

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Tuesday July 11, 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  
Clarisa Molina, Administrative Assistant  
Lance Petty, Public Works Director  
Danny Gillchriest, Interim Police Chief  
Donna Fisher, Human Resource  
Kacey Roman, Building Official  
Chris Duncan, City Attorney

Visitors: Melanie Oldham  
Sam Reyna  
Nicole Mireles  
Billy Toomer  
Pam Dancy  
Wayne Dolcefino  
Carter McCormack  
Manning Rollerson  
Ruben Renobato

**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:**

Pam Dancy thanked AmeriWaste and City Staff for the City-Wide Cleanup.

Sam Reyna spoke of the new budget, he said he would like to see the City build a new Community House for the citizens. He said the City was promised this would be rebuilt.

Manning Rollerson spoke of the city wide clean up, he said he missed it but he will be on the next one. Mr. Rollerson said he has sent emails to Council, he said not anyone has replied to him. He said he wants reassurance that he and his family are safe. He spoke of an incident that occurred with a police officer. He said his family is being harassed by the City of Freeport Police Department.

Wayne Dolcefino spoke to council about his PIR that has not been responded to. He said he came here a few weeks ago with hopes of the City of Freeport being open and transparent. He said he has Public Information Requests that have not been responded to, some being as long as four months ago. Mr. Dolcefino said one of the unfortunate things of the act, is the remedy to records being withheld, is to file a criminal complaint against the City Secretary. Mr. Dolcefino said she does not deserve this, it is not her fault. He said it is shameful council does not make people respond to these record request. Mr. Dolcefino said he will be filing the criminal complaint tomorrow, he said he will attempt to include Mr. Pena and Mr. Duncan in the complaint. He said he believes they are the people not producing the records. He said the City Manager should be protecting the City Secretary. He said it is very important that the public know what is going on.

Melanie Oldham spoke on the time frame of PIR, she said Mr. Duncan is the ultimate decider of the release of PIR. She spoke of a letter she received that claims Mr. Duncan solicited charitable donations for his personal charity. Ms. Oldham spoke of lawsuits against the EDC. She asked why the public cannot know.

## **COUNCIL REGULAR AGENDA**

### **Levy Jog Trail - Discussion and Possible Action**

Councilman Pena presented to council Levy Jog Trail, the discussion and possible action. He presented a map of the jog trail, he said the yellow is what has been redone. He said this was budgeted for \$300,000 and we came under budget. He is proposing that we extend the trail by .41 miles. He said we discussed this a few weeks ago, and council wanted three quotes to extend the trail.

A motion was made by Councilman Pena to reroute the jogging trail to a safer passage, seconded by Councilman Muraira.

There was lengthy discussion on this item by council.

Mayor Bass asked if Councilman Pena spoke with the homeowners, this jogging trail will be behind their homes. Councilman Pena said he spoke to a couple.

Councilman Cain said he is ok with extending the jogging trail, but he still wants three quotes.

Public Works Director Lance Petty said he has received two quotes. He said of the two quotes, the lowest quote for the granite he received is \$39,000.00. Councilman Cain said we need to continue with the material we started with but he would really like to get the third quote.

Councilman Pena said this is already in the budget, he said we can put a cap at \$50,000, he asked will we go with the lowest quote? He said when we budgeted \$300,000 we came in way under. He said we got good bids.

Nicole Mireles said early on when this came before council, to get this trail done, she thought it was brought by Councilman Muraira. She asked if Councilman Pena, is Councilman Muraira spokesperson.

Sam Reyna said we do not need to use the same material, he said this is not the right material. The trail is in bad shape already. He said we need to use the money for a new Community House.

Manning Rollerson said this land behind this is part of the park property. He said the cheapest material will be blacktop.

Mayor Bass called the motion for a vote. With a 2-2 vote, the motion failed.

Consideration and Take Possible Action to repeal Interim City Attorney Services from Olson and Olson due to potential conflicts and previous services with City/EDC.

Councilman Pena presented to council for the Consideration and Take Possible Action to repeal Interim City Attorney Services from Olson and Olson, due to potential conflicts and previous services with City/EDC. He said in the last meeting we voted to have Olson and Olson as the interim City Attorney. Councilman Pena said there is a process that did not get played out. He said he wants clarification on this. He said the only parties that are authorized to appoint the city attorney is city council, and why we were not consulted on this. Councilman Pena spoke of Olson and Olson representing the city with the marina deal. Mayor Bass said this was discussed in the last meeting before the contract was signed. Mayor Bass said he thinks they did excellent representation with the marina deal. Councilman Pena asked when we got under contract with Olson and Olson for interim City Attorney? Mr. Kelly said their contract begins on the 15<sup>th</sup> of this month. Councilman Pena asked if they are acting as interim now. Mr. Kelly said they are not acting as interim. Councilman Pena said Olson and Olson represents the City of Dickinson, and the City of Dayton. He said these are the cities that the previous EDC Director works, and there were lawsuits.

Mr. Dolcefino said Olson and Olson had contacted him regarding an issue with the city. He said that they have represented to him that Mr. Duncan does not call them back.

A motion was made by Councilman Pena for clarification from staff, that Olson and Olson are representing as the City's Interim Attorney's, seconded by Councilman Muraira. With a 3-1 vote motion passed, with Mayor Bass voting "Nay"

A motion was made by Councilman Pena to repeal the Interim City Attorney Services from Olson and Olson due to the potential conflicts, seconded by Councilman Muraira. With a 2-2 vote motion fails.

VW Tax Abatement and Starbucks Grant-Discussion and Possible Action

Councilman Pena presented to council VW Tax Abatement and Starbucks Grant-Discussion and Possible Action. Mayor Bass said that an ordinance had been, and based on that we are working on the agreement. Councilman Pena said his concern is the relevance of the ordinance, since the agreement has changed. Councilman Pena spoke of Starbucks coming to Freeport. He said that the EDC asked for a contract, that Starbucks would be a tenant. And we are here going blind with Volkswagen. He said that he has asked for a contract from a Port Commissioner. Mayor Bass asked if he got them, Councilman Pena said not yet.

A motion was made by Councilman Pena to ask the Port Freeport for contracts that are relevant to the Tax abatement Request to the city, seconded by Councilman Muraira. With discussion that followed.

Mayor Bass said we had a representative here twice. He said we had the potential Tax Abatement Agreement in front of us. We had discussion on it, we have numbers in it. He said we actually agreed, on about four things to be added. We have the valuation of the agreement, it is about \$28.5 million. They are responsible for the cost of all Permits, Water/Sewer, a Showroom, and to not object to any of the appraised values, and reduce the appraised values. To give priority to hiring and training Freeport Residents. Mayor Bass said this is a seven-year agreement.

Councilman Pena said these are good points, but I don't like signing a contract when there is a portion of the contract we don't get to see. Mayor Bass asked if we ask the Port of Freeport, and they say no, will you say forget VW? Councilman Pena said Freeport is worth something, there is value here. He said there has been other information, saying they are already in motion. If this is the case is there still enticement?

Mayor Bass called the vote, with a 2-2 vote the motion failed.

Manning Rollerson said he has a case with Lone Star Legal Aid for Environmental Justice. He said VW needs to produce the legal contract

### **EXECUTIVE SESSION**

Regular Session was closed at 7:00, and council entered into Executive Session.

### **COUNCIL REGULAR AGENDA:**

Executive Session ended at 7:16 PM, and entered back into Regular Session.

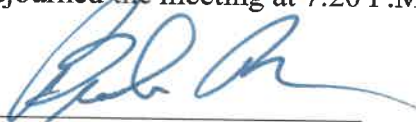
Take any action resulting from Executive Session.

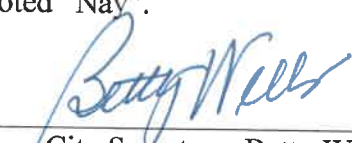
Councilman Pena made a motion to immediately terminate City Manager, Tim Kelty, for gross injustices and failures for the City of Freeport, seconded by Councilman Muraira. With a 2-2 vote, the motion failed.

A motion was made by Councilman Pena to suspend City Manager Tim Kelty without pay immediately and appoint Cathy Ezell as Interim City Manager, until further review of the items that were brought up tonight. Seconded by Councilman Muraira. With a 2-2 vote, the motion failed.

### **Adjourn**

On a motion by Councilman Cain, seconded by Councilman Muraira, with a 4-1 vote, Mayor Bass adjourned the meeting at 7:20 P.M. Councilman Pena voted "Nay".

  
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Mayor, Brooks Bass  
City of Freeport, Texas

  
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City Secretary, Betty Wells  
City of Freeport, Texas