Councilman Pena asked if there is a cap clause, and what is budgeted? Mr. Kelty said that all of the work that is done is budgeted, and all individual projects are brought to council for approval except for the small recurring tasks like plan reviews.

Mayor Bass said we have several projects that we will be coming up, and we need them done quickly. He expressed concern regarding the length of time needed for the street projects.

On a motion by Councilman Cain, seconded by Councilman Muraira, with all present voting "Aye" 5-0 Council unanimously approved the renewal of the annual contract with Freese and Nichols.

Consideration and possible action approving Task Authorization #17 for the rehab of Lift Stations Numbers 3, 4, & 14.

Mayor Bass said that these lift stations are the three with the most immediate need.

City Manager Tim Kelty said that these are the highest priority, they are in very poor condition. He said that we want to get these repairs started right away and the cost for all three is \$125 million. And this is to be paid with bond funding.

On a motion by Councilman Brimage, seconded by Councilman Pena with all present and voting "Aye" 5-0 Council unanimously approved the action of approving Task Authorization #17 for the rehab of Lift Stations Numbers 3, 4, & 14.

Consideration and possible action approving the adding of additional concrete streets for engineering and designs.

City Manager Tim Kelty, presented to council the possible action approving additional concrete streets to move forward into engineering and designs. The concrete streets that have previously been identified are; from 12<sup>th</sup> Street to Velasco to Magnolia, from 11<sup>th</sup> Street to Velasco to Magnolia, from West 9<sup>th</sup> Street to Yaupon to Dixie, and from North Ave G to Travis to Yellowstone. He said that this does not have a Task Authorization Number yet, if this is approved tonight, the Task Authorization will be presented to council at the next meeting.

Mayor Bass asked if these streets will be paid for from the C/O's from last year? Mr. Kelty said yes. Mayor Bass asked if these streets came from the recommendation from council? Mr. Kelty said yes and from Mr. Petty.

Councilman Brimage said that he would like to see Ave A at Division and Fisher added to this list of streets, he said that it is in very bad shape.

Councilman Pena said that he would like to see 2<sup>nd</sup> Street addressed from 288 to City Hall but most importantly in front of the Highschool, and also the beach entrance added to the list.

There was discussion by council on the beach entrance in regard to the TDEM/FEMA Grant funded project. Ron Bavarian with Freese and Nichols said that there was only one bid that had been received for the beach entrance repair, but we could re-bid the project to try to get more bids. Mr. Kelty stated the County had indicated a willingness to include the beach entry road on their next list of streets for the city and that staff was seeking a grant extension and state authorization to handle it in this way.

Councilman Muraira said that he would like to make sure that sidewalk replacement at North Ave M, to Yellowstone to Skinner and North Ave N to Ave R at Yellowstone is added to the list for repair of sidewalks. He also said that 2<sup>nd</sup> Street and Ave A does need repair. He said that the concrete streets of North Ave B to McNeil to Munson needs to be added.

Councilman Pena said that the EDC has funds to help fix the beach entrance.

On a motion by Councilman Brimage as written, seconded by Councilman Pena with all present and voting "Aye" 5-0 Council unanimously approved adding of additional concrete streets for engineering and designs.

Councilman Muraira asked this is as written, will we take into consideration for added streets? Mayor Bass said that he would like staff to consider council's additional street concerns as soon as possible.

Consideration and possible action approving the designation of electing a Chairman to the TIRZ Board.

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

**WORK SESSION:**

Mayor Bass said that he wants City Attorney Chris Duncan, and possibly support from TML Attorneys to investigate the issues said against EDC President Jeff Pena, during Citizen Comments. Mayor Bass said that anytime issues are raised, they must be looked into. He said over the years there is one side

against the other, this has got to stop. We have to work together, towards the common goal. We need to be the city that inspires.

Councilman Pena said that the Hispanic Chamber supports Freeport, they mentor the Youth. He said that the EDC is pivoting to help support Freeport. Councilman Pena said that he thinks the city should place in the budget a formal Grant Writer position. He said that he is impressed with David Fernandez, and he thinks that we should really consider him for this position if it is created. Councilman Pena, thanked the Public Works Department for the parking stripes that were done Downtown. He said that Velasco needs bridge stripes painted, he said that there is yellow paint on the curbs, but he said that he would like to see if the reflective tape be added. He said that there is low visibility when it rains, and at night. He asked that the street sweeper be ran on Broad and Cherry.

Councilman Cain said that the alley between 5<sup>th</sup> and 6<sup>th</sup> Street there are some large potholes and loose dirt when coming off of Velasco, he asked if this can be taken care of. He said that there has been a good job on the abandoned houses, but he said we have to remember the junk cars. He said that they are everywhere, and citations need to be written.

Councilman Muraira said that as a priority in Ward C he would like fencing to be considered at Arrington park, and maybe some benches to be added. Councilman Muraira said he would like to see safety measures added. He said that the large baseball fields behind McDonalds, he would like to see some work done so that they can become a playable field. Councilman Muraira asked if the city is prepared for hurricane season. Tim Kelty said we are as prepared as we can be. He said that Chief Motley has been sending out emails to Directors and keeping everyone informed. Councilman Muraira asked about a form that employees had been asked to sign regarding speaking with HR. Kelty said that both he and HR have open door policy regarding employees seeking their guidance and hearing their ideas. He said the city employee policy directs employees to bring concerns to their supervisors or department head before escalating to city hall. Mayor Bass asked who created this form? Ms. Ezell said Mr. Petty had created it is as a reminder regarding policy.

Councilman Brimage spoke about Councilman Muraira request for the fence around Arrington Park, he said that his wife said that she will pay for the fencing, the park is named after her Great Uncle. Councilman Brimage asked that a price be given and he and his wife will donate the fence for this park. Councilman Brimage said that he wants to thank Lance Petty and his team for the beach cleanup, he said the beach looks amazing. He said that the fencing around the auto repair shop by Shipley's needs to be addressed by Code Enforcement, he said this needs to be cleaned up. He also said that the green building on the levee needs to be moved, he said that he has a number or complaints. Councilman Brimage said the area around the levee needs to be cleaned up as well. He said that a lot of people use this area and we need it looking its best. Councilman Pena said that they are waiting on Code to approve the building on the levee, once it has been inspected and passed we will move it. We just need documentation. Mayor Bass said confirm this has been approved and get it moved off the levee.

City Manager Tim Kelty thanked Councilman Muraira for the assistance in the utility issue with a couple residents. He said that he appreciates his assistance.

#### Update on reports / concerns from Department heads

EDC Director, Courtland Holman and BCHC, Gina Adams spoke of their attendance at the Grand Opening of the Mexican Consulate. He said that he was able to make new contacts, and there are several people interested in the City of Freeport. Gina Adams said that Courtland Holman really represented the

City very well. She said that this was a good event. She said that Coca Cola will be joining the Hispanic Chamber.

Open session was closed at 7:48 pm and Council entered into Executive Session.

**CLOSED SESSION:**

Executive Session regarding a.) (Potential Litigation) consultation with city attorney b.) (Deliberations about Real Property), East End, c.) (Personnel Matters) City Manager Annual Evaluation, in accordance with Government Code Annotated, Chapter 551, Sections 551.071, 551.072, 551.074.

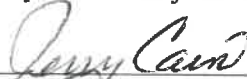
**REGULAR SESSION**

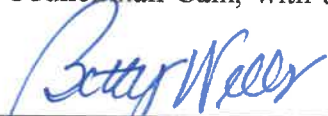
Mayor Bass reconvened regular session at 8:40 P.M.

There was no action taken from executive session.

Adjourn

On a motion by Councilman Brimage, seconded by Councilman Cain, with all present voting "Aye", Mayor Bass adjourned the meeting at 8:40 P.M.

  
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Mayor, Brooks Bass *mayor pro tem*  
City of Freeport, Texas

  
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City Secretary, Betty Wells  
City of Freeport, Texas