

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, October 4, 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
LeAnn Strahan, Destinations Director
Ray Garivey, Freeport Police Chief
Clarisa Molina, Administrative Assistant

Visitors:

David McGinty	Sandra Barnett
Kenny Hayes	Jim Barnett
Tommy Pearson	Desiree Pearson
Melanie Oldham	Nicole Mireles
Sam Reyna	Raven Wuebker
Sabrina Brimage	Pamela Dancy
Shonda Marshall	Manning Rollerson
Winston Rosow	Lorenzo Gomez

Visitors, Via Teleconference:

Vander Williams	Amanda Petty
Paul Crow	Jerry Meeks
Kim Hammonds	Chris Valderrama

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 Bass.

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.

Pam Dancy spoke to council about the flooding on her property. She said that she wants the Mayor and council to know that she does have respect for them and what they do. Ms. Dancy said that she spent Saturday and Sunday taking pictures of her yard. She asked why the pump was disabled, and asked if the pumps were working during Hurricane Nicholas? She said that she does not understand why the rented pumps were returned since we are still in hurricane season. She said that she expects reimbursement for the pictures that she had printed to present to council.

Manning Rollerson spoke to council he said that he has concerns with the power issue in Freeport. He said that Centerpoint runs transmission lines through the city, and we should not have this problem of losing power for as long as we do. He said that the city has not been rezoned for thirty years. He thanked council for no rising water during the past hurricane.

Nicole Mireles 2002 N Ave G, spoke of the ditch on corner of Ave G and Travis Street, she said that she and a neighbor cleaned the ditch as best as they could. She asked who she has to pay to get the city to come out and clean this ditch.

Winston Rosow 511 South D, spoke to council about the MLK Festival Parade. He said that this is planned to go this year. He said last year we couldn't do a lot because of COVID. He said is an honor that this is held in Freeport.

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

Employee of the month for the month of August 2021.

City Manager, Tim Kelty presented employee of the month for the month of August 2021 to Lieutenant Justin Davidson.

CONSENT AGENDA:

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

Consideration of approving the road closure for the Brazosport High School Homecoming Parade

Consideration of approving various items and equipment for surplus and approve the sale of such items by auction.

Consideration and possible action regarding the renewal/extension of Depository Contract.

Authorization by council to purchase equipment. Four trucks, a Vac Truck and a Jet Trailer for Public Works. A Tahoe, a Beach F 150 and CID F 150, for Police Department

Approval of FY 2021-2022 employee holiday calendar

On a motion by Councilman Brimage, seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved item numbers 2-7 on the Consent Agenda.

COUNCIL REGULAR AGENDA:

Public Hearing: Public Hearing for possible action approving replat of 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. Windroseservices.com

Mayor Bass opened the Public Hearing at 6:20 PM.

Mayor Bass presented possible action approving replat of 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. Windroseservices.com. He said that Planning Commission tabled this item waiting on the survey.

Mayor Bass closed the Public Hearing at 6:21 PM, and tabled this item.

Public Hearing: Public Hearing for possible action approving replat of Bar X Ranch Subdivision, Section 6. Lot 21A – 1.82 Acres. An amended Plat of Lots 21 and 22, Block 1, Bar X Ranch Subdivision, Section 6. A Subdivision of 13.4848 Acres in the Asa Mitchell Survey, Abstract 97, and the S. F. Austin 15 Leagues, Abstract 19, Brazoria County, Texas. According to the Recorded Plat in Volume 16, Pages 225-226 of the Plat Records of Brazoria County, Texas

Mayor Bass opened the Public Hearing at 6:21 PM.

City Manager Tim Kelty presented to council possible action approving replat of Bar X Ranch Subdivision, Section 6. Lot 21A – 1.82 Acres. An amended Plat of Lots 21 and 22, Block 1, Bar X Ranch Subdivision, Section 6, A Subdivision of 13.4848 Acres in the Asa Mitchell Survey, Abstract 97, and the S. F. Austin 15 Leagues, Abstract 19, Brazoria County, Texas, According to the Recorded Plat in Volume 16, Pages 225-226 of the Plat Records of Brazoria County, Texas. He said that this is in the city's ETJ, and it was presented to Planning and Zoning and was approved.

Mayor Bass closed the Public Hearing at 6:21 PM.

On a motion by Councilman Muraira, seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved replat of Bar X Ranch Subdivision, Section 6. Lot 21A – 1.82 Acres. An amended Plat of Lots 21 and 22, Block 1, Bar X Ranch Subdivision, Section 6, A Subdivision of 13.4848 Acres in the Asa Mitchell Survey, Abstract 97, and the S. F. Austin 15 Leagues, Abstract 19, Brazoria

County, Texas, According to the Recorded Plat in Volume 16, Pages 225-226 of the Plat Records of Brazoria County, Texas.

Consideration and possible action on Resolution No. 2021-2708 updating the Personnel policy in regard to Mental health for Firefighters.

Finance Director Cathy Ezell presented to council Resolution No. 2021-2708 updating the Personnel policy in regard to Mental health leave for Firefighters. Ms. Ezell said that this resolution is a revision to the resolution that was passed late August or early September for the Police Officer. This was a mandate by the State. She said that council made the request that they would like this to be for the Fire/EMS as well.

On a motion by Councilman Brimage, seconded by Councilman Pena, with all present voting "Aye" 5-0 Council unanimously approved Resolution No. 2021-2708 updating the Personnel policy in regard to Mental health for Firefighters.

Consideration and possible action on approval of the Allocation Plan for the Coronavirus State and Local Fiscal Recovery Funds. (CLFRF)

Finance Director Cathy Ezell presented to council the approval of the Allocation Plan for the Coronavirus State and Local Fiscal Recovery Funds. (CLFRF). Ms. Ezell said is in regard to the funds that were given to the City by the Federal Government, for the Corona Virus Relief. She said that what is being brought to council tonight, is the written plan for how these funds are being used. She said this is for audit purposes, to show that the funds were used properly.

Mayor Bass asked if this is a plan for the full \$3,007,130.28? Ms. Ezell said yes.

Councilman Muraira asked if the \$775,539.00 will go into the General Fund? Ms. Ezell said that all of this will go into the General Fund.

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

Councilman Pena asked about the funds that were allocated for EMS, and emergency purposes. He asked if help for local businesses were allocated under these funds. Mr. Kelty said 'no'. Ms. Ezell said there are different qualifications that must be met. She said that the businesses would have to meet Federal Guidelines. Councilman Pena asked if these funds could be misused in any other way, other than what they are allocated for. Ms. Ezell said 'no'.

Mayor Bass called the motion for a vote, with all present voting "Aye" 5-0 Council unanimously approved the Allocation Plan for the Coronavirus State and Local Fiscal Recovery Funds. (CLFRF)

Consideration and possible action on Ordinance No. 2021-2641 regulating autobody and mechanic shops.

Mayor Barnett, Melanie Oldham, and Pam Dancy all spoke to council opposing this ordinance. They feel that the city should hold a workshop with the businesses.

City Manager Tim Kelty presented to council Ordinance No. 2021-2641 regulating autobody and mechanic shops. He said that this ordinance establishes guidelines for autobody and mechanic shops. He said it is not designed to target any particular business. He said that we will work with the business owners, so that the business will be able to comply to the new guidelines.

Mr. Duncan said if they have a fenced yard, they can work or store as many vehicles as they want outside of public view. He said disassembled vehicles must be behind a fence.

Mayor Bass said if we don't put things into place, people will continue to take advantage of it. He said that this has been discussed for at least two years, he said that nothing has changed.

Councilman Cain asked if there are any repair facilities in the city that have large racks outside of the shops. He said that some racks will not fit inside of a shop because they are just too large, they are designed to lift larger vehicles. He said that if this is the situation, we cannot prevent them from working outside the shops.

Councilman Muraira agrees with the residents, that we should hold a workshop with the businesses. He said that he would like to have more time on this ordinance

Councilman Pena asked the number of facilities here in the city that are in violation? City Manager Tim Kelty said that he does not know for fact, but he will guess maybe five or six. Councilman Pena asked what the notices will look like? Mr. Kelty said that we will meet with the property owner in person, and work out a plan and a timeframe to get in compliance. Councilman Pena said that since the Mayor, Legal and Administrative Staff is for this ordinance, he is for this as well, if not he stands with Councilman Muraira on having a workshop.

On a motion by Councilman Brimage, seconded by Councilman Cain, with a 4-1 vote Council approved Ordinance No. 2021-2641 regulating autobody and mechanic shops. Councilman Muraira voted "Ney".

Consideration and possible action approving Ordinance No. 2021-2643 regulating traffic at Ave A and Velasco, and at 2nd Street and Cherry.

City Manager Tim Kelty presented to council Ordinance No. 2021-2643 regulating traffic at Ave A and Velasco, and at 2nd Street and Cherry. He said that this was presented to Planning Commission and was passed. He said that the traffic signals were removed improperly and without change to the Ordinance. He said that what is being proposed is a two way stop on Ave A and Velasco. He said that the intersection at 2nd Street and Cherry will be codified to a four way stop.

Councilman Brimage asked what are we gaining by changing Ave A to a two way stop? Mr. Kelty said it is intended to improve traffic flow and reduce accidents. Councilman Brimage said that this will increase the speed on Velasco. He expressed concern about the children on the East side of Velasco trying to cross the street to get to school. He said that we may need to consider reducing the speed.

Councilman Pena said that this was brought over a year ago. He said the intersection at Ave A and Velasco is unsafe. He said that there is low lighting in the evening. Councilman Pena said that we may need to change the speed to a school zone on Velasco.

Mayor Bass said that this is a dark intersection, but he thinks it needs to be a four way stop.

Chief Garivey said that he believes it needs to remain a four way stop.

Desiree Pearson said that the traffic signal that was at this intersection would cause traffic backup on the bridge.

Mayor Bass tabled this item until October 18 meeting.

Consideration and possible action approving Ordinance No. 2021-2644 allowing the utility fees for Boards Members to be waived.

Sandra Barnett, Nicole Mireles, Shonda Marshall, and Sabrina Brimage all spoke and opposed this ordinance.

City Manager presented to council Ordinance No. 2021-2644 allowing the utility fees for Boards Members to be waived. Mr. Kelty said that this was suggested by a councilmember as an incentive to get residents to serve on the City's Boards and Commissions. He said it will be set at 5000-gallon per month usage to be waived, and anything over \$600.00 per year is considered compensation by IRS standards, and will be sent a 1099.

Councilman Pena said that he thinks we need to offer incentives to citizens to serve on the boards.

Councilman Brimage suggested tabling this item.

On a motion by Councilman Muraira to vote "Ney" on Ordinance No. 2021-2644 allowing the utility fees for Boards Members to be waived. Motion fails with lack of second.

Councilman Cain said that if all the boards cannot benefit from this Ordinance, then we will need to come up with another incentive plan.

On a motion by Councilman Brimage, seconded by Councilman Cain, Ordinance No. 2021-2644 allowing the utility fees for Boards Members to be waived, was tabled to a future meeting.

WORK SESSION:

Mayor Bass announced National Night Out will be on October 5, at 6 PM. He also announced the approval of the Interlocal Agreement between the City and BISD. He said that under the property swap agreement the property where the High School baseball and softball diamonds are located, currently owned by the city, will be traded to the ISD for all the property owned by the ISD where the O.A. Flemming school is located. He said this is a good thing for the City. Mayor Bass said that the Director Reports are outstanding.

Councilman Pena asked if the purchase of the vehicles that were in the Consent Agenda, are the vehicles that were budgeted in this new Fiscal Year? Ms. Ezell said yes. Councilman Pena asked for clarification on the beach truck, and the CID vehicle. Chief Garivey said that the beach truck will be a 4-wheel drive truck to use on the beach, and the CID Undercover will be an unmarked vehicle. Councilman Pena asked what CID stands for. Chief Garivey said Criminal Investigation Division. Councilman Pena asked when the repair to the trail will start, he said that there is no safe passage from downtown to the Police Department. Mr. Kelty said that we do not have that information yet. He asked when the façade will begin on the Museum? Mr. Kelty said that this something we have not started looking at yet. Councilman Pena thanked Lance for starting the landscaping and the lighting downtown. Councilman Pena asked that there be more patrol downtown, he said that there is a lot of drag racing. He asked if the plan for the Old Police station on Ave A was to be demolished. Mr. Kelty responded that yes that is the plan. He asked if it can be restored instead of having the building demolished. He said that he thinks we should preserve the old buildings. Councilman Pena asked if anyone has any idea of the chemicals that are being deposited on Bryan Beach. He said that he jogs on Bryan Beach and he has noticed an allergic reaction

to the air over the last month. He said that he is curious if there are any issues there. Mr. Kelty said that he is not aware of anything being dumped. He said that he is not aware of there being an issue of air quality at the beach.

Councilman Cain asked who is responsible to trim the tree limbs off of the powerlines, is it Centerpoint, the City, or the Home Owner. Mr. Kelty said that he believes that it is the Power Company that takes care of this. Mayor Bass said that if it is touching the line the Power Company will trim, if not it's the property owner.

Councilman Muraira asked if Mr. Duncan has looked into the issue that Mr. Renobato brought up in regards to the restitution that is to be paid to the city, by Jeff Pynes? Mr. Duncan said that some of the money has been paid by a co-defendant. He said that we will make our concerns known to the Judge. Mr. Kelty said that he did submit a letter of objection to the DA. Councilman Muraira asked about updates on the damages to City Hall and the Library? Mr. Kelty said we are still waiting for an adjuster to come out. The Architect did suggest we add the windows at city hall in the claim. Mr. Kelty said that the library has been repaired, but there was damage to the VIC, Museum, and the Golf Course as well. We are trying to get an adjuster out as quick as possible. Councilman Muraira asked Lance Petty about an update on the lighting at the soccer fields. Lance Petty said that Centerpoint contractor should be contacting him. He said that they are trying to get a cost on getting electrical to the restrooms and the concession area, he said it will be much cheaper than trying to replace the transformer.

Councilman Brimage said that we need to get with Centerpoint on the infrastructure. He said we need to set up some meetings and set up a plan on the power outages, he said that this has to be taken care of. He said that the power went out again this weekend with the rain, he said it causes loss to the businesses.

City Manager Tim Kelty said that the city was awarded \$260,000.00 grant for sewer replacement in the alley off Ave H. He said that the debris removal is moving forward, the rain did slow them down but they will be here until next week.

Public Works Director Lance Petty said that the street sweeper goes by Wards. He said that on Saturday our contractor that was awarded the contract for the Ave A Pump Station was supposed to switch power from the old to the new. He said that on Thursday he ran into problems where he could not get the float switch wired in. On Friday the contractor was told to bypass the float switch. Mr. Petty said that on Saturday it rained and we were unable to run the pump, the float switches were not bypassed. He said that the two bypass pumps were running. He said the contractor came out Saturday morning, it took him about two hours to bypass the switch, but once the pump was turned on the water went away. Mr. Petty said that we did have two bypass pumps at this location, and the other two down on 2nd Street were sent back, but are kept on reserve.

Mayor Bass asked if this was a bid out job? Mr. Petty said yes. Councilman Brimage asked what we have paid the contractor so far? Ms. Ezell said \$77,000.00 out of \$120,000.00. Mayor Bass asked that Ms. Ezell get the Contract to the City Attorney.

Councilman Pena asked how hard it would be to replace this contractor. Ms. Ezell said that we will have to get with Legal.

Pam Dancy spoke about the pump station? She said that the inside of the pump station is a mess. She asked if council looked at the pictures she handed out? Mayor Bass said that when things are worked on it creates a mess. Ms. Dancy said that her home is rotting out, and she cannot open her front door. She said that gets a lot water. She said that she trembles about her property, and she loves this city.

Councilman Brimage asked what the cost is a month to have the standby pumps? Lance Petty said about \$3000.00 a month, if we don't start them up. Councilman Brimage said that he recommends putting the pumps back out there. Councilman Brimage asked if we put a pump in Ms. Dancy's ditch? Mr. Petty said that we have once in the recent past.

Mayor Bass assured Ms. Dancy that the city is working on the issues that she has with the flooding on her property.

Councilman Cain said that Riverview and Yaupon dead ends into the field, he said that the road goes downhill and it creates a dam. Councilman Cain asked if we can cut this to where there is clear drainage? Mr. Petty said that we can, but its much cheaper if can cut inlets in, and have underground piping, and then readdress the road. Councilman Cain said he feels like if we cut the grade to where it follows the road down 20 foot it will get the water off the road. Mayor Bass asked who owns the big ditches? Mr. Petty said Velasco Drainage. Mayor Bass said they need to mow or spray those ditches. Councilman Cain said that he also noticed on the South Side, there is the storm water creek. He said at Cherry Street is where it empties out into the storm water, the storm water drains in about two foot above the top of the water. At Dixie the bottom of the pipe is covered about three or four inches. On Velasco he said the pipe is about $\frac{3}{4}$ full right now. He said if we get five or six inches of additional water in the drainage creek, there is no where for the water to go that is in that pipe. He said we usually have an extra storm pump here.

Councilman Pena asked about the \$260,000.00 Grant. He asked if this is for the generator at City Hall. Mayor Bass said that we have budgeted \$60,000.00 for generators. Ms. Ezell said that she is meeting with the engineer on Friday for a grant for the generators. Councilman Pena said that he thinks we need to get this done ASAP.

Update on reports / concerns from Department heads

Open session was closed at 8:38 pm and Council entered into Executive Session

CLOSED SESSION:

Executive Session regarding a.) (Potential Litigation) consultation with city attorney b.) (Deliberations about Real Property), O. A. Fleming, and 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

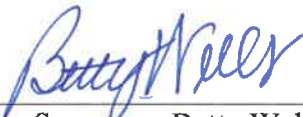
Mayor Bass reconvened regular session at 9:03 P.M.

Adjourn

On a motion by Councilman Muraira, seconded by Councilman Cain, with all present voting "Aye", Mayor Bass adjourned the meeting at 9:03 P.M.



Mayor Brooks Bass
City of Freeport, Texas



City Secretary, Betty Wells
City of Freeport, Texas