



**AGENDA
REGULAR MEETING
FREEPORT CITY COUNCIL
TUESDAY, JULY 5, 2022 at 6:00 P.M.**

Mayor:

Brooks Bass

Council Members:

Jeff Pena

Jerry Cain

Mario Muraira

Troy Brimage

City Manager:

Timothy Kelty

THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, WILL MEET ON TUESDAY, THE 5th DAY OF JULY, 2022, AT 6:00 P.M., AT THE FREEPORT, POLICE DEPARTMENT, MUNICIPAL COURT ROOM, 430 NORTH BRAZOSPORT BOULEVARD FREEPORT TEXAS

This meeting will be live streamed via Facebook Live and may be accessed on the City of Freeport Facebook page: <https://www.facebook.com/freeporttexas>

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.

CONSENT AGENDA:

Consent Agenda items are considered to be routine in nature and may be acted upon in one motion. Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and acted upon separately.

1. Consideration and possible action on the approval of City Council meeting minutes from June 13, June 17, and June 20, 2022. **(Wells)**
2. Consideration and possible action approving road closures for Kidfest on Saturday August 6, 2022. **(Strahan)**
3. Consideration and Possible action to ratify City Manager appointment Danny Gillchrist as Interim Police Chief. **(Kelty)**

COUNCIL BUSINESS – REGULAR SESSION:

4. **Public Hearing:** Public Hearing for consideration and possible action on approving Request for Replat of ILA Local 30 1 Block, 1 Unrestricted Reserve A Subdivision Of 0.8953 Acres (39,000 Sq. Ft.) Of Land Being Lots (1), Two (2), (3) Three, (4) Four, five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), And Twelve (12), Block 34, In the Town of Freeport, Brazoria County Texas, According to The Map or Plat Thereof Recorded in Volume 2, Page 95 Of the Map Records of Brazoria County, Texas. Owner: International Longshoreman's Association No. 30 P.O. Box 2727 Freeport, Texas 77542-2727. **(Roman)**
5. **Public Hearing:** Public Hearing for consideration and possible action approving Ordinance No. 2022-2669 approving the new Water/Sewer Rate. **(Ezell)**
6. Consideration and possible action approving the annual appointment of TIRZ Chairman. **(Kelty)**
7. Consideration and possible action approving Resolution No. 2022-2754 appointing person the Charter Review Board. **(Kelty)**
8. Consideration and possible action approving Resolution No. 2022-2750 appointing person(s) the Senior Citizens Committee. **(Kelty)**
9. Consideration and Possible action to appoint interim City Attorney and Prosecutor **(Kelty)**
10. City Manager Performance Review Open Session **(Pena / Muraira)**
11. Press Release /HR Advertisements for:
 - a. Duncan,
 - b. Garivey
 - c. New Police Search
 - d. New City Attorney Search
 - Discussion and Possible Action **(Pena / Muraira)**
12. Levy Jog Trail - Discussion and Possible Action **(Pena / Muraira)**
13. Residential Water Bill Overbilling, Systems, and Resolutions- Discussion and Possible Action **(Pena / Muraira)**

14. Sewage /Drainage Plan –Pumps 5 and 6 - Discussion and Possible Action (**Pena / Muraira**)
15. Streets Speed Signage, Additional Street Directional Reflectors, Speed bumps- Discussion and Possible Action (**Pena / Muraira**)
16. Code Enforcement Building Inspection Process - General Discussion and Specific to V. Patel property.- Discussion and Possible Action (**Pena / Muraira**)
17. VW Tax Abatement and Starbucks Grant– Discussion and Possible Action (**Pena / Muraira**)
18. Freeport Entrance on Brazosport Blvd- Discussion and Possible Action (**Pena / Muraira**)
19. Open Meeting Laws - Quorums - Discuss and Possible Action (**Pena / Muraira**)
20. Open Records Request Process - Discuss and Possible Action (**Pena / Muraira**)
21. . City Trash Service Notices and Ameriwest Contract Modifications- Discussion and Possible Action (**Pena / Muraira**)

WORK SESSION:

22. **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 Brimage 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:

23. Executive Session regarding a.) (Deliberations about Real Property), East End, & Sale of Levy Property and Division Street ROW, in accordance with Vernon's Texas Government Code Annotated, Chapter 551, Sections 551.072.

24. **COUNCIL BUSINESS – REGULAR SESSION:**

ADJOURNMENT:

25. 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

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, June 13, 2022 at 6:30 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
- Kacey Roman, Building Official
- Clarisa Molina, Administrative Assistant
- Chris Motley, Freeport Fire Chief
- Lance Petty, Public Works Director
- Toby Cohen, IT Manager
- LeAnn Strahan, Destinations Director
- Ray Garivey, Police Chief

Visitors:

David McGinty	George Matamoros
Kenny Hayes	Sam Reyna
Raul Ramirez	Pam Dancy
Shonda Marshall	Ruben Renobto
Julian Arevallo	Joe Gonzales
Margaret McMahan	Gina Adams
Desiree Pearson	Sabrina Brimage
Tommy Pearson	Melanie Oldham
Keith Stumbaugh	Sandra Barbree
Breanna Brimage	Brennan Brimage
Detrick Mosley	Ron Bachman
Janelle Harin	Jacelyn Holdreath
Olivia Kloss	

Call to order.

Mayor Bass, called the meeting to order at 6:30 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation and Pledge was led by City Manager Tim Kelty.

CITIZENS' COMMENTS:

Gina Adams spoke to council of the working event "Café-Y-Pan-Dulce. This event is being sponsored by the Freeport EDC, it will be held on June 29, 2022 at 9 A.M, at the Freeport Police Department.

Sabrina Brimage spoke of some residents on South Front Street. She said there are two houses that has been brought to the City's attention. She said the problem has only gotten worse. She said they have gone to the PD, and City Officials. She said they are getting water illegally, they turned the water on their selves. She said the City said that they have started this process, and it was turned over to legal and nothing has been done. She said that this has been a few weeks.

Sam Reyna said whatever it takes, let's get the Tax Abatement here. He also spoke of the Lucy Ware property on the River. He said that she has submitted bids on the property at Division.

Joe Gonzales 707 West 10 spoke on the trash service. He said we had better service before. He said the old company used a claw to pick up the bulk trash. He said he does not think it was a wise decision to change services. He said he is a Senior Citizen, and he is not able to cut his branches and put it out the day before. He said he is not happy with this service.

Julian Arevallo 711 West 10, said that Brazosport Blvd. the street is getting worse. He said about six weeks ago Mr. Kelty was asked to call TXDOT. He said call everyday if it needed. He said it is time to start fining the citizens that don't do what they should with the trash. He said either change the rules, or fine the citizens. He said he personally has no problems with the trash service.

PRESENTATION/ANNOUNCEMENTS:

Presentation of Public Outreach Video.

IT Manager Toby Cohen presented a Public Outreach Video to Council.

Presentation of the Employee of the Month for the month of May 2022

City Manager Tim Kelty presented the Employee of the Month for May 2022 to Detrick Mosley.

CONSENT AGENDA

Consideration and possible action on the approval of City Council meeting minutes from May 16, 2022.

Consideration and possible action approving road closures for Fort Velasco Day on June 25, 2022.

Consideration and possible action of approving Resolution No. 2022-2753, renewing agreement for the GLO Beach Maintenance Reimbursement Program.

A motion was made by Councilman Brimage, seconded by Councilman Cain with all present voting "Aye" 5-0 council unanimously approved item numbers 3-5 on the consent agenda.

COUNCIL REGULAR AGENDA

Consideration and possible action approving the Engagement Letter with Whitley Penn to conduct the annual audit for FY 2022-2023.

Finance Director, Cathy Ezell presented to council the possible approval of the Engagement Letter with Whitley Penn to conduct the annual audit for FY 2022-2023. She said this will be the fifth year that we will use Whitley Penn to do our annual audit. She said the cost will be \$75,000. Ms. Ezell said this includes the Annual Comprehensive Report.

Mayor Bass asked “other than transparency is there any other reason why we would deviate from our normal plan with Whitley Penn”? Ms. Ezell said it produces a lot of different information that I will need to create a long-term financial plan.

A motion was made by Councilman Cain seconded by Councilman Brimage with all present voting “Aye” 5-0 council unanimously approved the Engagement Letter with Whitley Penn to conduct the annual audit for FY 2022-2023.

Councilman Pena asked what the cost over the last several years? Ms. Ezell said around \$65,000.

Consideration and possible action on Ordinance No. 2022-2668 regarding Commercial Building Inspections.

Building Official Kayce Roman, presented to council Ordinance No. 2022-2668 regarding Commercial Building Inspections. She said this is something we already do, and are allowed to do under the National Property Maintenance Code. She said we are trying to identify when a commercial business moves in, to make sure the zoning is appropriate for the business, to do a walkthrough to assure the building is up to code and is safe.

Mayor Bass asked will the buildings prior to this, be grandfathered? Ms. Roman said yes this is only for changes that occur after the ordinance is adopted.

Councilman Pena said we passed an ordinance last year, if there was a vacancy for either three or six months for utilities, he said but for tenancy it becomes more of big brother. He said he is curious as to why we are asking for this? Ms. Roman said with the new zoning we are trying to help the new businesses, make sure the building is safe, and to have an accurate list of all businesses.

Mayor Bass asked Councilman Pena if his problem was Item # 2 under Section 126.01, Change of tenant in the building? Councilman Pena said “Yes”. Mayor Bass asked if he was comfortable with items #'s 1, 3, and 4? Councilman Pena said if we can make the changes to the term of tenancy and the term of ownership. He said that numbers 3 & 4 make sense to him.

Councilman Muraira said that he agrees with Councilman Pena. Mayor Bass asked Councilman Muraira if he is ok with #'s 3 & 4? Councilman Muraira said yes.

Councilman Cain said he is ok with #'s 1, 3, & 4.

City Manager Tim Kelty explained the position of Staff with the change of tenant.

Multiple motions were discussed, regarding this ordinance. A motion was made by Councilman Pena to table the item, and re-agenda with a public hearing, and seconded by Councilman Muraira.

Mayor Bass called the motion for a vote, motion passed 4-0. Mayor Bass voted "Ney".

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

City Manager Tim Kelty presented Resolution No. 2022-2747, Boards of Adjustments appointments. There are currently four vacancies on this Board. One is a one-year term, and three are two-year terms. One of these terms is for the alternate position.

George Matamoros spoke to council of his interest in serving on this board.

Billy Toomer asked when the meetings are held, he said he works full time and he attends church on Wednesdays. He said he did apply to serve on boards, but he has no information on any of the boards.

A motion was made by Councilman Cain to reappoint George Matamoros, and Raul Ramirez for two-year terms, and appoint Billy Toomer, to fill out the remainder of a one-year term. Seconded by Councilman Muraira, with all present voting "Aye" 5-0 council unanimously approved Resolution No. 2022-2747, Boards of Adjustments Appointments.

Motion was made by Mayor Bass to appoint Urbano Gomez as an Alternate on the Board of Adjustments, seconded by Councilman Brimage, with all present voting "Aye" 5-0 council unanimously approved Urbano Gomez to the Boards of Adjustments, as an Alternant.

City Manager Tim Kelty presented Resolution No. 2022-2748, Historic Mainstreet Advisory Board. He said there are six vacant positions on this Board. Four of the positions are for two years, and two are for one year.

Margaret McMahan spoke to council with her interest in continuing to serve on the Historic Main Street Advisory Board.

Sandra Barbree spoke to council with her interest in continuing to serve on the Historic Main Street Board.

Oliva Kloss spoke to council of her interest to serve on the Historic Main Street Board.

Urbano Gomez spoke to council of his interest in serving on the Historic Main Street Board.

Keith Stumbaugh spoke to council of his interest in serving on the Historic Main Street Board.

A motion was made by Councilman Muraira to appoint Keith Stumbaugh, Margaret McMahan, Irene Ocanas, and Sandra Barbree for two-year terms. And to appoint Daniela Bailey, and Olivia Kloss to the one-year terms. Seconded by Councilman Pena, with all present voting "Aye" 5-0 council unanimously approved Resolution No. 2022-2748, Historic Mainstreet Advisory Board.

City Manager Tim Kelty presented to council Resolution No. 2022-2749, Charter Review Committee. He said there are two vacant positions on this board.

Motion was made by Councilman Brimage to appoint Sam Reyna to the Charter Review Committee, seconded by Councilman Pena with all present voting "Aye" 5-0 council unanimously approved Resolution No. 2022-2749.

City Manager Tim Kelty presented Resolution No. 2022-2750, Senior Citizen Committee. He said there are two vacant positions at this time. Mr. Kelty said we received one application, and it is from Mr. Toomer. Mr. Kelty explained this Committee meets in the afternoon. Mr. Toomer said this will not work for him. No appointment made to the Senior Citizen Committee

City Manager Tim Kelty presented to council Resolution No. 2022-2751, Planning and Zoning Commission. Mr. Kelty said there are four vacant positions, he said three that are two-year terms, and one, one-year term.

A Motion was made by Councilman Muraira, to appoint Billy Toomer, Andrew Dill, and Eric Hayes, to the two-year term. And to appoint Daniela Bailey, for the one-year term. City Manager Tim Kelty said Mr. Toomer has been appointed to the Boards of Adjustments, he is not allowed to serve on both boards. Councilman Cain, said there is an application from Pam Dancy who is interested in serving on this board.

An amended motion was made by Councilman Muraira to appoint Pam Dancy instead of Billy Toomer to the Planning and Zoning Commission for a two-year term, seconded by Councilman Cain. With all present voting "Aye" 4-0. Councilman Brimage voted "Ney".

City Manager Tim Kelty presented to council Resolution No. 2022-2752, Freeport Economic Development Board. He said there are three vacant positions on this board.

Amanda Badawy spoke to council of her interest in serving on the Freeport EDC Board.

Melanie Oldham spoke to council of her interest of continuing to serve on the Freeport EDC. She said she resigned from the Planning and Zoning so she can focus her time to the EDC.

Sandra Barbree spoke to council of her interest to serve on the Freeport EDC Board.

Jack Bullman spoke to council of his interest in serving on the Freeport EDC Board.

Ken Tyner spoke to council of his interest in serving on the Freeport EDC Board.

David McGinty spoke of his vision for the City of Freeport, and of his interest of continuing to serve on the Freeport EDC Board.

Jeff Pena told council of the progress with the EDC, and the Grant Program, and his interest in continuing to serve on the Freeport EDC Board.

A motion was made by Councilman Brimage to appoint George Matamoros, Ken Tyner, and Jack Bullman to the Freeport EDC Board. The motion died for lack of a second.

A motion was made by Councilman Brimage to appoint George Matamoros to the Freeport EDC Board, seconded by Mayor Bass. With a 3-2 vote, motion passed to appoint George Matamoros to the Freeport EDC Board. Councilmen Muraira and Pena voted "Ney".

A motion was made by Councilman Cain to appoint Ken Tyner to the Freeport EDC Board, seconded by Councilman Brimage, with a 4-1 vote, motion passed appointing Ken Tyner to the Freeport EDC Board. Councilman Muraira voted “Ney”.

A motion was made by Councilman Muraira to appoint Jeff Pena to the Freeport EDC Board. With discussion that followed.

Councilman Pena asked if he could second the motion. Mayor Bass said he does not think that he can, but he is not sure what Mr. Duncan will say. Councilman Brimage said council completely removed Mr. Green from the vote all together, when he himself was a candidate. Mr. Duncan said he does not recall this, but if it is really a moot point if no one else is willing to second the motion, what are the chances it would pass.

The motion died for lack of a second.

A motion was made by Mayor Bass to reappoint David McGinty to the Freeport EDC Board, seconded by Councilman Brimage, with a present with all present voting “Aye” 5-0 council unanimously approved to reappoint David McGinty to the Freeport EDC Board.

Discuss and Take Possible Action on Disciplinary Action Process for City Manager.

Councilman Pena presented to council the possible action on Disciplinary Action Process for City Manager. He presented a slide show of a matrix form. He spoke of the review process for City Staff. He said there is no guidance for disciplinary action on the City Manager. Councilman Pena explained how the Disciplinary Action Process would work. No action was taken.

Discuss and Take Possible Action on Trash Services and Rules for Freeport Residents and Ameriwaste.

Councilman Pena showed a slide show over the bulk trash. He showed the results of a poll. He spoke of creating a mulching center for the city. Councilman Pena said that he, Councilman Cain, AmeriWaste and Mr. Kelty had a meeting. He said the bulk trash problem persist. He said even his bulk waste was not picked up, and it was compliant. He said we need to create a mulch center.

Mayor Bass asked how his meeting with AmeriWaste went? Councilman Pena said there was a negative perception by AmeriWaste, and very unprofessional. He said AmeriWaste said they would possibly agree to terminate the contract.

Councilman Pena said the first part we need to do is create a mulch center, the second part is to pick up all nonhazardous construction material. He said the third is replace all door hangers with non-threatening language.

A motion was made by Councilman Pena, seconded by Councilman Muraira to bid out for new trash service. With discussion that followed.

Mayor Bass asked Janelle with AmeriWaste how many people have trash service, Janelle said about 5000.

Mayor Bass called the motion to a vote, with a 3-2 vote the motion failed. Councilman Brimage, Councilman Cain, and Mayor Bass voted “Ney”.

A motion was made by Councilman Pena, to replace public notification language on the door hangers with non-threatening language and elimination of fines. The motion was seconded by Councilman Muraira with discussion that followed.

Mr. Kelty said when Councilman Pena and Councilman Cain met with AmeriWaste he said Councilman Pena complained that the door tag was threatening and the language on the tag needed to change and eliminate the mention of fines. Mr. Kelty said that there is no mention of fines on the door tag that there was a cost for service associated with the removal of bulk waste exceeding the limit. Also, at that meeting it was agreed that Councilman Pena would propose alternative language the city would consider using. Councilman Pena asked if the door hanger can be changed? Mr. Kelty said he has still not received the proposed language for the door hanger.

Councilman Cain said he is not interested in looking at limbs for 90 days.

There was lengthy discussion on AmeriWaste. Mr. Kelty asked if a motion is made in regard to the door hanger language that it be specific because he did not find the current language threatening and there is no mention of fines.

Mayor Bass called the motion to a vote, with a 3-2 vote the motion failed. Councilman Brimage, Councilman Cain, and Mayor Bass voted "Ney".

A motion was made by Councilman Pena to renegotiate a contract, to have AmeriWaste haul away all nonhazardous construction material, seconded by Councilman Muraira. With a 3-2 vote, motion did not pass. Councilman Brimage, Councilman Cain and Mayor Bass voted "Ney".

A motion was made by Councilman Pena, to renegotiate the AmeriWaste contract to haul away all trees, and brush left in yards, not gift wrapped, seconded by Councilman Muraira with a 3-2 vote, motion failed. Councilman Brimage, Councilman Cain and Mayor Bass voted "Ney".

Councilman Pena made a motion that the city provides a mulch center.

Mayor Bass made a motion to table the mulch center, with a second from Councilman Cain, with all present voting "aye" 5-0 council unanimously voted to table the discussion on the mulch center until a later date.

Julian spoke to council about his concern with the issues the city having with bulk trash.

Discuss and take possible action on current jog trail project.

Councilman Pena said the trail needs some repair on making the trail remain on the levy. He said the levee was budgeted for \$300,000 he said we used \$160,000. He said he would like to keep the trail on the levee. Councilman Pena said we are still in budget to continue on with the trail.

A motion was made by Councilman Pena to extend the jog trail to make it a safer passage for joggers, cyclist, and pedestrians.

Councilman Cain said he recommends we go out for bid.

Mayor Bass asked that this be tabled until another meeting, seconded by Councilman Brimage, with all present voting 3-2 this was tabled until another meeting. Councilman Pena, and Councilman Muraira voted "Ney".

Discuss and take possible action on VW tax abatement agreement.

A motion was made by Mayor Bass to table this until another agenda, seconded by Councilman Cain with all present and voting 3-2 motion passed to table this item.

WORK SESSION:

Mayor Bass thanked the Public Works Department, he said there was trash on 288 by the Dow bridge, he said a lot of trash. He said when he came back into town all of this was picked up. He reminded everyone to stay hydrated. He said we lost two people that were very dear to us, Mr. Nat Hickey, and Ms. Edmeryl Williams. Mayor Bass also said it is hurricane season, please have a plan, check the city website, and register for Everbridge.

Councilman Pena said condolences to both Hickey, and Williams families. Councilman Pena asked about the family on Front Street that was brought up during citizens comment. He asked if the landlord was contacted? Mr. Kelty said yes. Councilman Pena asked how much is owed on their water bill? Mr. Kelty said the water had been disconnected since October and the other residence since March. Ms. Ezell said she does not know the amount that is due. Mr. Kelty said they have been stealing the water. Councilman Pena said we need to remember customer service, and to have a compassionate heart. Councilman Brimage said there have been several felonies arrests out of these houses over the last couple of weeks. Councilman Pena said he hopes we can help these families that are in the arrears, he said he would like to know the dollar amount that is due. Councilman Pena said Mr. Reyna spoke of Mrs. Wares property he said he thinks this property should be placed on the open market so everyone can bid on it. He said to Mr. Gonzales he will work to get a mulch facility in the city. He thanked Officer Mosley for his bravery. Councilman Pena showed some slides on 2nd Street and Velasco. He said he wants to commend Mr. Petty, for the work that has been done. He said he would like to see the lanes marked clearly, and he would like to see reflectors at Velasco, 1495, South to 36. He said the visibility is low. He showed a slide of a building in downtown, he is investing in. He said he puts his money where his mouth is, he is investing in downtown.

Councilman Cain thanked Chief Garivey and his crew for the camp that was put on for the kids. Councilman Cain spoke of the AmeriWaste contract, he said they will do what they say, but we need to do what we are suppose to do. Then the trash will be picked up. He understands the residents that are unable to do this, he said in a case like this, as a city, we will get through it. He said what we cannot have are these garbage sandwiches for months. Councilman Cain said it takes three for this to work AmeriWaste, the citizens, and the City to step in when needed. He said if there is a hanger, it will tell how much it will cost if it is picked up by Ameriwaste. He said if you cannot do what needs to be done, call and speak with the City Manager. He said we have to do what we have to do to keep the city clean.

Councilman Muraira said the elderly need a solution now. Mr. Kelty said this is being implemented now. He said AmeriWaste is helping, along with Ms. Ezell and the Code Department. Mr. Gonzales spoke of his concern with the bulk trash being picked up manually and not with a claw truck. Councilman Muraira said we really need to come up with a solution. Mayor Bass asked Janelle with AmeriWaste the numbers that are compliant. Janelle said 23% are not compliant, 76% are compliant. Mayor Bass said this contract was approved by your representatives. Councilman Muraira said we need to renegotiate the contract with AmeriWaste. He said to talk with Waste Connections to do only the bulk pickup. Mr. Duncan said both

parties can renegotiate, but they are not required to. He said talking to another company is not a violation, but signing a contract would be a violation, with the contract we now have with AmeriWaste. Ms. Ezell said she and city staff are helping now, with the residents with special needs. She said these are case by case basis. Councilman Muraira said he hopes the elderly know to call City Hall. Councilman Muraira asked about the field lighting and the generator at the soccer fields. Mr. Petty said that there has been a lot of discussion over this. He said the cost as discussed before to get the power back would be \$130,000. Mr. Petty said he met with an electrician, and to get the generator to power the transformer that is down, he said it will be about \$33,000. He said this will power everything at the fields including lights. Mr. Petty said he is looking for options to get this project going. Councilman Muraira asked why it hasn't been purchased? Mr. Petty said we need three quotes. He said he is waiting on one more. Councilman Pena asked who is the electrician? Mr. Petty said Penney's has provided a quote. Councilman Muraira said he went out in December 2020 with Mr. Kelty, he said it is time to act on this, he said we need to put it on the next agenda. Councilman Muraira said 9th Street between Dixie and Yaupon there is a pothole, that needs repair. He said again, we need to inform the citizens if they are having problems with their trash to call City Hall, he said this needs to be added to the flyer. Councilman Muraira asked Mr. Kelty about 5th Street, to go from Yaupon to Dixie with a concrete street. Mr. Kelty said that Mr. Petty has put some numbers together for the extension of this street. It will be discussed at the Strategic Planning Workshop.

Councilman Brimage asked if there is a problem with the phone lines at City Hall? He said he had a citizen call and the call was not answered. Councilman Brimage asked about the Ordinance for the Disclosure of Assets of Council Members, he asked if everyone has turned this information in? Mr. Kelty said everyone has turned this in except for Councilman Pena. Mr. Kelty said he has not implemented the penalties, but he will begin this process. Mayor Bass asked Councilman Pena if he would get this turned in. Councilman Pena said he has not received a revised form from legal. Mr. Kelty said this is the only form we have, and per the ordinance you do not need to use the form, just turn the information in.

City Manager Tim Kelty said he spoke with TXDOT District Engineer, about the 288 problem. He said TXDOT is aware, he said if money is left at the end of the FY they will repair the road. If there is not they will include it next Fiscal Year's budget. He announced that BWA will be raising the water rates. He said this is a rate the city cannot afford, so water rates will increase. Mr. Kelty reminded Council of the BCCA meeting this Wednesday at 6:30 PM, he also reminded of the Employee Picnic being this Friday at noon. Mr. Kelty reminded council of the Special Meeting this Friday at 6 PM.

Desiree Pearson said she was wondering if a Scout Troop would be able to help with the disabled and elderly's trash.

Councilman Pena asked Mr. Kelty about the BWA water rate increase. He asked if Volkswagen will be responsible for paying their own water and utilities. Mr. Kelty said yes, they will pay for their own utility improvements and be responsible for paying for all utility consumption. Cathy Ezell said tenants pay their own water bills to the city. Ms. Ezell said the BWA rate increase will be a 12.5% increase. Councilman Pena asked if he can get the amount of the delinquent water bill for the Front Street address. He asked if he can get the information on all delinquent water accounts. He spoke on the reflectors on Velasco Bridge and intersections, he said he wants to make sure it is a priority. He said he wants to make sure this is on Ave A and 2nd Street.

Update on reports / concerns from Department heads

Public Works Director Lance Petty said that the City had asked Freese and Nichols to look into the draining issue on 9th Street, Ash Street and Front Street at Ms. Dancy's house. Mr. Petty said Jared Barber will be here Monday night to give a presentation on the findings, and a recommendation.

City Manager Tim Kelty said we had a contractor come out and do testing of mold at City Hall, he said this was all of City Hall. The 1st, 2nd and 3rd floors were tested. He said the Police Department as well. The preliminary report indicated there are no issues on the 3rd floor, but 1st and 2nd floor issues persist and will be addressed. Councilman Pena asked that the final report be sent to all of council.

CLOSED SESSION:

Mayor Bass asked if there is any objection from council, that we invite Mr. Kelty, and City Secretary into Closed Session.

Councilman Pena objects that the City Secretary be allowed into Executive Session.

A motion was made by Mayor Bass to invite the City Manager, Tim Kelty, and City Secretary, Betty Wells into Executive Session, seconded by Councilman Brimage with a 4-1 vote motion passed. Councilman Pena voted "Ney".

Open Session was closed at 9:48.

Executive session was closed 10:34, and entered back into Open Session.

A motion was made by Mayor Bass, seconded by Councilman Brimage to allow the City Manager to see the complaint from the City Attorney under Attorney Client privilege with all voting "Aye" 5-0 motion passed unanimously.

Open Session closed at 10:35 PM and entered back into Executive Session.

Executive session was closed 11:42, and entered back into Open Session.

COUNCIL BUSINESS – REGULAR SESSION:

A motion was made by Councilman Brimage, to terminate the contract with the City Attorney Chris Duncan, seconded by Councilman Cain. With discussion that followed.

Mayor Bass asked council if they understand Mr. Duncan has a contract that has time requirements before the termination of his contract. Councilman Brimage said yes, but not sure of the time restraint. Mr. Kelty said it is with 30 days' notice. Councilman Brimage said he would like to add that to the motion. Councilman Cain said he will second this.

Mayor Bass called the motion to a vote, with a 3-2 vote, to terminate the Contract with the City Attorney Chris Duncan, with a 30-day notice, motion passed. Councilmen Pena and Muraira voted "Ney".

Discussion and possible action regarding acceptance or rejection of bid from Construction Masters Inc. for renovation of City Hall.

City Manager presented to council acceptance or rejection of bid from Construction Masters Inc. for renovation of City Hall.

Mayor Bass made a motion to reject the bid from Construction Masters, Inc. for renovation of City Hall, seconded by Councilman Brimage with all present voting "Aye" 5-0 council unanimously voted to reject the bid.

Adjourn

A motion was made by Councilman Brimage seconded by Councilman Cain to adjourn. With all present voting "Aye" 5-0, council unanimously voted to adjourn the meeting at 11:38 PM.

Mayor, Brooks Bass
City of Freeport, Texas

City Secretary, Betty Wells
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Tuesday June 17, 2022 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 Not Present

Staff: Tim Kelty, City Manager
Betty Wells, City Secretary
Chris Duncan, City Attorney

Visitors: Melanie Oldham
Sam Reyna
Nicole Mireles
Attorney Charles Zec
Sandra Leavey
David McGinty
Manning Rollerson
Attorney

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 Tim Kelty.

EXECUTIVE SESSION

The City Council will conduct executive session regarding (Consultation with Special Counsel) Braztex 380 investigation, pursuant to Texas Government Code Chapter 551, Section 551.071.

COUNCIL REGULAR AGENDA:

Take any action resulting from Executive Session.

No action was taken in Executive Session.

Adjourn

On a motion by Councilman Cain, seconded by Councilman Pena, with all present voting "Aye", Mayor Bass adjourned the meeting at 8:05 P.M.

Mayor, Brooks Bass
City of Freeport, Texas

City Secretary, Betty Wells
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, June 20, 2022 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 Not Present

Staff: Tim Kelty, City Manager
Betty Wells, City Secretary
Cathy Ezell, Finance Director
Chris Duncan, City Attorney
Kacey Roman, Building Official
Clarisa Molina, Administrative Assistant
Chris Motley, Freeport Fire Chief
Lance Petty, Public Works Director
Toby Cohen, IT Manager
Hope Bullman, Code Enforcement Officer
LeAnn Strahan, Destinations Director
Ray Garivey, Police Chief

Visitors:

David McGinty	George Matamoros
Kenny Hayes	Wayne Dolcefino
Jared Barber	Dane Schneider
Sam Reyna	Nicole Mireles
Raul Ramirez	Jaime Zamora
Sandy Leavey	Sandra Barbree
Desiree Pearson	Sabrina Brimage
Tommy Pearson	Brent Bowles
Pam Dancy	Enie Hutchins
Melanie Oldham	

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, the Pledge was led by Mayor Bass.

CITIZENS' COMMENTS:

Sam Reyna, 2002 North Ave G spoke to council about Building Code and our Code of Ordinance 2021. Chapter 150.015 & 010. Mr. Reyna spoke of the property owned by Mr. Patel. He said that Mr. Patel is grandfathered in, and he should not have to change his building to commercial or tear down, if he does not comply.

Mr. Patel, 2006 Jones Road, he said Billy Shoemaker told him he did not have to worry about his house, he said he is grandfathered in. Mr. Patel spoke of his plans for the property. He does not feel he should have to tear the property down, if he does not comply, with it being commercial property.

Wayne Dolcefino spoke to council about the records he has requested from the City under the FOIA. He said he has asked the City Attorney to put Council on notice, of the false statements the City Attorney Chris Duncan has made to the AG Office. He said in addition Chris Duncan has declined to provide the text messages, and emails he has, because Mr. Duncan says, they are personal. Mr. Dolcefino says he cares that Mr. Duncan is the person that investigated Mr. Pena. He asked did this personal friendship happened before the investigation, or after. Mr. Dolcefino said he thinks the tax payers deserve full disclosure. Mr. Dolcefino spoke of two vendors that Mr. Duncan supposedly solicited money from, during EDC projects. Mr. Dolcefino said both were turned down, and both are suing the Freeport EDC. City Council should be aware that his company will not stand by and allow the city to hold documents from the public. He said if it is not taken care of by the end of this month, he may be filing a suit. He spoke of Mr. Holman's separation agreement.

George Matamoros 1722 North Ave O, thanked Mayor Bass, Councilman Brimage and Councilman Cain for appointing him to the BOA, and the Freeport EDC he said he is looking forward to working with all the Board Members. He spoke of his previous advocacy for the mulch center. He said he no longer thinks we should make a mulching center. He spoke of the turnover of sanitation employees in the City of Clute and Lake Jackson. He said there is a risk also of fire from the heat, if the mulch is more than 18 inches thick, he said the mulch is combustible. He said the strategic plan is coming up and he would like to see the sidewalk on the East Side of Skinner extended.

PRESENTATION/ANNOUNCEMENTS:

Presentation of the Employee of the Month for the month of May 2022

City Manager presented the Employee of the month to Thomas Thornton and Devin Shoemaker.

Presentation of Community Service Award to Freedom House.

Chief Garivey presented a Community Service Award to Ernie Hutchins Pastor of the Freedom House for all the work his team has done for the City.

Presentation of Recognition of Food Service Excellence Award.

Building Official Kacey Roman, presented the Food Service Excellence Award to; Talk About Good with a score of 98, Shipley's Donuts with a score of 98, Jack in the Box with a score of 99, and Domino's with a score of 99.

Presentation by Freese and Nichols on East 9th, and Ash Street drainage.

Jared Barber and Dane Schneider presented a slide show on the drainage problems for 323 & 403 West 9th. Mr. Schneider said residents have complained of storm water ponding on the undeveloped Ash Street right-of-way which at time extends into the adjoining properties. He provided evidence that showed that the natural flow of water that currently collects on the property was to flow across the property immediately to the south into the storm drainage before draining into the drainage ditches that cross that property and into the Velasco drainage District system. He said the problem we were experiencing was caused by the fill added to that property which stopped that water from flowing in that direction. He said the best way to address this was to work with the property owner to the south to re-establish a drainage channel allowing the water to continue flowing to the south. He said that Freese and Nichols has some possible alternatives including cutting the sidewalk and curb and redirecting a portion of the flow back on to 9th street, however this would not take care of all the standing water on the property and could pose a problem because it also allowed additional water to flood these properties during heavy rains. Another option was to install an underground drain from the back of the property and try to tie it into the drainage system on Ninth Street. More detailed information was emailed to Mr. Petty.

There was a lengthy discussion by Council with Mr. Schneider.

Eric Hayes says he owns this property. He said this problem did not occur until after 2009 when Velasco Drainage continued to dig through this property. He said this has been a flooding property forever. He said since 2016 he has begged the City to please come out and lower the levee's, and get a correct slope. He said the City cannot mow this with the equipment the City has. He said he owns this property, he built it up after asking the city to take care of the problem. He said the property always stayed wet. Mr. Hayes said when the Port built the houses on 9th Street the problem got larger. He said that he hauled in dirt and started building it up. Mayor Bass said he may need to be a part of the solution.

CONSENT AGENDA

Consideration and possible action on the approval of City Council meeting minutes from May 26, 2022.

Consider changing the date of the first meeting in July 2022 due to the Independence Day Holiday, to Tuesday July 5, 2022.

Consideration and possible action approving road closure for Women Helping Women Fit for Freedom Wellness Fair, and 2K and 5K run for Blessing of Women, on Saturday July 30 2022.

Consideration and possible action approving concrete pour at Brazosport High School Renovation at 2 A.M., by Drymalla Construction.

A motion was made by Councilman Cain, seconded by Councilman Pena with all present voting "Aye" 4-0 council unanimously approved the Consent Agenda.

COUNCIL REGULAR AGENDA

Public Hearing: Public Hearing and possible action to approve Ordinance No. 2022-2668 regarding Commercial Building Inspections.

Mayor Bass opened the Public Hearing at 6:52 PM

Sandra Leavey spoke of her concerns for this ordinance. She said she owns several commercial properties. She said she is wondering how the Code Department will keep up with these inspections. She said the way she understands this ordinance, a building will be inspected as a tenant moves out, not just for sell of property but rental as well. She asked are the owners going to be asked to bring everything up to current code? She said is this going to bring the volume down on the sale of properties? She said a lot of these properties are on 6-month leases, will they be inspected every 6 months? She said she does not understand the reasoning.

Councilman Pena said he wants to remind council he asked that there be an announcement to the Public in regards to this meeting. He said he is surprised this was fast tracked and put on this agenda. Mayor Bass said we requested this being placed on this agenda, in a Public Hearing. This was posted on the website on Friday. Mayor Bass said the last meeting, there was an issue with item #2.

Councilman Pena said he would like to invite business owners.

Manning Rollerson said he is in favor of this ordinance. He said he is planning to buy four properties in downtown on Broad Street. He said his concern is, the gentleman is bringing the buildings up to code now, will he have to have these buildings inspected?

Mr. Kelty said this will not overload the code department these inspections had been done regularly in the past in accordance with the International Property Maintenance Code, and it was not until it was challenged. Mr. Kelty said the City Attorney recommended that we need to include this as a city ordinance and clarify specifics. He said without an inspection we will not know what is out of compliance.

Mayor Bass temporarily closed the Public Hearing at 7:04 PM

City Manager presented Employee of the Month certificates to Thomas Thornton, and Devin Shoemaker for the month of May 2022.

Mayor Bass re-opened the previous Public Hearing at 7:06 PM.

Melanie Oldham supports this ordinance. She spoke of a building her daughter rented in downtown. She said it was full of mold, the restroom flooded when it rained. She spoke of Councilman Pena and the purchase of property by the EDC two properties for \$48,000, each and this was done without inspections. She said one building may be torn down, it is in such bad shape. She said tenants need to know what they are getting, tenants need to be safe.

Councilman Pena said 208, 210, and 212 do get water inside when it rains. He said this has been brought up. He said someone did suggest that one of these buildings be demolished. He said the roof joist needs to be replaced. He said he does not have a problem with the ordinance if we use a common-sense approach. He said it does not make sense if we just had a tenant in there, and the business is going to be used for the same thing then it should not need an inspection. Councilman Pena said yes, we need to make sure the buildings are safe, but we need to make sure we are not hindering new businesses from coming to Freeport.

Mayor Bass spoke of the old building that use to be a daycare, it burned down, he said thank God no one was hurt, but he cannot put safety below anything else.

City Manager Tim Kelty said if someone is going to be making improvements to a property, they will apply for a Building Permit, and it would be inspected, and a Certificate of Occupancy would be issued. He said this ordinance does not really apply to these buildings, but to the buildings that are not making any changes, that are selling to someone that does not know anything about this building intending to occupy without any improvements. He says this provides them with protection.

Mayor Bass asked if it is the same type of business moving in, why would they have to do an inspection? Mr. Kelty said if the building has not been inspected in several years, this may be the only opportunity to inspect the building to make sure things are safe.

Councilman Pena said we should regulate to some extent, but not hinder the buyers.

Councilman Muraira said he likes the ordinance, but he does not like the timing. He said the City should have reached out to the business owners. Councilman Muraira said he would like item #2 changed in the ordinance.

Mayor Bass said if someone is leasing a building, as a government we have a duty to make sure all is safe.

Manning Rollerson said tear down the buildings that are dilapidated. He said there are three buildings on Cherry and Broad he said it is a danger and hazard, and it is an eye sore.

Melanie Oldham said she agrees with Councilman Muraira there needs to be public participation. She said she looked at several Facebooks sites, including Councilman Pena's she said the ordinance was on his Facebook and the items that was being discussed tonight.

Bernadette Gonzales, she asked when was this brought up? Mayor Bass said last Monday. She said this seems really fast.

Eric Hayes said he is not for or against this ordinance, he said he would like to see this kind of ordinances to go before Planning and Zoning first.

Mayor Bass said our job is to speak with the public, he said it is up to the public to attend the meetings.

Nicole Mireles asked which Chamber of Commerce is Councilman Pena working with? Councilman Pena said the Hispanic Chamber.

George Matamoros said he is not for or against this ordinance. He said he agrees with getting everyone involved. He asked how many of these buildings are owned by absentee landlords?

Councilman Pena said we are elected officials, and we need to make the best decisions for citizens of Freeport. He asked that this be tabled until the July 18, 2022 meeting. He would like to reach out to the business owners.

Councilman Cain said from what we are being told, this is basically already being done, is that correct? Mayor Bass said yes. He asked are we currently doing the inspections whenever we have a change of tenants? Tim Kelty said this has been suspended since February. Kacey Roman said yes, we were, but there was a dispute on one of the inspections. We were advised by the City Attorney to have an ordinance. Ms. Roman said this will affect about 5-10 businesses a month.

Mayor Bass said we will table this until the July 18, 2022 meeting.

Mayor Bass closed the Public Hearing at 7:41 PM

Consideration and possible action accepting land from DOW and portable building from ABC Texas Gulf Coast Chapter for Police Department firearms training range

Chief Garivey presented to council the possible action accepting land from DOW and portable building from ABC Texas Gulf Coast Chapter for Police Department firearms training range. Chief Garivey said the property is on Old Hwy 36. He said we are waiting on the agreement now. He said the land and the building were to be donated.

Mayor Bass asked if there is water and power at the location? Chief Garivey said “yes”.

Councilman Pena asked if this will be staffed? Mr. Kelty said “no”.

A motion was made by Mayor Bass, seconded by Councilman Cain to approve this item. Discussion followed.

Councilman Muraira asked who would move the building? Chief Garivey said he had a gentleman give a bid, it will cost \$6,500 to have the building moved.

Mayor Bass called the motion to a vote, with all present voting “Aye” 4-0 council unanimously approved accepting land from DOW, and portable building from ABC Texas Gulf Coast Chapter for Police Department firearms training range.

Consideration and possible action from Council to Purchase 250kw generator from DEPCO Power Systems for the soccer field.

Public Works Director, Lance Petty presented to council the recommendation to purchase 250kw generator from DEPCO Power Systems for the soccer field. Mr. Petty said he is asking that Council authorize the purchase of the 250kw generator. Mr. Petty said this will be used for the soccer field, and the cost of the generator is \$32,500. He said there will be additional funding needed for the fencing, and the electrical connections. He said this will power everything at the soccer fields, concession stand, restrooms, and the lighting. And it will give the city the opportunity to use the generator at other locations in an emergency situation.

Mayor Bass asked if this will be on a pad? Mr. Petty said it will be on a skid, he said they are going to pour a slab, and anchor it down. He said there will be a fence around it, and security cameras. Mayor Bass how long will 500 gallons of fuel last? Mr. Petty said a long time, with just running the soccer field. Mayor Bass asked who will turn it on and off? Mr. Petty said there will be training with the head of the soccer league.

Councilman Muraira asked how will this be moved if needed? Mr. Petty said we have forklifts and front-end loaders.

Councilman Cain asked if it is enough power to power the PD or City Hall if needed? Mr. Petty said yes.

Councilman Pena asked if the location where this will be placed, is it on high ground? Mr. Petty said yes the slab would be high enough to avoid flooding.

Councilman Muraira asked that council get an email of the quotes, for the electricians.

Councilman Cain said purchasing this generator will actually help the City if there is an emergency situation.

A motion was made by Councilman Muraira, seconded by Councilman Cain to approve this item. Discussion followed.

Eric Hayes asked why would we not have the power company just install a transformer and run power to hook this up? Mr. Petty said it is 3 phase power, it was quoted to be \$100,000 - \$130,000.

Mayor Bass called the motion to a vote, with all present voting "Aye" 4-0 council unanimously approved the purchase of 250kw generator from DEPCO Power Systems for the soccer field. Discussion followed.

WORK SESSION:

Councilman Pena thanked Mr. Reyna and Mr. Patel for coming up and speaking, he said please keep council posted on the progress you have with the Code Department. He thanked Mr. Matamoros for speaking on the sidewalk. He asked if we got the information on the water bill for the family on Front Street. Councilman Pena said he wants the consumption. Councilman Pena said he would like to put on the agenda the discussion of the water rate increase, he said he would like this on July 5. Mr. Kelty said BWA sent a letter and the rates will go into effect on October 1, billing for our residents. Mr. Kelty said this will have to be published in the paper 10 days ahead of the Public Hearing. Councilman Pena thanked Mr. Petty for continuing on the big City Intersections. He said on Velasco Blvd., and 2nd Street. Councilman Pena said he would like to ask that we make sure we have the reflectors at the intersection crosswalks, as well as from 2nd Street through Ward A and B to FM 36, and Gulf Blvd., to Ave A. He said he would like to have the yellow medians with reflectors, he said this will help with visibility. Councilman Pena said there was an accident on Magnolia, the stop sign was not visible. Also, the stop sign is blocked on 8th and Magnolia, and Ash and 8th. Councilman Pena asked if we can have the Levee Project estimates on the next agenda? Mayor Bass said if the numbers are available yes. He said he will get the Matrix to council. He asked if all the businesses have water meters, as well as the Port tenants. He asked that 9th Street be placed on the next agenda.

Councilman Cain said the corner of West Lynn and Dixie there is an unsecure vacant duplex. He asked if we can get this secured.

Councilman Muraira asked that he have a list of businesses emailed to him, he would like to reach out to the business owners. He said there is grass growing through the levee towards the Velasco Bridge. He asked Mr. Petty if there is a plan to keep the grass removed? Mr. Petty said they are spraying. He said it may take a little while. Councilman Pena asked if we spray the sidewalks? He said there is a lot of grass on the sidewalks in downtown. Mr. Petty said yes, we do. Councilman Muraira said going into this Strategic Plan he still sees a lot of projects not complete. He said we got sidewalks for ADA, and the sidewalk at Velasco. He said he would like to see some fixes on the landing, it is in bad shape. He said the entry needs more palm trees, he said just to help beautify the city. He spoke of the funds allocated for the pool, he said he remembers the pool being repaired before he came to council. He said these projects need to get done. He asked if anything has been done at City Hall for the mold. Mr. Kelty said Air Quality testing had been completed on the entire building every office and every hall way as well as at the police Department we are waiting for the final report which is to include recommendations on remediation. Mr. Petty said there is no formal sidewalk repair program that he is aware of. He said we

have always budgeted \$150,000 a year for concrete work, which includes sidewalks curbs and minor road repairs. Mr. Petty said however, in the Strategic Plan this year, there is proposed a comprehensive sidewalk repair plan. He said the Palm Trees at the entrance we will need approval from TXDOT. For the landing we are looking at options, he said prices are going up on material. He said we went to the EDC for more funding. The entry lighting, we are waiting on TXDOT for the approval. Mr. Petty said for the swimming pool, we have ordered sand filters for it, once the filters are in, the piping will be changed out. Mr. Kelty said that that yes major repairs were done to the pool prior to Councilman Muraria coming on the board, however a public swimming pool like we have will always require constant repair and maintenance. Councilman Muraira said he thought we had talked about the sidewalk repair program, he said it was budgeted. Councilman Muraira said he is going to look at past agendas and the Strategic Plan.

City Manager Tim Kelty said he has handed out the draft of the Strategic Plan to council. He said he encourages council to read through this. He asked that council highlight their priorities and add what council may want added. He said the Strategic Plan Workshop will be Saturday morning at 8 AM – 12 PM.

CLOSED SESSION:

Open Session was closed at 8:15 PM.

Executive Session was closed at 9:30 PM

No action was taken from Executive Session.

Adjourn

A motion was made by Councilman Cain seconded by Councilman Pena to adjourn. With a 4-1 vote Mayor Bass adjourned the meeting at 9:31 pm.

Mayor, Brooks Bass
City of Freeport, Texas

City Secretary, Betty Wells
City of Freeport, Texas



City Council Agenda Item # 2

Title: KidFest Road Closures

Date: July 5, 2022

From: LeAnn Strahan, Museum Director/Main Street Manager

Staff Recommendation:

Staff recommends approval of the requested road closures for the city hosted KidFest event scheduled for Saturday, August 6, 2022.

Item Summary:

CRT staff requests permission to block off the 200-300 blocks of East & West Park at 2nd, Broad and 4th Streets. Staff will need to close the roads on event day at 2:00pm to allow ample time for park set up and should reopen to traffic no later than 9:00pm after the event ends. CRT staff will coordinate with Police, Fire/EMS and Public Works for security, first aid, and barricades.

Background Information:

This year marks the 11th Annual KidFest and is scheduled for Saturday, August 6, 2021 from 4:00pm-8:00pm. Scheduled festivities for this free community event include multiple waterslides, petting zoo, obstacle courses, foam party, live performers, free food and drinks, etc. We anticipate over 1,000 visitors in downtown for the event.

Special Considerations

N/A

Financial Impact:

N/A

Board or 3rd Party recommendation:

N/A

Supporting Documentation:

Map – Proposed Road Blocks
Event Flyer



CITY OF FREEPORT
PRESENTS

2022 KIDFEST

FREE

SATURDAY, AUGUST 6TH 4-8 PM

WATER SLIDES

AXE THROWING

Caricaturist

PIZZA

FOAM PARTY

**TRIKE
RACING**

ROCK WALL

NINJA WARRIOR COURSES

FACE PAINTING

HOT DOGS

Memorial Park*Historic Downtown Freeport*(979) 233-0066



E Brazos

Tobey Hardware

Beach B

Freepoint Museum and Visitor Center

E Park Ave

W Broad St

E 4th St

E Park Ave

W Park Ave

Park Ave Lofts & Studios

Epic Hookah Lounge

W Park Ave

W 4th St W 4th St

W Park Ave

W Broad St

Kiki's Tiki Cantina



City Council Agenda Items # 3

Title: Consideration and possible action to ratify the City Manager’s appointment of Danny Gillchriest as Interim Police Chief.

Date: July 5, 2022

From: Tim Kelty, City Manager

Staff Recommendation:

Staff recommends approval of the appointment of Captain Danny Gillchriest as interim Police Chief.

Item Summary:

The position of Police Chief became vacant following the departure of former Chief Ray Garivey on June 21. According to the Freeport City Charter, The Chief of Police shall be appointed by the City Manager with the approval of the City Council. This is a temporary appointment which is expected to be necessary for no more than 90 days, while the City goes through the process of finding a permanent replacement.

Background Information: None

Special Consideration: The Chief of Police is a very important appointment for the City of Freeport and the process for finding a new permanent replacement has already begun. Council will be kept apprised of the progress of that search.

Financial Impact: None

Supporting Documentation: None.



City Council Agenda Item # 4

Title: Public Hearing: Public Hearing for consideration and possible action on approving Request for Replat of ILA Local 30 1 Block, 1 Unrestricted Reserve A Subdivision Of 0.8953 Acres (39,000 Sq. Ft.) Of Land Being Lots (1), Two (2), (3) Three, (4) Four, five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), And Twelve (12), Block 34, In the Town of Freeport, Brazoria County Texas, According to The Map or Plat Thereof Recorded in Volume 2, Page 95 Of the Map Records of Brazoria County, Texas. Owner: International Longshoreman's Association No. 30 P.O. Box 2727 Freeport, Texas 77542-2727.

Date: July 5, 2022

From: Kacey Roman, Building Official

Staff Recommendation:

Recommendation to Approve Replat. This re-plat was approved by Planning and Zoning at their meeting on June 28, 2022

Item Summary:

These are 12 lots owned by the ILA Local 30 at 119 E. 5th Street. They are requesting to combine the 12 lots into one lot to be able to expand the existing building and build an awning

Background Information:

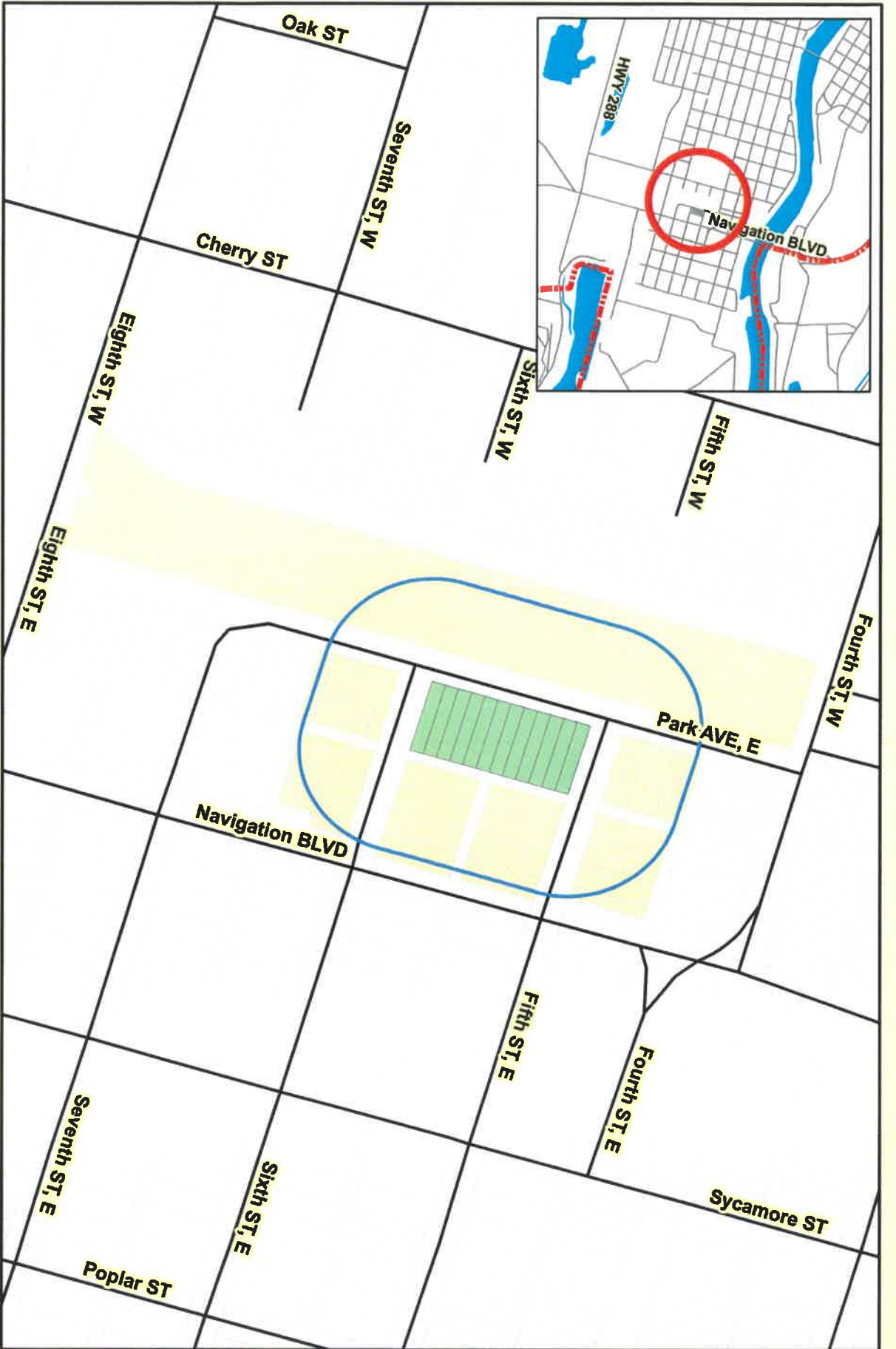
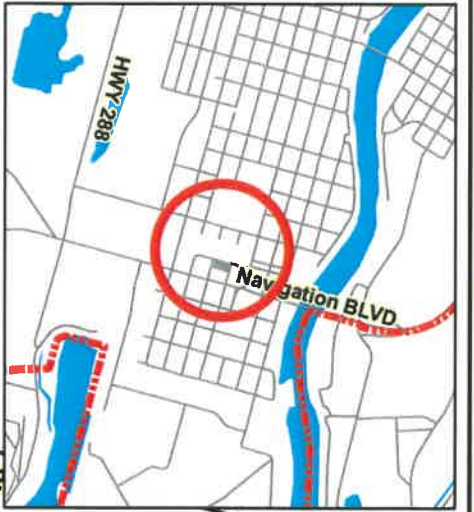
Special Considerations:

Financial Impact:

Board or 3rd Party recommendation:

Supporting Documentation:

Re-plat and map



Legend	
	2009250
	2007 Buffer
	Roads
	Water
	Buffered Parcels

Replat Property Location Map

Property ID 209250

Author: Laura Cramer
 Document Path: S:\GIS Data\International
 longshoremans 200ft w template





City Council Agenda Item # 5

Title: An Ordinance Of The City Of Freeport, Texas, Containing A Preamble; Amending Sections 52.16 Of The Code Of Ordinances Of Said City To Increase The Rates For Water Services Furnished To Single-Family Residences And Multi-Family Residences, Industrial Facilities, Office And Other Commercial Establishments Inside The Corporate Limits Of The City For Water And Water Only Services Furnished On Or After September 1, 2022 And For Water Furnished To Industrial Facilities, Offices And Other Commercial Establishments, Residences And Customers Located Outside The Corporate Limits Of The City On And After September 1, 2022; Containing Savings Clauses; Containing A Severance Clause; And Providing That This Ordinance Shall Take Effect And Be In Force From And After Its Passage And Adoption.

Date: July 5, 2022

From: Cathy Ezell, Finance Director

Staff Recommendation:

Staff recommends approval of the ordinance.

Item Summary:

The proposed rate increase is being presented to offset the increase cost for water resulting from Brazosport Water Authority (BWA) adopted 12.5% increase. The proposed rate will raise water rates by nine percent (9%), and will affect the water side of the bill only. Below is a summary of the changes to the Single-Family Residences beginning September 1, 2022. The Ordinance presented has the new rates for all the rate schedules.

Single-Family Residences	Current Rate	Proposed Rate	Increase \$	Increase %
Water Rates				
0 gal. to 2,000 gal.	\$15.07	\$16.43	\$1.36	9.0%
3,000 gal. to 12,000 gal.	\$ 5.21	\$ 5.67	\$0.46	9.0%
All over 12,000 gal.	\$ 6.85	\$ 7.47	\$0.62	9.0%

Commercial / Non-Res	Current Rate	Proposed Rate	Increase \$	Increase %
Water Rates				
0 gal. to 2,000 gal.				
1" Meter	\$ 21.16	\$ 23.06	\$ 1.90	9.0%
1.5" Meter	\$ 27.22	\$ 29.67	\$ 2.45	9.0%
2" Meter	\$ 43.83	\$ 47.78	\$ 3.95	9.0%
3" Meter	\$166.25	\$181.22	\$14.97	9.0%
4" Meter	\$211.85	\$230.92	\$19.07	9.0%
6" Meter	\$317.37	\$345.94	\$28.57	9.0%
8" Meter	\$438.27	\$477.72	\$39.45	9.0%
10" Meter	\$559.89	\$610.28	\$50.39	9.0%
3,000 gal. to 12,000 gal.	\$ 9.89	\$ 10.78	\$ 0.89	9.0%
All over 12,000 gal.	\$ 13.03	\$ 14.21	\$ 1.18	9.0%

Background Information:

BWA sells the City of Freeport water along with the Cities of Angleton, Brazoria, Clute, Lake Jackson, Oyster Creek, and Richwood. On May 25, 2022, the Cities received a letter from BWA stating that they were increasing the rate per 1,000 gallons of water sold from \$3.36 to \$3.78 (\$0.42 difference). This is a 12.5% increase and will cost the City of Freeport \$306,000.

The water rate increase proposed by this ordinance was calculated based off the water consumption from October 2020 to September 2021.

Special Considerations:

If approved, the impact on the average residential bill of 5,000 gallons would increase from \$58.60 to \$61.34 – an increase of \$2.74. This is a 4.7% increase of the total average residential utility bill. This increase would begin on September 1, 2022 and would be reflected in bills payable in October.

Financial Impact:

When combined with the BWA rate increase this ordinance will lead to an estimated Net Zero impact on the utility for the next fiscal year Utility budget. It is estimated that this rate increases will generate approximately \$306,600 additional revenue for the FY2021-2022 budget to offset the same increase in cost.

Board or 3rd Party recommendation: N/A

Supporting Documentation:

Brazosport Water Authority Letter
Ordinance



MEMBER CITIES:

ANGLETON

BRAZORIA

CLUTE

FREEPORT

LAKE JACKSON

OYSTER CREEK

RICHWOOD

May 25, 2022

Tim Kelty
City of Freeport
200 W. 2nd Street
Freeport, TX 77541

RE: Brazosport Water Authority 2022/2023 Expense Budget Approval with a Rate Increase to All Customers

Dear Mr. Kelty,

Brazosport Water Authority's Board of Directors voted to approve Brazosport Water Authority's 2022/2023 Expense Budget at our May 24, 2022 Board Meeting.

This budget includes the approval of a rate increase for all customers that will take effect on October 1, 2022. Please be advised that this rate increase includes a \$.36 increase for operations and a \$.06 increase for debt service.

Participating Customers

\$3.78 per thousand gallons

Please provide a copy of this letter to your Finance Director or the appropriate personnel within your organization.

If you have any questions or need any additional information, please just let us know.

Thank you,

April Garcia
Office Manager
Brazosport Water Authority
Phone: (979) 297-2715
Fax: (979) 297-8933

Cc: File

ORDINANCE NO. 2022-2669

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; AMENDING SECTIONS 52.16 OF THE CODE OF ORDINANCES OF SAID CITY TO INCREASE THE RATES FOR WATER SERVICES FURNISHED TO SINGLE-FAMILY RESIDENCES AND MULTI-FAMILY RESIDENCES, INDUSTRIAL FACILITIES, OFFICE AND OTHER COMMERCIAL ESTABLISHMENTS INSIDE THE CORPORATE LIMITS OF THE CITY FOR WATER AND WATER ONLY SERVICES FURNISHED ON OR AFTER SEPTEMBER 1, 2022 AND FOR WATER FURNISHED TO INDUSTRIAL FACILITIES, OFFICES AND OTHER COMMERCIAL ESTABLISHMENTS, RESIDENCES AND CUSTOMERS LOCATED OUTSIDE THE CORPORATE LIMITS OF THE CITY ON AND AFTER SEPTEMBER 1, 2022; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the City of Freeport, Texas, ("the City") is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,

WHEREAS, Chapter 51 and 402 of the Local Government Code of Texas and Sections 2.01, 2.02, 3.07(n) and (u) of the Home Rule Charter of the City of Freeport authorize the City Council thereof to adopt the provisions of this Ordinance; and,

WHEREAS, the City Council of the City of Freeport has determined to here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of said City and persons owning land therein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

First, Section 52-16 of the Code of Ordinances of the City of Freeport, Texas, is hereby amended to read as follows:

"(A) The city shall furnish water service to customers within the corporate limits of the city and shall charge each customer as follows:

(1) For water furnished to single-family residences and multi-family residences:

0 gal. to 2,000 gal.	\$16.43 (minimum rate)
3,000 gal. to 12,000 gal.	\$5.67 per 1,000 gal.
All over 12,000 gal.	\$7.47 per 1,000 gal.

(2) For water furnished to all other customers, including but not being limited to industrial facilities, offices and other commercial establishments located within the city:

0 gal. to 2,000 gal.	
1" meter	\$23.06 (minimum rate)
1 ½" meter	\$29.67 (minimum rate)
2" meter	\$47.79 (minimum rate)
3" meter	\$181.22 (minimum rate)
4" meter	\$230.92 (minimum rate)
6" meter	\$317.37 (minimum rate)
8" meter	\$477.72 (minimum rate)
10" meter	\$610.28 (minimum rate)
3,000 gal. to 12,000 gal.	\$10.78 per 1,000 gal.
13,000 gal. and up	\$14.21 per 1,000 gal.

(B) The city may furnish water service to customers outside the corporate limits of the city and shall charge each customer as follows:

0 gal. to 2,000 gal.	
1" meter	\$34.61 (minimum rate)
1 ½" meter	\$44.48 (minimum rate)
2" meter	\$71.65 (minimum rate)
3" meter	\$279.56 (minimum rate)

4" meter	\$345.87 (minimum rate)
6" meter	\$518.80 (minimum rate)
8" meter	\$716.43 (minimum rate)
10" meter	\$915.26 (minimum rate)

3,000 gal. and up \$16.15 per 1,000 gal.

(C) The city shall furnish water-only service to customers inside the corporate limits of the city and shall charge each customer as follows:

0 gal. to 2,000 gal.

1" meter	\$32.94 (minimum rate)
1 ½" meter	\$42.36 (minimum rate)
2" meter	\$68.24 (minimum rate)
3" meter	\$258.78 (minimum rate)
4" meter	\$329.35 (minimum rate)
6" meter	\$494.01 (minimum rate)
8" meter	\$682.20 (minimum rate)
10" meter	\$798.96 (minimum rate)

3,000 gal. to 12,000 gal. \$11.36 per 1,000 gal.

13,000 gal. and up \$14.99 per 1,000 gal."

Second, this ordinance is cumulative of and in addition to all other ordinances of the City of Freeport, Texas, on the same subject and all ordinances are hereby expressly saved from repeal.

Third, where this ordinance and another ordinance conflict or overlap, this ordinance shall prevail.

Fourth, nothing contained in this ordinance shall cause any rights heretofore vested to be altered, affected or impaired in

any way and all such rights may be hereafter enforced as if this ordinance had not been adopted.

Fifth, if any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

Sixth, this ordinance shall take effect and be in force after its passage and adoption.

READ, PASSED AND ADOPTED this _____ day of _____, 2022.

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 Items # 6

Title: Consideration and possible action on appointment of Chairman of Freeport TIRZ

Date: July 5, 2022

From: Tim Kelty, City Manager

Staff Recommendation: Staff recommends City Council appoint a Chairman for Freeport Tax Increment Reinvestment Zone Number One.

Item Summary:

In December 2021, City Council made the annual appointment of Chairman of Freeport TIRZ Number 1, naming EDC board member Jeff Pena to that position. With this recent departure from the EDC Board, this position has become vacant, and needs a new appointment for the remainder of 2022.

In order to implement the purposes for which the TIRZ 1 was formed, as set forth in Ordinance No. 2019-2590 approved on December 2, 2019, creating the TIRZ 1, City Council shall annually appoint a member of the TIRZ board to act as Chairman, whose term shall begin on January 1, 2022. The board is comprised of members of the EDC Board and a representative from each participating jurisdiction.

Background Information:

The Freeport TIRZ 1 was established on December 2, 2019. Last year both Brazoria County and Brazosport College elected to contribute to and participate in the TIRZ. The County Commissioners appointed Deputy Constable David Thacker as the County Representative, and Brazosport College appointed Anne Bartlett as their representative.

The TIRZ that was adopted includes all of the Downtown and the OA Flemming property, as well as all the property along the old River from Downtown to the railroad tressel on the north side of the river. The function of the TIRZ is to capture the incremental revenue generated from new assessed value created in the district to be reinvested in the district to facilitate additional economic development in the District. A major effort will be targeted at revitalizing the downtown and the development of the EDC's 8.8 acres along the river.

Special Considerations: None

Financial Impact: None

Board or 3rd Party recommendation:

At the June 27 EDC meeting, the board voted to recommend to City Council that Board member Shondra Marshall be appointed TIRZ Chairman for the remainder of the term.

Supporting Documentation: None



City Council Agenda Items # 7 & 8

Title: Consideration and possible action approving proposed Resolutions of appointments/re-appointments for the open positions on the Charter Review Board, and Senior Citizen Commission.

Date: July 5, 2022

From: Tim Kelty, City Manager

Staff Recommendation:

Staff recommends selection of individuals and the approval of the proposed resolutions to appoint/re-appoint qualified individuals to serve on the above listed Boards and or Commissions.

Item Summary:

Terms have expired on May 31, 2022 on the Senior Citizens Commission, there is two vacant positions. The Charter Review Board, has one vacant position due to the resignation of Donna Hayes. At the time of this memo the city has received applications from individuals who are interested in serving on these Boards and Commissions.

These are active volunteer boards in the city, and filling the vacancy is important to allow for full and representative discussion of important issues.

All board members are appointed to fulfill 2-year terms and serve at the pleasure of City Council. Members may be removed at any time and for any reason as voted on by the majority of City Council.

Background Information: None

Special Consideration: Additionally, the City has the Library Board as well as the Parks and Beautification Committee. Those Boards are supposed to be comprised of 7 members each. At this point we fell far short of applicants for either of these board, even to have a quorum

Financial Impact: None

Supporting Documentation: Resolutions for each Board. Applications received from each individual.

RESOLUTION NO. 2022-2750

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING A QUALIFIED PERSON(S) TO THE FREEPORT SENIOR CITIZENS BOARD OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, the term of office of the Dolores Knox, and Valerie Crosby Board Members of the Freeport Senior Citizen Board of the City of Freeport, Texas ("the City") has expired;

WHEREAS, the term of appointments of the above-board members terminates on May 31, 2022;

WHEREAS, the City Council of the City desires to appoint the below named qualified person(s) as member(s) of said board of members.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

SECTION ONE (1): APPOINTMENT

The City Council of the City hereby nominates, constitutes and appoints the following named qualified person(s) to the Freeport Senior Citizen Board of the City for a term of two (2) years which expires on May 31, 2024, and until a successor for such person shall have been appointed and qualified, to-wit.

SECTION TWO (2): DUTIES

The above-named appointee shall perform all of the duties imposed on members of the Freeport Senior Citizen Board of the City by law.

SECTION THREE (3): OATH OF OFFICE

Before engaging in the performance of the duties of office, appointee shall take the Oath of Office as required by law.

READ, PASSED AND ADOPTED this ____ day of _____, 2022.

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST: _____
Betty Wells, City Secretary
City of Freeport, Texas

RESOLUTION NO. 2022-2754

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING QUALIFIED PERSON(S) TO THE CHARTER REVIEW BOARD OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, the term of office of the members, Donna Hayes, and Sam Reyna named member(s) of The Charter Review Board of the City of Freeport, Texas ("the City") has become vacant with the resignation, before the appointed term;

WHEREAS, the term of appointment of the above member(s) terminates on May 31, 2023 the City desires to appoint/re-appoint the below named qualified person(s) as member(s) of said committee.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

SECTION ONE (1): APPOINTMENT

The City Council of the City hereby nominates, constitutes and appoints or reappoints the following named qualified person(s) to the Charter Review Board of the City for a term of two (2) years which expires on May 31, 2023 and until a successor for such person shall have been appointed and qualified, to-wit.

SECTION TWO (2): DUTIES

The above-named appointee(s) shall perform all of the duties imposed on members of the Planning Commission of the City by law and the ordinances and resolutions of the City.

SECTION THREE (3): OATH OF OFFICE

Before engaging in the performance of the duties of office, each of such appointees shall take the Constitution Oath of Office as required by law.

READ, PASSED AND ADOPTED this ____ day of _____, 2022.

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST: _____
Betty Wells, City Secretary
City of Freeport, Texas



City Council Agenda Items # 9

Title: Consideration and possible action on the appointment of Interim City Attorney

Date: July 5, 2022

From: Tim Kelty, City Manager

Staff Recommendation: Staff recommends City Council appoint an interim City Attorney until a permanent City Attorney can be hired.

Item Summary:

The Freeport City Charter states, "The City Council shall appoint a duly licensed attorney practicing law, who shall become the City Attorney." With the departure of City attorney Chris Duncan on July 15, that position will be vacant. It is critical that the city have in place adequate legal counsel at all times to represent the city in all litigation, act as legal advisor of and attorney and council for the city and all officers and departments of the City.

The law firm of Olson and Olson has provided legal counsel to the city of Freeport in the past, and attorneys from the firm currently act in the capacity of City Attorney for numerous cities in the Houston Metro area and are well versed in all aspects of municipal law.

Attached is a letter of engagement proposed by Olson and Olson to act as interim City Attorney for a period of 60 days beginning on July 16th.

Background Information: None

Special Considerations: Staff is working on an RFP to publish and send out soliciting proposals from qualified legal Counsel, we will provide Council with a packet of the proposals once they are received for review in executive session, to score and select candidates/firms to interview at the meeting following.

Financial Impact: within budget

Board or 3rd Party recommendation: None

Supporting Documentation: Letter of Engagement

OLSON & OLSON^{LLP}
ATTORNEYS AT LAW

June 30, 2022

Via email: tkelty@freeport.tx.us

Tim Kelty
City Manager
200 W. 2nd Street
Freeport Texas, 77541

Re: Engagement of Olson & Olson, L.L.P. by the City of Freeport,
Texas for General Legal Services

Dear Mr. Kelty:

We appreciate the opportunity to submit an offer for our law firm, Olson & Olson, LLP to provide temporary legal services to the City of Freeport, Texas (the "City") during this transition period.

If accepted, this letter agreement confirms our Firm's engagement and sets out the scope of legal services that we will provide to the City. With this understanding in mind, our Firm agrees to advise and represent the City in all matters normally addressed by your City Attorney beginning July 16, 2022.

We will bill monthly as the services are performed. The City will also be responsible for reimbursing the actual cost of any reasonable and necessary expenses we incur on the City's behalf, such as fees for copying services or mailing expenses. We will provide you with a monthly invoice detailing the services performed and any expenses incurred. We will also provide you with any additional information concerning our fees and charges that you deem necessary.

The City may terminate this engagement at any time, by giving us written notice of its intention to do so and payment will only be required for services and expenses incurred prior to termination. We will always immediately make our files on this matter available to you or any other person you may designate.

The Firm agrees to provide legal services under the following general conditions which shall be applicable to any services the Firm provides to the City during the term of this Engagement Letter.

1. Fees for the Firm's Services.

The fees for the Firm's services will be determined by the actual time expended by our lawyers and other professional staff in providing such services. We will bill the City for such on an hourly basis at rates consistent with rates charged to other clients for similar services.

The hourly rates shall be as provided in Exhibit "A" attached, except to the extent different hourly rates are specified for a particular assignment in a separate assignment letter or a modification of the rates shown in Exhibit "A" is approved, in writing, by the City.

The Firm will bill the City monthly as the services are performed. The City will also be responsible for reimbursing the Firm for all reasonable and necessary expenses incurred by the Firm on the City's behalf, including fees for the services of court reporters, court filing fees, copying services, and similar expenses. The Firm will provide the City with a monthly invoice detailing the services performed and the expenses incurred. The City will be responsible for paying those invoices within 30 days of receipt.

The Firm will maintain contemporaneous records of the time devoted to the City's work, including conferences (both in person and over the telephone), negotiations, factual and legal research and analysis, document preparation and revision, travel on the City's behalf, and other related matters. The Firm will record and bill time in units of one-tenth of an hour.

2. Professional Liability Insurance.

The Firm agrees to maintain professional liability insurance coverage, at all times, for the services it provides to the City under this Engagement Letter.

3. Termination.

The City may terminate this engagement at any time, and payment will only be required for services performed and expenses incurred prior to the date of termination. Provided, however, if the Firm is representing the City in litigation that is ongoing at the time of termination, termination shall not be effective until the City has designated another lawyer or law firm to replace the Firm, in representing the City's interests. Upon termination, the Firm will immediately make its files on such matter available to the City or any other person that the City may designate.

4. Choice of law.

All rights and obligations arising under this Engagement Letter shall be governed by the laws of the State of Texas, with venue in Brazoria County, Texas.

5. Cooperation and communication.

The Firm agrees it will keep the City fully advised of all significant developments and will provide the City such written reports on the status of the matters it is handling as may be requested by the City. The City agrees to cooperate fully with the Firm in connection with the Firm's provision of legal services, and to promptly provide all material information known or available to the City that is necessary to the Firm's legal representation of the City. The City agrees to keep the Firm informed on a timely basis of all developments relating to the representation that are or might be important. The City agrees to attend meetings, conferences and proceedings when it is reasonable to do so.

6. File retention policy.

The Firm will maintain its own files, including lawyer work product, pertaining to the representation of the City but it will remain the City's responsibility to maintain such originals or copies of documents as are necessary to meet the City's legal obligations and management needs. The Firm will, at the City's reasonable request, provide copies of any documents that it retains, to the extent such documents have not been discarded in accordance with the Firm's document retention policies.

7. Potential conflicts of interest.

The Firm is committed to the representation of the interests of local governmental entities and their officers and officials and does not believe conflicts are likely to arise. However, when considering whether to accept an assignment under this Engagement Letter, the Firm will undertake reasonable efforts to determine whether there are any potential conflicts of interest that would bar its lawyers from representing the City and will decline the assignment if any conflicts are discovered.

8. Texas Lawyer's Creed and Attorney Complaint Information.

Attached as Exhibit "C" is a copy of the Texas Lawyer's Creed. The Firm encourages its lawyers to practice law in a professional and responsible manner as outlined in the Creed.

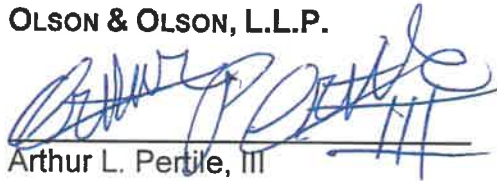
Tim Kelty
City of Freeport, Texas
Engagement Letter
June 30, 2022
Page 4

A brochure entitled "Attorney Complaint Information" is available at our offices and upon request. A client that has any questions about the State Bar's disciplinary process should call the Office of the General Counsel of the State Bar of Texas at 1-800-932-1900.

We trust that this proposal will be satisfactory to you. If so, please sign below and return to the undersigned. If you need any additional information, please notify us and we will provide it to you.

Sincerely,

OLSON & OLSON, L.L.P.



Arthur L. Pertile, III

ACCEPTED:

CITY OF FREEPORT, TEXAS

By: _____
Tim Kelty

Date

City Manager

ATTACHMENTS:

- Exhibit A Hourly Rates
- Exhibit B Insurance Requirements
- Exhibit C Texas Lawyer's Creed

EXHIBIT A

OLSON & OLSON, L.L.P. BILLING RATES

<u>OLSON & OLSON BILLING RATES</u>	<u>OLSON & OLSON BILLING RATES</u>
Brian J. Begle	\$250/hr
L. Scott Bounds	\$250/hr
John J. Hightower	\$250/hr
Loren B. Smith	\$240/hr
Andrea Chan	\$240/hr
David W. Olson	\$240/hr
Art L. Pertile, III	\$240/hr
Charles Williams	\$240/hr
Mary Ann Powell	\$240/hr
Allison Killian	\$225/hr
Justin Pruitt	\$185/hr
Bridgette Begle	\$180/hr
Paralegals	\$100/hr

EXHIBIT B

INSURANCE REQUIREMENTS

The Firm shall procure and maintain, with respect to the subject matter of this Agreement, appropriate insurance coverage with limits to cover the Firm's liability as may arise directly or indirectly, from work performed under the terms of this Agreement.

A current certificate of liability insurance will be submitted to the Purchasing Office.

Policy Requirements

The Firm and all subcontractors performing work for it under this Agreement shall furnish a completed insurance certificate to the City prior to the event, which shall be completed by an agent authorized to bind the named underwriter(s) for coverage, limits, and termination provisions shown thereon, and which shall contain the following:

Professional Liability (Errors and Omissions): Coverage Amount \$1,000,000 per occurrence and \$1,000,000 annual aggregate.

The City shall be entitled, upon request and without expense, to receive copies of the certificate of insurance and the required policies and endorsements.

- (a) The Firm shall notify the City of any change in the required coverage or cancellation and shall give such notices not less than 30 days prior to the change or cancellation. The Firm shall provide a replacement Certificate of Insurance prior to such change or cancellation;
- (b) Provide for notice to the City at the address shown in this Agreement;
and
- (c) The Firm agrees to waive all its officers, employees, agents, assigns, and successors' rights of subrogation against the City, its officers, employees, and elected representatives for injuries, death, property damage, or other loss covered by insurance and the Firm will provide a waiver of subrogation endorsement against the City.

COVERAGES SHALL BE WITH A COMPANY (WITH AT LEAST AN A- BEST RATING) ACCEPTABLE TO THE CITY PURCHASING AND RISK MANAGEMENT DEPARTMENT AND A COPY OF THE CERTIFICATE OF COVERAGE SHALL BE DELIVERED TO THE CITY ON OR BEFORE THE DATE OF THIS AGREEMENT.

EXHIBIT C

The Texas Lawyer's Creed

I am a lawyer. I am entrusted by the People of Texas to preserve and improve our legal system. I am licensed by the Supreme Court of Texas. I must therefore abide by the Texas Disciplinary Rules of Professional Conduct, but I know that professionalism requires more than merely avoiding the violation of laws and rules. I am committed to this creed for no other reason than it is right.

Our Legal System

A lawyer owes to the administration of justice personal dignity, integrity, and independence. A lawyer should always adhere to the highest principles of professionalism.

1. I am passionately proud of my profession. Therefore, "My word is my bond."
2. I am responsible to assure that all persons have access to competent representation regardless of wealth or position in life.
3. I commit myself to an adequate and effective pro bono program.
4. I am obligated to educate my clients, the public, and other lawyers regarding the spirit and letter of this Creed.
5. I will always be conscious of my duty to the judicial system.

Lawyer to Client

A lawyer owes to a client allegiance, learning, skill, and industry. A lawyer shall employ all appropriate means to protect and advance the client's legitimate rights, claims, and objectives. A lawyer shall not be deterred by any real or imagined fear of judicial disfavor or public unpopularity, nor be influenced by mere self-interest.

1. I will advise my client of the contents of this Creed when undertaking representation.
2. I will endeavor to achieve my client's lawful objectives in legal transactions and in litigation as quickly and economically as possible.
3. I will be loyal and committed to my client's lawful objectives, but I will not permit that loyalty and commitment to interfere with my duty to provide objective and independent advice.
4. I will advise my client that civility and courtesy are expected and are not a sign of weakness.

EXHIBIT C

5. I will advise my client of proper and expected behavior.

6. I will treat adverse parties and witnesses with fairness and due consideration. A client has no right to demand that I abuse anyone or indulge in any offensive conduct.

7. I will advise my client that we will not pursue conduct which is intended primarily to harass or drain the financial resources of the opposing party.

8. I will advise my client that we will not pursue tactics which are intended primarily for delay.

9. I will advise my client that we will not pursue any course of action which is without merit.

10. I will advise my client that I reserve the right to determine whether to grant accommodations to opposing counsel in all matters that do not adversely affect my client's lawful objectives. A client has no right to instruct me to refuse reasonable requests made by other counsel.

11. I will advise my client regarding the availability of mediation, arbitration, and other alternative methods of resolving and settling disputes.

Lawyer to Lawyer

A lawyer owes to opposing counsel, in the conduct of legal transactions and the pursuit of litigation, courtesy, candor, cooperation, and scrupulous observance of all agreements and mutual understandings. Ill feelings between clients shall not influence a lawyer's conduct, attitude, or demeanor toward opposing counsel. A lawyer shall not engage in unprofessional conduct in retaliation against other unprofessional conduct.

1. I will be courteous, civil, and prompt in oral and written communications.

2. I will not quarrel over matters of form or style, but I will concentrate on matters of substance.

3. I will identify for other counsel or parties all changes I have made in documents submitted for review.

4. I will attempt to prepare documents which correctly reflect the agreement of the parties. I will not include provisions which have not been agreed upon or omit provisions which are necessary to reflect the agreement of the parties.

EXHIBIT C

5. I will notify opposing counsel, and, if appropriate, the Court or other persons, as soon as practicable, when hearings, depositions, meetings, conferences or closings are canceled.

6. I will agree to reasonable requests for extensions of time and for waiver of procedural formalities, provided legitimate objectives of my client will not be adversely affected.

7. I will not serve motions or pleadings in any manner that unfairly limits another party's opportunity to respond.

8. I will attempt to resolve by agreement my objections to matters contained in pleadings and discovery requests and responses.

9. I can disagree without being disagreeable. I recognize that effective representation does not require antagonistic or obnoxious behavior. I will neither encourage nor knowingly permit my client or anyone under my control to do anything which would be unethical or improper if done by me.

10. I will not, without good cause, attribute bad motives or unethical conduct to opposing counsel nor bring the profession into disrepute by unfounded accusations of impropriety. I will avoid disparaging personal remarks or acrimony towards opposing counsel, parties and witnesses. I will not be influenced by any ill feeling between clients. I will abstain from any allusion to personal peculiarities or idiosyncrasies of opposing counsel.

11. I will not take advantage, by causing any default or dismissal to be rendered, when I know the identity of an opposing counsel, without first inquiring about that counsel's intention to proceed.

12. I will promptly submit orders to the Court. I will deliver copies to opposing counsel before or contemporaneously with submission to the Court. I will promptly approve the form of orders which accurately reflect the substance of the rulings of the Court.

13. I will not attempt to gain an unfair advantage by sending the Court or its staff correspondence or copies of correspondence.

14. I will not arbitrarily schedule a deposition, court appearance, or hearing until a good faith effort has been made to schedule it by agreement.

15. I will readily stipulate to undisputed facts in order to avoid needless costs or inconvenience for any party.

16. I will refrain from excessive and abusive discovery.

EXHIBIT C

17. I will comply with all reasonable discovery requests. I will not resist discovery requests which are not objectionable. I will not make objections nor give instructions to a witness for the purpose of delaying or obstructing the discovery process. I will encourage witnesses to respond to all deposition questions which are reasonably understandable. I will neither encourage nor permit my witness to quibble about words where their meaning is reasonably clear.

18. I will not seek Court intervention to obtain discovery which is clearly improper and not discoverable.

19. I will not seek sanctions or disqualification unless it is necessary for protection of my client's lawful objectives or is fully justified by the circumstances.

Lawyer and Judge

Lawyers and judges owe each other respect, diligence, candor, punctuality, and protection against unjust and improper criticism and attack. Lawyers and judges are equally responsible to protect the dignity and independence of the Court and the profession.

1. I will always recognize that the position of judge is the symbol of both the judicial system and administration of justice. I will refrain from conduct that degrades this symbol.

2. I will conduct myself in Court in a professional manner and demonstrate my respect for the Court and the law.

3. I will treat counsel, opposing parties, the Court, and members of the Court staff with courtesy and civility.

4. I will be punctual.

5. I will not engage in any conduct which offends the dignity and decorum of proceedings.

6. I will not knowingly misrepresent, mischaracterize, misquote or miscite facts or authorities to gain an advantage.

7. I will respect the rulings of the Court.

8. I will give the issues in controversy deliberate, impartial and studied analysis and consideration.

9. I will be considerate of the time constraints and pressures imposed upon the Court, Court staff and counsel in efforts to administer justice and resolve disputes.

About Our Firm

Lawyers at Olson & Olson, LLP, are highly qualified to provide legal advice to the City of Freeport. We are highly experienced with the local government needs of municipalities within Brazoria County. Our lawyers have developed relationships with local governmental entities built on a shared vision and sound judgment. We fully understand that the City Attorney is appointed by and serves at the pleasure of City Council and City Manager.

Each of our attorneys is highly knowledgeable and experienced with the Texas Local Government Code, Texas Water Code, Texas Open Meetings Act, Texas Public Information Act, and Contract Law, among other areas of local government law. We are experienced and have strong knowledge of municipal law, municipal finance, employment law, land use regulations, and eminent domain law. We are highly experienced with cities who operate with structured municipal departments such as police, fire, emergency medical services, parks and recreation, streets and drainage, solid waste, development, public works, and administrative services. We are also highly experienced with public safety, municipal prosecutions, building inspections, and code enforcement guidelines.

The greatest benefit we can offer our clients is the utilization of a practice that is built on almost five (5) decades of knowledge, experience, and skills as providers of legal services that have been compounded since 1974 when our firm made the conscious decision to represent local governmental entities exclusively. We value the opportunities to work with elected and appointed officials, assisting them in understanding and complying with the complex laws that impact local government, and aiding them in carrying out the responsibilities of their offices.

As we have demonstrated in our history of working with clients, we will work closely with you and your staff to resolve issues quickly, efficiently, and as economically as possible. The strategies we employ will be proficient and our experience will be geared to cost control. We will represent the City on a variety of legal matters requiring familiarity with the City's Code of Ordinances, City policies, applicable state and federal laws, and transparency requirements.

As evident during the COVID-19 pandemic period, our Firm has remained fully operational, responding to the needs of all clients. We can meet through Zoom and webcam for council meetings, trial depositions, mediations, interviews, and committee meetings.

Lawyers at Olson & Olson, LLP have worked closely with local government leadership and managerial staff. Each of our attorneys is licensed to practice law in the State of Texas and is in good standing with the Texas Bar. We stand by our history of representing many of our clients for decades. A partial listing of our clients where we serve as General Counsel in Brazoria County includes the Brazoria County Drainage District No. 4, and the cities of West Columbia, Danbury, and Village of Jones Creek. We have also provided special projects for Pearland, Brazoria, Angleton, Lake Jackson, Alvin, Clute, Iowa Colony, and the Brazoria County Appraisal District on various occasions through contract work and with the Texas Municipal League's Insurance Risk Pool for many years.

Olson & Olson's litigation experience is strong. The Firm continues to follow in its founder's footsteps, concentrating its practice in providing quality legal services to special districts, and other units of local government. Olson & Olson's leadership role in the area of local government law has been recognized annually by U.S News & World Reports as a Top Tier law firm in the practice areas of Municipal Law and Litigation – Municipal. Today, the attorneys at our Firm offer a substantial amount of cumulative legal experience to our clients across the state from our offices in Houston, Texas.

As experienced municipal lawyers, we have built a reputation of excellence in working and maintaining a close and trusted relationship with our clients while exercising neutrality and impartiality.

Qualifications and Background

Lawyers

Partner David W. Olson is the attorney who will be designated as the point of contact for the City of Freeport. He will be assisted by members of our municipal team, as designated. David has been part of the Olson & Olson team since 2005. His prior experience as a real estate appraiser of commercial property served as a foundation for a career defending appraisal districts and other local government entities. David is an experienced negotiator who is also highly effective in drafting contracts, resolutions, releases, and ordinances. David can help you create and defend land regulations, annexations, zoning regulations, subdivision regulations, economic development opportunities, charter amendments, utility franchising, land acquisition/eminent domain, building and construction regulations, and municipal incorporation. David frequently speaks to groups on the subject of ethics, Texas Open Meetings Act, the Public Information Act, annexation, and legal concerns of City Government. David is involved as part of Olson & Olson's educational services team, providing annual training for city council members and Board of Adjustment members, as well as to local governmental entities.

Additionally, David can rely on assistance from the other members of our firm. Our law firm consists of 36 lawyers, some of whom serve on an "*Of Counsel*" status and others whose practice primarily handles special districts. Olson & Olson recognizes the strength that comes from the experiences of a diverse legal team and is staffed by approximately 70 people, including attorneys, paraprofessionals and support staff. Almost half of our attorneys are women. We are committed to implementing and fulfilling firm policies that focus on diversity, equity, and inclusion. Please refer to our website, www.olsonllp.com for a profile of each practicing attorney and more information about our firm.

Since 2003, Olson & Olson has presented an annual local government seminar on a variety of topics for clients and city attorneys that is accredited by the State Bar of Texas. Based on each year's syllabus, our seminar has qualified for a range of 5 to 6 CLE hours, including ethics hours. The educational tracts cover information and material applicable for city attorneys, human resource professionals, city managers, municipal department officials, first responder specialists, and ad valorem assessment/taxation, among others. Olson & Olson does not charge a registration fee for this day-long event and our participation list includes many assistant city attorneys and other employees from the cities throughout Texas. Registration for this event ranges between 300 and 325 participants.

Olson & Olson, LLP's Availability and Capacity To Provide Legal Services

As a premier municipal law firm in Texas, lawyers at Olson & Olson have routinely and successfully handled local government law matters. Most of our municipal attorneys have acted as general counsel for many different cities and governmental entities. We are able to provide consultation and assistance in all areas of local government. Olson & Olson, LLP attorneys are highly experienced and extremely familiar with general municipal law and stay abreast of legislation affecting cities outside the scope of billable services. We hold an associate membership with the Texas Municipal League and receive updates and summaries as soon as state legislation changes are decided by the judiciary. Our office is conveniently located at the Wortham Tower of the AIG Complex at 2727 Allen Parkway, between Montrose Boulevard and Waugh Drive in Houston, Texas, approximately 60 miles away from the City of Freeport. All phone calls are answered by our office receptionist during business hours and individual attorneys can also be readily reached through cell phones and/or email messages for a timely response.

We identify your desired outcome and proceed with our skills and knowledge to complete the task as quickly and efficiently as possible. After more than 48 years in municipal government, there is hardly a situation we have not seen. Our leadership holds team meetings routinely and we advocate collective mindfulness for consistency in our legal practice. We are prepared to attend meetings on short notice and, when necessary, we can appear via webcam, Zoom, or conference call. Our objective is to provide legal services and to ensure a timely response to, and for completion of, your schedules and deadlines.

Olson & Olson operates a state-of-the-art case and matter management software system that integrates time entry, billing and accounting capabilities for production of billing statements, which we will provide monthly. This is a multi-faceted tool that fulfills our accountability and also helps maintain a record of continuity and documented history of projects requiring legal services. We will provide progress reports, status reports, recommendations, and opinions routinely. As one of our clients recently acknowledged about our performance and billing rate, "It's not about the hourly rate; it's about the bill at the end of the month." Olson lawyers solve complicated problems quickly.