

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, May 16, 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

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

Visitors:

David McGinty	George Matamoros
Kenny Hayes	Edith Fisher
Sandra Shaw	Bob Casale
Shonda Marshall	Sam Reyna
Raul Ramirez	Julian Arejalo
Con McCleaster	Diane McCleaster
Desiree Pearson	Sabrina Brimage
Tommy Pearson	Brent Bowles
Pam Dancy	

Call to order.

Mayor Pro Tem, Cain, 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 Pro Tem, Cain.

CITIZENS' COMMENTS:

Bob Casale asked that Mr. Kelty produce Mr. Casale's gate. He also said that Mr. Kelty suggested that he, Mr. Casale should try and acquire the roadway.

Julian spoke of when it rains on West 12 Street, the water rises. He said the drainage is full of grass. He asked who is responsible, the City or Velasco Drainage?

George Matamoros 1722 North Ave O spoke of the upcoming appointments. He said the Boards have members that serve for a long time. He said that Mr. Pena and Mr. Marquez should not be reappointed. He said the EDC is to help bring new homes, and new businesses. He asked how the two investigations are going?

PRESENTATION/ANNOUNCEMENTS:

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

This was tabled until the June 6 meeting.

Presentation by Brazosport Chamber of Commerce of the Annual Tourism Report

Edith Fischer presented to council the Annual Tourism Report.

Presentation by the US Army Corps of Engineers, on the status of the Freeport Project prior to the virtual public meetings.

Ed Irigoyen with the US Army Corps of Engineers, presented to council the status of the Freeport Project prior to the virtual public meetings. He announced the next dates for next virtual meeting, May 24 & 26 11:30-1:00.

CONSENT AGENDA

Consideration and possible action on the approval of City Council meeting minutes from April 18, 2022, and May 2, 2022.

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

A motion was made by Councilman Muraira, seconded by Councilman Pena with all present voting "Aye" 4-0 council unanimously approved item numbers 4 & 5 on the consent agenda. Item #6 was moved to Regular Session at the request of Councilman Pena.

COUNCIL REGULAR AGENDA

Consideration and possible action on the road closure of 2nd Street for bridge repair by Union Pacific

City Manager Tim Kelty, said Union Pacific has requested that we authorize up to a one-week window for the closure of 2nd Street, for bridge repair by Union Pacific. He said the height of the bridge is not changing. He said he is asking council to authorize him to approve this closure this summer when the dates are finalized. Mr. Kelty said warnings will be set up a head of time, to let the businesses and residences know of this closure.

Councilman Pena asked what is the traditional lead time notice of this? Mr. Kelty said one week of notice. Councilman Pena asked if we will facilitate the reroute? Mr. Kelty said the contractor will be responsible for the signage.

A motion was made by Councilman Pena seconded by Councilman Muraira with all present voting "Aye" 4-0 council unanimously approved the request authorizing the City Manager to approve closure of 2nd Street for bridge repair by Union Pacific.

Consideration and possible approval for Resolution No. 2022-2746 for the renewal of Tax Abatement Policy.

City Manager Tim Kelty, presented to council the possible approval of Resolution No. 2022-2746 for the renewal of Tax Abatement Policy. He said this is to renew the Tax Abatement Policy. He said he does not recommend any changes to this policy, and this will renew for another two years. He said this does not affect the Tax Abatement that is currently being discussed.

Councilman Pena asked if we have a flyer that we can use for businesses? Mr. Kelty said the policy itself. He said anyone that is interested can look at this policy.

A motion was made by Councilman Pena, seconded by Councilman Muraira with all present voting "Aye" 4-0 council unanimously approved Resolution No. 2022-2746 for the renewal of Tax Abatement Policy.

Consideration and possible action regarding awarding bid for 2021 Community Development Avenue G and H Sanitary Sewer Line and Manhole Rehab, to Texas Pride Utilities, LLC, and authorizing the City Manager to execute the contract.

Finance Director, Cathy Ezell presented to council the possible action awarding bid for 2021 Community Development Avenue G and H Sanitary Sewer Line and Manhole Rehab, to Texas Pride Utilities, LLC, and authorizing the City Manager to execute the contract. She said this is part of the Community Development Block Grant, that was received from the County. Ms. Ezell said we did go out for bids, and Freese and Nichols did recommend awarding the bid to Texas Pride Utilities, LLC, for \$193,090 they did come in under budget.

Councilman Pena asked if Veolia is covering any of this in their contract with the city? Ms. Ezell said no, this is covered under the Grant.

Councilman Muraira asked if are under budget? Ms. Ezell said yes, we are under budget. County awarded \$260,000. And bid came in at \$193,090. Councilman Muraira, asked if we can go with CZ Construction? Mr. Duncan, City Attorney said we are required to go with the lowest bidder. Councilman Muraira said that he would like to point out that this reviews for this company, was negative.

A motion was made by Councilman Muraira, seconded by Councilman Cain with all present voting "Aye" 4-0 council unanimously approved the possible action regarding awarding bid for 2021 Community Development Avenue G and H Sanitary Sewer Line and Manhole Rehab, to Texas Pride Utilities, LLC, and authorizing the City Manager to execute the contract.

Discussion and direction from council regarding bid and contract for City Hall renovation.

City Manager Tim Kelty said the city went out for bids for the City Hall Renovations, We only received one bid, and it came in \$1.46 Million over budget. He said staff needs the guidance and direction from council on how it would like to proceed.

Councilman Brimage said he is opposed to the \$3.1 Million to the remodel of City Hall. He said when he was Mayor he really like the idea of converting the O.A. Fleming School as City Hall. He said this City Hall is infested in mold, and we are having our employees go to work there every day. It is not worth dumping more money in. It is a money pit. We need to get out of this building as soon as possible. Councilman Brimage asked Mr. Bowles what the possible cost would be to build a new City Hall building?

Brent Bowles with IAD, said cost of materials have gone up. He said it would probably be \$250-\$300, per sq. feet. Councilman Brimage asked how many sq. feet is being occupied by city offices? Mr. Bowles said approximately 20,000 sq. feet. Brent Bowles said we will not be getting a state of an art building with the \$3.1 Million.

Councilman Pena said he asked Mr. Kelty back in March, when City Hall was being moved to the 3rd floor about the mold in City Hall. He asked if the 3rd floor was tested for mold? Mr. Kelty said the 3rd floor was not tested for mold there was no reason to suspect mold being an issue on the 3rd floor. Councilman Pena said we need to get this tested, we need to know if we should even be occupying this building. And we need to know where we are at on the rehab of this building.

A motion was made by Councilman Pena to table this item, seconded by Councilman Muraira. With discussion that followed

Councilman Cain said he agrees with both Councilman Brimage, and Councilman Pena, we need to find out how much mold is in the building, and the cost to get it taken care of. He said \$3 Million is a lot of money. If we can build a new building for the same dollar amount, then this may be the way to spend the money.

Councilman Muraira said \$3 Million is a lot.

Mayor Pro Tem, Cain called the motion for a vote, with a 4-0 vote council approved to table the direction from council regarding bid and contract for City Hall renovation.

Pam Dancy suggested putting a cap on the price.

Discuss and take Possible action on Regular and Bulk Trash Services by City of Freeport and Ameri-waste; review of Contract

Councilman Cain said there had been a discussion with AmeriWaste, and there were a lot of ideas brought out. However, they were all ideas, no conclusions with no associated costs proposed that AmeriWaste and the City can live with. He said his opinion, until we get hard information, this item should be tabled until we get this, so unless there is any objection I will table this item.

The item was tabled

Councilman Pena said we still need to allow public comment.

George Matamoros said when you look at social media, there is a problem with the trash. But he said the problem is that residents are not in compliance, and then want to complain. He said he believes the city should start fining.

Julian said the residents are being irresponsible. He said the city is not doing their job.

Kenny Hayes said he disagrees with Pena and Muraira posting on social media the issues with the trash service. Councilman Muraira and Councilman Pena both denied making social media post over trash issues Mr. Hayes said were made.

Sam Reyna read a portion of the AmeriWaste contract. He said the contractor is dictating the contract. He said that the company does not have proper equipment for bulk trash.

Sabrina Brimage spoke to council about the contract. She asked if City Attorney read the contract? She also said if a resident has a question on pickup, all workers should answer these questions consistently.

Desiree Pearson suggested placing stickers on the cans of heavy pickup days. And an explanation of why the trash was not removed.

Shonda Marshall suggested more education.

Councilman Muraira asked what would it take to go back to Waste Connections? Chris Duncan said this item has been tabled.

Discuss and take Possible action on Street and Curb Striping and Signage on previously requested and newly requested streets in City of Freeport

Councilman Pena presented a slide show of the Velasco and 2nd street intersection and median on the bridge that need stripes on the curbs and streets. He said it is very important we get these stripes down. He said he would like to see reflective material, on Velasco and 2nd.

A motion was made by Councilman Pena, seconded by Councilman Muraira to put the striping on the median and the intersection on Velasco and 2nd Street. With discussion that followed.

Councilman Muraira asked Lance Petty if this is something you can do? He is not sure why it has not been done, if it could be.

Public Works Director, Lance Petty said that he wants to make it clear that his department does not work off of post from social media. Mr. Petty said yes, his crew can do this in house, we just got our new striper in. He said we got some paint in, and his crew has started striping on Velasco. Mr. Petty said there is a shortage on paint.

David McGinty spoke to council about Velasco and Ave A, he asked if this a one lane road, or is there a turning lane?

Mayor Pro Tem Cain called the motion for a vote, with all present voting 4-0 Council unanimously approved the motion.

Discuss and take Possible Action on Street and Sidewalk Repair and Maintenance Schedule.

Councilman Pena presented a slide show to council on street and sidewalk repair and maintenance. He asked if there is an actual schedule that the citizens can look at? He said his motive for this is to show it is on the schedule for repair. Councilman Pena spoke of the sidewalk by City Hall and Sweet T's, and how it has not been done. He spoke of the walking trail, he said the installation is not what was discussed. He said there is still concrete that has not been removed. He said we need to get this corrected. He spoke of the sidewalk by the library, and if it is ADA compliant. He spoke of lighting poles knocked over by the contractor. We need to make sure we get this repaired.

A motion was made by Councilman Pena to get the sidewalk fixed by City Hall, from Oak to Cherry. With discussion that followed.

City Manager Tim Kelty said in regard to the sidewalks on 2nd Street, we have an approved list of sidewalks we are replacing. He said Mr. Petty's crew has been hard at work and most of the sidewalks, minus a few are complete. He said there is a recommendation in the Strategic Plan for next FY.

Mayor Pro Tem Cain called for a second on the motion. With a lack of second, motion failed.

Councilman Pena said he just wants to make sure that we prioritize areas that are important to the City of Freeport in areas that highlight the businesses, just like we did to Ave A, from Velasco to Councilman Brimage's business.

Councilman Brimage asked what his business has to do with this? Councilman Pena said we need to continue putting priority on infrastructure, in the areas that highlight the best part of our City. Councilman Brimage asked what has the City done for his business? He said Councilman Pena has put the perception out that infrastructure has been improved to benefit Councilman Brimage's business. Councilman Pena said, the road improvement was a county improvement, he said in the terms of city infrastructure. Councilman Brimage said the road stops before his restaurant.

Mayor Pro Tem, Cain said there is no action on this item.

George Matamoros said he wants to praise the Public Works Department, he said Skinner Street has been repaired, over by the Post Office. He also spoke about the EDC approved dock that was installed incorrect, and it is not ADA Compliant.

Discuss and take Possible Action on Current List of Active Work Permits in City of Freeport. Red Tagged Permits.

Councilman Pena thanked Councilman Muraira for co-sponsoring this issue. He said it is important that we have some kind of signage on these properties that are permitted to work. He said that he would like to see that we have a visible permit. He said to help the city show we are being fair. He said it had been suggested to him that he was not being treated fairly.

City Manager Tim Kelty said Ms. Roman has put together a list of when permits are not required. Councilman Pena said he would like a working list, as soon as possible. Mr. Kelty said the visible permit policy is already in place, it is required to be posted in visible sight.

Building Official Kacey Roman, said the list being requested is in the report that is in the council packet. She said it is posted at City Hall. Councilman Pena asked that this list be posted on the website. He said he wants to make sure everyone is being treated fairly and equally. Ms. Roman said it is required that

Permits be posted in the public view. Kacey Roman said we investigate all complaints of construction without a permit.

Councilman Brimage said, Councilman Pena in your words “fairly and equally.” Councilman Brimage asked Councilman Pena how many red tags he has had this year, Councilman Pena said he believes two. Councilman Brimage asked if he stopped work. Councilman Pena said yes, he did. Councilman Brimage asked Ms. Roman if he stopped work. Ms. Roman said the contractor called her. Councilman Brimage said we need to fair and equal. Councilman Pena said this is why he brings it up, because he expects this kind of questioning. Councilman Pena asked how long will it take the Code/Building Office to require these permits be posted for visual view? Ms. Roman said as permits are pulled, we will have them start posting visually. Tim Kelty said we can put a list together monthly for council, of all the complaints that we have confirmed are legitimate.

WORK SESSION:

Councilman Pena thanked city employees that worked to make the bike, car show possible. He said that James McDonald hosted this event. Councilman Pena showed a slide show of the drainage ditches, he asked who is responsible for cutting these ditches? Mr. Petty said we have an interlocal agreement with Velasco Drainage. Councilman Pena spoke of the clean up on 1495 the Quintana side. He thanked Mr. Petty and said it was noticed and he said it looks good. Councilman Pena spoke of the Sand Castle Tournament, that LeAnn managed last year. He said he is curious of who is in charge of this tournament for this year? Mr. Kelty said this is an event that was sponsored by the EDC last year, and he is not sure that it is happening this year. He said if this happens this year it will have to be later in the year. Councilman Pena also commented on the phone issues at City Hall. He said he has received a lot of messages from people not being able to get a call answered at City Hall. He said he knows there has been a lot of turn over, but he wants to recommend that we have some dedicated phone administrators. Mr. Kelty said we had some issues with the move, and those have been addressed. Councilman Pena asked where we stand on the outside investigations? Mr. Kelty said Zech is working on them, he has interviewed some people. So far, he has primarily been working only one investigation.

Councilman Cain said that 1231 West Broad, a trailer caught fire, he wants to know what the plan is to get rid of this. Councilman Cain thanked Ms. Roman for the report. He told council if you have not read it, he said he encourages it be read. He spoke of the short videos that Mr. Cohen will be making. Some things that could be covered on these videos are, when is a permit needed, and when can heavy trash be placed at the curb. Councilman Cain asked Ms. Roman about the prefabricated swimming pools, he asked 2 feet deep no permit is needed, and 48 inch will need a permit. Ms. Roman said this is correct, she said this comes out of the International Building Code and the Violation of Texas Pool Rules. He spoke of the comments about the trash, he said he agrees with about half of the people who made a comment, he said if the residents will do their job better, it will allow AmeriWaste to do their job better. Councilman Cain said someone mentioned today that we need to start fining the people who are not getting into compliance. Councilman Cain said we need to not look at this as a fine. It is a cost of service. He said if the letter was placed on your door telling you how much it will be to remove the garbage, this is not a fine, but the cost to take it to the dump. He said it is a charge for over and beyond of what AmeriWaste is obligated to do.

Councilman Muraira said before we start the budget he is wondering if we can make 5th Street go all the way down to Yaupon, he asked what are the requirements? Mr. Kelty said he believes there is a utility easement, and a sidewalk, Mr. Kelty said we will have to actually acquire the ROW. To do this we will have to have engineering and put this out for bid. Councilman Muraira said he has several citizens that live behind McDonalds, and North Gulf Boulevard they have asked that the ditches be dug out, because

when it rains the ditches fill up. Councilman Muraira said the soccer coach has reached out to him asking if anything is going to be done for the soccer fields, he said there are no generators. Mr. Petty said the City has considered two other locations, one is at 2nd Street at the old Community House, and the other is off of Ave J. Mr. Petty said that this will be for Council to decide if they want to use either of these properties. Mr. Petty said to build a new facility it will be around \$600,000-\$700,000. Councilman Muraira said they are wanting to know if the small things are going to be fixed at the soccer fields now. Mr. Petty said the restroom lighting has been fixed. Councilman Muraira asked what is wrong with leaving the soccer complex where it at? Mr. Petty said there is nothing wrong with leaving it, there is no development there. Mr. Kelty said we have discussed this, and the cost to run electricity. Councilman Muraira said he thinks it needs to stay where it is at.

Councilman Brimage asked that Detective Slater pass on to the Patrol Sargent, there have been complaints from residents that there are speeders on Ave D and Division. He said a lot of times it is at school hours. He asked that there be some patrol in this area during these times.

City Manager Tim Kelty said he met with TXDOT, he said the Pine Street Bridge has gone out for bid. He said he was told that the bridge is actually designed, long term, for four lanes. He said two lanes are going in currently until the opposite side is reconstructed to 4 lanes. Mr. Kelty spoke on AmeriWaste. He said in Ward A, there was 16 loads of brush that was not bundled but it was picked up during the last bulk waste pickup, and a door tag was hung. Ward D there were 20 residents that had large bulk that was picked up, out of compliance as well. He reminded everyone of the Special Meeting on Thursday May 26, 2022 at 6PM. Mr. Kelty spoke of the Short-Term Rentals Ordinance implementation.

Update on reports / concerns from Department heads

Councilman Pena asked about the trash videos, he said this seems a little presumptuous. He asked what is the reason of putting this out now when there is no policy in place yet? He asked Ms. Roman in terms with the ADA compliance, as it relates to public and private places, how are we currently implementing ADA Compliance? Ms. Roman said we regulate ADA compliance in accordance with State and Federal Laws. She said for public spaces we work with our Public Works Director. We give what is required for streets and sidewalks to our developers. Councilman Pena asked about the side walk at the walking trail, how it terminates at the trail, he asked is this something we should be concerned about? She said possibly, but the trails may not yet be ADA Compliant. Councilman Pena asked about the dock that was put in. Ms. Roman said it is regulated by the GLO and that should have been spelled out in the permit they would have issued. Councilman Pena asked if it is Ms. Romans recommendation that the dock be closed? Ms. Roman said yes, if it was done without a permit and without inspections, she is concerned about the liability. Councilman Pena spoke of the EDC and housing and our local assets. He said we have to highlight our assets which is the water, fishing and the beach.

CLOSED SESSION:

Open Session was closed at 9:08.

Mayor Pro Tem Cain asked if there is any objection from council, that we invite Mr. Kelty, and City Secretary into Closed Session. Councilman Pena said the terms is to allow the City Manager in, but he is not sure what the standard is for the City Secretary. Mayor Pro Tem, Cain said it is standard for the City Secretary, and the City Attorney as well in Closed Session.

Mayor Pro Tem asked if there is any objection of having the City Attorney, City Manager, and the City Secretary in Closed Session. Councilman Pena asked if there is Legal Consultation? If so the City

Attorney will need to be in closed session, but he does not know what the value is for the City Secretary to be in Closed Session. Councilman Pena is objecting having the City Secretary in Closed Session.

Mayor Pro Tem, Cain called for a vote to allow the City Attorney, City Manager, and the City Secretary to participate in the Executive Session say "Aye" Councilman Brimage, Mayor Pro Tem, Cain. Voted "Aye"

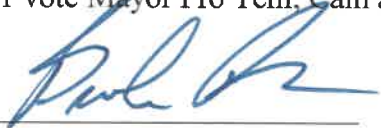
Councilman Pena said this was not his motion, he said his motion was to exclude the City Secretary.

City Attorney advised that the motion should not be to exclude individuals but to invite individuals into Executive Session.

Councilman Pena made a motion to invite the City Attorney and City Manager in Executive Session, seconded by Councilman Muraira. With a 2-2 vote, motion did not pass. Councilmen Pena and Muraira voted "Aye" Mayor Pro Tem Cain, and Councilman Brimage voted "Ney"

Adjourn

A motion was made by Councilman Brimage seconded by Mayor Pro Tem, Cain to adjourn. With a 3-1 vote Mayor Pro Tem, Cain adjourned the meeting at 9:12 pm. Councilman Pena voted "Nay".



Mayor, Brooks Bass
City of Freeport, Texas



City Secretary, Betty Wells
City of Freeport, Texas