

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Tuesday, February 22, 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 by phone

Staff: Tim Kelty, City Manager  
Betty Wells, City Secretary  
Cathy Ezell, Finance Director  
Chris Duncan, City Attorney  
Lance Petty, Public Works Director  
Chris Motley, Fire Chief  
Kacey Roman, Building Official  
Thomas Thornton, Freeport Fire/EMS  
Mike Praslicka, Deputy Chief  
Justin Davison, Freeport Fire/EMS  
Abdeil Martinez, Freeport Fire/Ems  
Kris Vierra, Freeport Fire/EMS  
Parker Jones, Freeport Fire/EMS  
Brian Dybala, Municipal Golf Course Director  
Ray Garivey, Freeport Police Chief  
Clarisa Molina, Administrative Assistant  
LeAnn Strahan, Destinations Director

Visitors: Raven Wuebker  
Tommy Pearson  
Dr. Kody Gordel  
Shonda Marshall  
Gina Adams  
Natalie Briers  
John Garcia  
Melanie Oldham  
Desiree Pearson  
Willie Howell  
Landis Adams  
Keith Stumbaugh  
Janie Estrello

**Call to order.**

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

## **INVOCATION AND PLEDGE OF ALLEGIANCE:**

Invocation was led by City Manager Tim Kelty, Pledge was led by Mayor Bass.

## **CITIZENS' COMMENTS:**

Natalie Briers introduced herself to council as a candidate running for Brazoria County Treasurer.

Dr. Kody Gordel, Vet for the Freeport Vet Clinic, spoke to council about the new Boarding Facility. He said he wanted to invite Mayor, Councilman, City Officials and citizens to the Grand Opening on the new Boarding Facility. Dr. Gordel said there will be an open house on this Saturday and Sunday. There will be a ribbon cutting Saturday at 10AM.

Keith Stumbaugh said he encourages the city to use common sense. He said the ordinance that was adopted for disclosure on all City Council and Board Members. Mr. Stumbaugh said for elected officials this makes sense, but for volunteers of our Boards and Committees, it just doesn't make any sense. Mr. Stumbaugh said that the fence ordinance needs to be looked at and maybe revised to allow higher than a 6-foot fence.

Landis Adams spoke to council about the Business Expo that will be Thursday February 24, 2022. He said there will Vendors, and Speakers, it is a great resource to businesses. Mr. Adams said there will be a ribbon cutting at 10 AM.

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

### Presentation of Employee of the month for January 2022.

City Manager presented the Employee of the Month to Thomas Thornton for the month of January 2022.

## **CONSENT AGENDA:**

Consideration and possible action on the approval of City Council meeting minutes from February 7, 2022.

Consideration and possible action on the approval of street closures for the Spring Market Days, on Saturday March 26 and Saturday May 14, 2022.

On a motion by Councilman Cain, seconded by Councilman Muraira. With all present voting "Aye" 5-0 vote, Council unanimously approved the Consent Agenda

## **COUNCIL REGULAR AGENDA:**

Consideration and possible action on Ordinance 2022-2659 amending Ordinance 2021-2648 requiring all City Council and Public Board Members to disclose: all current Real Estate Assets in Brazoria County held in their personal name, immediate family's name, business name. All Business Entities owned and partnered in Texas. Any and all business agreements with any other Board or Council member. Any and all agreements or contracts with the City.

Mayor Bass presented to council Ordinance 2022-2659 amending Ordinance 2021-2648. Mayor Bass said this is to amend Ordinance 2021-2648 which requires City Council, and all Board Members to disclose their all current assets in their name, dependants name, or spouses name. He said the proposed

ordinance will remove the Board Members. Mayor Bass spoke about Ordinance No. 2019-2567, this is the Ethics Ordinance, this was passed in 2019.

On a motion by Councilman Cain to approve Ordinance No. 2022-2659 amending Ordinance No. 2021-2648 requiring all City Council and Public Board Members to disclose: all current Real Estate Assets in Brazoria County held in their personal name, immediate family's name, business name. All Business Entities owned and partnered in Texas. Any and all business agreements with any other Board or Council member. Any and all agreements or contracts with the City. Seconded by Councilman Brimage, with discussion that followed.

Councilman Pena said he wanted to remind council the reason for the ordinance, it is for transparency. He said the public trust is broken. Councilman Pena said if the Board Members don't want to serve, because they do not want disclose, then maybe they aren't fit for the board.

Councilman Muraira said perception of the public is that Freeport is corrupt. He said if anything the EDC should disclose. He said he thinks it is important that the public know we are transparent. He said the public's trust is lost in our city. He said as an elected official we should be transparent.

Mayor Bass read a portion of Ordinance No. 2019-2567, the Ethics Ordinance and said this already covers this matter.

Councilman Cain said for elected officials, as with any organization, leadership starts at the top, and we lead by example. He said the boards are appointed by council and there is a council liaison to each board. He said if we are doing our job properly, then the proper people are being appointed to the proper the boards. He said he feels that we did this wrong by including the boards. Councilman Cain said he hopes anyone that resigned from a board, due to this ordinance, will reapply, and they will have his vote.

Mayor Bass called the motion for a vote, with all voting 3-2 Council approved Ordinance No. 2022-2659. Councilmen Muraira and Pena voted "Ney".

#### Consideration and possible action on the approval of street closures for the Earth Day and Wellness Market on April 23, 2022.

LeAnn Strahan, Destinations Director, presented to council the possible action on the approval of street closures for the Earth Day and Wellness Market on April 23, 2022. Ms. Strahan said this is not a city event. She said the road closures will be from 9 AM – 5:30 PM. Ms. Strahan said the Historical Board recommends a Conditional Use Agreement. She said staff recommends this as well.

On a motion by Councilman Muraira, seconded by Councilman Pena, with discussion that followed.

Mayor Bass asked City Attorney Chris Duncan if this agreement is something he can get done? Mr. Duncan said that he can get the agreement done.

Mr. Alfred Aguirre spoke to council about the event. He said there will be about 50 Vendors, Vegan Food Trucks, bounce houses for the kids, as well as kid yoga. He said this is energetic help, to get people healthier.

Mayor Bass called the motion for a vote, with all present voting "Aye" 5-0 vote, Council unanimously approved the street closure for the Earth Day and Wellness Market on April 23, 2022.

Consideration and possible action on approval of Construction Contract with Lucas Construction Company, for Phase 1 Concrete street reconstruction based on bid award approved on January 24, 2022.

City Manager Tim Kelty presented to council the possible action to approve the Construction Contract with Lucas Construction Company for Phase 1 Concrete street reconstruction based on bid award that was approved January 24, 2022. Mr. Kelty said the notice of award was to Lucas Construction on January 24, 2022.

On a motion by Councilman Cain, seconded by Councilman Pena to approve the Construction Contract with Lucas Construction Company for Phase 1 Concrete street reconstruction. With discussion that followed.

Councilman Pena asked what the total mileage is? Mr. Kelty said he does not have this information with him.

Mayor Bass called the motion for a vote. With all present voting "Aye" 5-0 vote, Council unanimously approved Construction Contract with Lucas Construction Company.

Consideration and Possible action on approval of Construction Contract with Covarubias Remodeling Services for public works offices based on bid award approved on January 24, 2022.

City Manager Tim Kelty presented to council the approval of Construction Contract with Covarubias Remodeling Services for the Public Works offices. Mr. Kelty said the notice of award was to Covarubias on January 24, 2022.

On a motion by Councilman Brimage, seconded by Councilman Cain to approve the Construction Contract with Covarubias Remodeling Services for the Public Works offices. With discussion that followed.

Councilman Pena asked if the demolition was included in this contract. Mr. Kelty said no, the demo of the existing building is not part of this contract. Councilman Pena said this is the lowest bid, he said the demo not being included is concerning to him. He hopes that we can come under budget.

Mayor Bass called the motion for a vote. With all present voting "Aye" 5-0, Council unanimously approved Construction Contract with Covarubias Remodeling Services for the Public Works offices.

Consideration and possible action on Architectural agreement with IAD Architects for preliminary Architectural design for Freeport Municipal Golf Course, Club House.

City Manager Tim Kelty presented to council the Architectural agreement with IAD Architects for preliminary Architectural design for Freeport Municipal Golf Course, Club House. He said last year at the Strategic Planning, council brought up developing a new clubhouse for the Golf Course with additional facilities. IAD provided a proposal for preliminary architectural design for the new clubhouse. Mr. Kelty said it did come in under budget. He said the cost is \$13,000, original budget was for \$30,000. He said this is work that is necessary in order to properly scope and plan for the project and provide preliminary cost estimates for construction. Once completed the city will have enough information to determine how it needs to proceed with the project.

Councilman Pena asked if we entertained any other architectural companies? Mr. Kelty said staff did and RFP last year regarding architectural services for the city hall design. IAD was selected as the most

responsive and best service provider, and they are local, with significant experience in this regard. That RFP process was recent enough to be carried through to this project. Councilman Pena said the recommendation for a new clubhouse is to upgrade from what we have, we need to make sure the restaurant space is included in this. Councilman Pena asked if there will be a committee that will be allowed to work with the firm? Mr. Kelty said he appreciates council input and will plan to form a committee with that includes council representation as well as users of the Course.

On a motion by Councilman Pena to include the review board of one Council Person, two users of the course, and Golf Course Director Brian Dybala, seconded by Councilman Cain. With all present voting "Aye" Council unanimously approved the Architectural agreement with IAD Architects for preliminary Architectural design for Freeport Municipal Golf Course, Club House.

Consideration and possible action on Resolution 2022-2740 amending Master fee schedule setting rate for rental of Recreation Center.

City Manager Tim Kelty presented to council Resolution No. 2022-2740 amending the Master Fee Schedule setting rate for rental of Recreation Center. He said the city rents out many facilities. There was a request recently to rent the rec center. This is for a boxing club event. Staff is recommending \$250 for eight hours, and \$20 for any extra hour over, and a \$300 refundable damage deposit.

On a motion by Councilman Pena, seconded by Councilman Cain, with discussion that follows.

Councilman Pena asked if there will be booths or food trucks, and will they have the proper permits? Mr. Kelty said the tenant might have food trucks and they would be required to be properly permitted.

Councilman Cain asked what the liability will be if anyone gets hurt? City Attorney Chris Duncan said he will draw up an agreement. Mr. Duncan said he also recommends security.

Mayor Bass called the motion for a vote. With all present voting "Aye" Council unanimously approved Resolution No. 2022-2740 amending the Master Fee Schedule setting rate for rental of Recreation Center.

## **WORK SESSION:**

Mayor Bass said there needs to be a letter or phone call to TXDOT the 288 road repairs are almost gone. He said the patches are almost gone and the road is as bad as it was before.

Councilman Pena said the amended ordinance was written to encourage transparency. He said we encourage people to act in the best interest of the city. He said he is curious of the disclosure form, he asked if it is a legal instrument? Mr. Duncan said yes. Councilman Pena asked if the form was vetted by Mr. Duncan, and if not, he is curious as to why we would put our city at risk. Mr. Duncan said he did not put the form together. Mr. Duncan said he will review the form. Mayor Bass said that there is now an additional 30 days to get it turned in to staff. Councilman Pena asked about the lights on 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Streets. He asked why they have not been energized. Mr. Kelty said he would call and find out. Councilman Pena spoke about the Business Expo on Thursday that will be held at Riverplace. He spoke of the grants for businesses through the EDC and the Mardi Gras Parade, that is being sponsored by the EDC.

Councilman Cain said that it was stated by a citizen he was involved in the interview process for Ms. Roman Building Official. Councilman Cain spoke about a vacant house at 1510 W. 5<sup>th</sup>, he said the windows are boarded up, holes in the roof and the garage door is falling off. He asked Ms. Roman if she

could please look into this. Mr. Kelty spoke of the houses that are going to the BOA. Budgeted for the demos this year is \$75,000 and it cost about \$10,000 to take the structures down.

Councilman Muraira said 7<sup>th</sup> Street across from Arrington Park in the 1700 Block there is a dip in the road, he said the dip has gotten bigger it looks like it can be a hazard now. Mr. Petty said he will look at this tomorrow morning.

Councilman Brimage thanked Lance Petty and his crew on the job well done for the sidewalk down from Velasco Bridge. Councilman Brimage asked City Manager Kelty if there is an update from the Air Quality Test on City Hall yet? Mr. Kelty said the report came back on Friday, he said he will be reviewing this with the company. Mr. Petty said the summary came in on Monday night, and he sent it to Mr. Kelty as well. Mayor Bass asked if the building is safe? Mr. Kelty said there a couple or areas of concern.

Mayor Bass asked if there is anything of immediacy that will cause us to shut it down? Mr. Petty said he needs to look at it a little closer to determine this, but it seems the issues that are causing this is the humidity in the building. Mr. Petty said when we redo this building we need to be sure a put dehumidifier through out the building. Mayor Bass asked where we stand with Hunton. Mr. Petty said we have bypassed Hunton and contacted the actual company for the boiler, they are supposed to be down tomorrow to repair the thermostat control valve. Mayor Bass said if Hunton has responsibility on this to please get the information to Mr. Duncan, so it can be reviewed.

Councilman Muraira asked if the sidewalk that comes off of the Velasco Bridge is part of the program that was budgeted? Mr. Petty said we budgeted \$150,000 for concrete every year. Councilman Muraira asked if he could get a list of the sidewalk repairs emailed to him. Councilman Pena asked if the AC works in City Hall? Mr. Petty said yes.

Councilman Pena asked if we are replacing the duct work when we begin the rehab? Mr. Petty said the ducts were cleaned, and some treatment was done, and there is an ultraviolet light installed. He said the report came back, and the air handlers do need to be adjusted. There was discussion about the Service Center employees. Councilman Pena said he wants to make sure the employees are safe. Mr. Kelty said this is why we are moving forward on the new building for the Service Center. Councilman Brimage said he wants to make sure there is nothing in the report for City Hall that can be affecting the current employees that are in the building right now. He also said he wants to make sure that we are not putting money into this building that we cannot recover. Mayor Bass said he agrees with this completely. Mr. Kelty said he will be sending this report out to Council as well as City Staff in the next few days.

Tim Kelty said Ms. Roman has a presentation. She spoke of all the improvements that has been done for the Building/Code Department. She said there are checklists, handouts, and all new forms. She said the forms are all in English and Spanish. Mr. Kelty said Lance and Cathy are working on a monthly report for council, this will give an update of the status of everything that has been approved by council, and planned in the budget.

Update on reports / concerns from Department heads

## **CLOSED SESSION:**

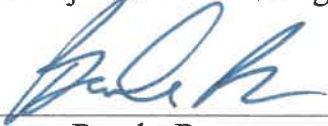
Open session was closed at 7:19 pm and Council entered into Executive Session.

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

Executive session was closed at 8:13 pm, and entered back into Open Session.

Adjourn

On a motion by Councilman Cain, seconded by Councilman Pena, with all present voting "Aye", Mayor Bass adjourned the meeting at 8:14 P.M.



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Mayor, Brooks Bass  
City of Freeport, Texas



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City Secretary, Betty Wells  
City of Freeport, Texas