

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 9<sup>th</sup>, and Ash Street drainage.

Jared Barber and Dane Schneider presented a slide show on the drainage problems for 323 & 403 West 9<sup>th</sup>. 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 9<sup>th</sup> 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 9<sup>th</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 8<sup>th</sup> and Magnolia, and Ash and 8<sup>th</sup>. 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 9<sup>th</sup> 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

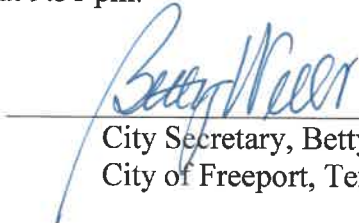
No action was taken from Executive Session.

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.



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Mayor, Brooks Bass  
City of Freeport, Texas



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City Secretary, Betty Wells  
City of Freeport, Texas