

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, July 18, 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
David Olson, Interim City Attorney
Cathy Ezell, Finance Director
Kacey Roman, Building Official
Clarisa Molina, Administrative Assistant
Chris Motley, Freeport Fire Chief
Lance Petty, Public Works Director
Toby Cohen, IT Manager
Danny Gillchriest Interim Police Chief
Donna Fisher, Human Resource
Patricia Castillo, Public Works

Visitors:

Kenny Hayes	Bob Casale
Manning Rollerson	Melanie Oldham
Sam Reyna	George Matamoros
Raul Ramirez	Breanna Brimage
Sabrina Brimage	Jim Sacammano
Pam Dancy	Billy Toomer
Roger Rowe, Veolia	Ruth Rollerson
Jason Hayes	Elliott Hughes, VW
Les Girouard	

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:

Bob Casale spoke to council about giving him business cards from each council member. He also asked if a decision was made on allowing more time for citizens comments.

Manning Rollerson said he is being harassed by the Freeport Police Department. Mr. Rollerson spoke of the safety of the citizens, he said Interim Chief Gillchrist is not qualified for the position.

Sam Reyna welcomed Interim City Attorney David Olson to the City of Freeport. Mr. Reyna spoke about Mr. Kelty's review in executive session, he said it seems he is in review in every meeting. This should be done once a year. He said there has been a hidden agenda against the City Manager, by Councilmen Pena and Muraira.

Pam Dancy, 313 S. Front said the PIR on BrazTex should be moved to Open Session, she said the citizens funded this investigation.

Jim Sacammano 1507 West 10th spoke of the Main Street Program. He has this is commendable thing. They have an advantage. He said the VW project has potential to continue Economic Development we want to see.

George Matamoros, 1722 N. Ave O said he was unable to attend the last few minutes, so he watched the live stream. He said it was disturbing. Mr. Matamoros said one Councilman has hijacked the City Government for his own personal agenda. He spoke of the disinformation the Councilman provides, in council chambers and on social media. He said it is time for this to stop. He said we have real issues that need solving in the city. He spoke of the Councilman asking for water accounts for residents and businesses. He is tired of seeing the same Council Members bashing the City Staff. He said his last comment is to his Ward Councilman, he said I did not vote for you to be a proxy to another councilman. I voted for you as a representative and to speak on my behalf for issues in my Ward, and this City.

Melanie Oldham 922 West 5, she said that she has attended council meetings for about 9 years. She spoke of the items that were put on the agenda by Councilmen Pena and Muraira. Ward A Councilman use to visit with her, but if I disagreed he cut off all communication. She said that Councilman Pena would say one day he will figure out a way to get rid of Brimage, Kelty, Mayor Bass, and Holman. She said that he hopes Councilman Muraira will start leading and thinking on his own. She said all of the negativity has to stop.

Kenny Hayes, 414 Mystery Harbor he said it is appalling what Councilman Pena put on Facebook. He said he knows the City Manager is professional. He is a very good City Manager. He spoke of the defamation that Councilman Pena put on Facebook. He said Mr. Kelty has to face these accusations.

PRESENTATION/ANNOUNCEMENTS:

Presentation of Employee of the Month for the month of June

City Manager Tim Kelty presented the Employee of the Month of June, to Patricia Castillo. He also recognized Adriana Martinez and Shree Cruz.

Presentation of 3rd Quarter Investment Report.

Finance Director Cathy Ezell presented to council the 3rd Quarter Investment Report. She said no action is required. Mayor Bass asked if she anticipates increase in the interest rates? Ms. Ezell said yes.

CONSENT AGENDA

Consideration and possible action on the approval of City Council meeting minutes from July 5, July 7, and July 11, 2022.

Consideration and possible action of appointing Interim Deputy City Attorney for Prosecution.

Councilman Muraira asked if the Deputy City Attorney will be with Olson and Olson? Mayor Bass said no, this is the City Prosecutor for the Class C Cases. And the Interim Deputy City Attorney for Prosecution being recommended is Pat Taylor.

Consideration and possible action approving Resolution No. 2022-2755 appointing person the Senior Citizens Committee.

A motion was made by Councilman Brimage, seconded by Councilman Cain to approve the consent agenda, with the record reflecting Diane Crosby is being reappointed to the Senior Citizen Committee. With all present voting "Aye" 5-0 council unanimously approved the Consent Agenda.

COUNCIL REGULAR AGENDA

Mayor Bass opened the Public Hearing at 6:30 PM.

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

City Manager Tim Kelty said this Ordinance has been brought before council a few times at council's request to allow for more public input. He this ordinance remains as originally presented.

Manning Rollerson is in support of the ordinance. He said everything needs to be inspected, and some buildings need to be torn down.

Melanie Oldham supports this ordinance. She said there are buildings that have been neglected for years. She said a Councilman owns a building, and the bricks are falling off. She said we need to make the buildings safe.

Councilman Pena said the brick is on back order, and the engineer says the building is safe in the current condition. Councilman Pena spoke on the ordinance and his issues are the same. Councilman Pena said #3 and #4 makes sense to him, but he would like changes to #1 and 2 of this ordinance.

Councilman Cain said his issue with the ordinance is with #1. He does not agree if it is the same type business, there does not need to be an inspection. He said he agrees if it is six months or longer, he sees an inspection at this point.

Ms. Roman said there must be an inspection on any food established business, this is required by the State. But if it is just office to office it does not require an inspection before six months.

Public Hearing was closed at 6:40 PM.

A motion was made by Councilman Pena, seconded by Councilman Cain, to pass the ordinance with the changes discussed in the Public Hearing. With discussion that followed.

Interim City Attorney, David Olson said he will make the changes to #1 to say "Change of ownership of the building if vacant for 6 months prior, or as otherwise required by State Law". He said #2 will be the same, but for tenant.

Mayor Bass called the motion for vote, with all present voting "Aye" 5-0 council unanimously approved Ordinance No. 2022-2668 regarding Commercial Building Inspections.

Mayor Bass opened the Public Hearing at 6:42 PM.

Public Hearing on a request for a Tax abatement from PRP KDC Freeport Development LLC, located in Reinvestment Zone 2022-01, City of Freeport located within the boundaries of the city.

Melanie Oldham said there has been a lot of discussion with the EDC, she said it was strongly recommended this be presented to the City Council. There are a lot of benefits that will be brought.

Manning Rollerson said he is not against growth for the City, but he is against population deduction. He said there should be an Environmental Impact Study.

George Matamoros said we need to welcome VW with open arms.

City Manager Tim Kelty said this was brought before City Council on May 26, in a Special Meeting. This was done improperly, it must be held in a Regular City Council Meeting. Mr. Kelty said staff recommends approval, as a ratification to the previous action.

Manning Rollerson said Freeport is not growing with population, people are leaving the City.

Councilman Pena said he wants to be clear City of Freeport should be attracting VW and other businesses. He said we are open for business, but not being taken advantage of. He said the May 26 ordinance is not binding. Councilman Pena said he wants the supporting documentation, to understand all behind this Tax Abatement.

Councilman Cain said he is the liaison for the EDC and attends the meetings. He said the Tax Abatement was sent to Council by the EDC. Which was voted on he believes unanimously to come before council and be voted on. He said once again this discussion was voted unanimously. Councilman Cain said the one thing he wants to point out, the financial impact is \$171,000 per year, in potential future revenue, if this project happens. He said the \$171,000 times seven years is \$1.97 Million, not \$2 Million. He said this is important. Councilman Cain said in discussion with the EDC a comment came up, that Freeport usually finds a way, to get in its own way. He said he for one will not let Freeport get in the way of this one.

Councilman Muraira said he is wished we could have met to discuss the simple things, like education. He said he is glad they are here.

Councilman Brimage said he agrees with Councilman Cain, he made valid points and we need to get this moving forward.

Councilman Pena asked if this was a seven-year Tax Abatement, Mayor Bass said yes. Mayor Bass said the things we asked for from VW and are in the Agreement. He asked Mr. Hughes about supporting documents, and contracts with the port. Mr. Hughes said there is no approved contract nor lease.

Manning Rollerson spoke about the Environmental Impact Study. Mayor Bass asked Mr. Hughes if he is aware of this study. Mr. Hughes said he does not know of any.

Public Hearing closed at 7:07 PM

Consideration and Possible action on Ordinance No. 2022-2667 an Ordinance approving a tax abatement located in Reinvestment Zone 2022-01, City of Freeport located within the boundaries of the city

A motion was made by Councilman Brimage, seconded by Councilman Cain, with all present voting "Aye" 5-0 council unanimously approved Ordinance No. 2022-2667 approving a tax abatement located in Reinvestment Zone 2022-01, City of Freeport located within the boundaries of the city.

Consideration and possible action approving Primary and Secondary Disaster Debris Removal Services Contracts.

Fire Chief Motley presented to council the possible action approving Primary and Secondary Disaster Debris Removal Services Contracts. He said this went out for RFP, and we received bids from five companies. Chief Motley said staff recommends awarding the bid to Ashbritt as the primary company. And awarding the bid to Ceres as the secondary.

Mayor Bass said they have recent experience. Chief Motley said they did our debris cleanup from Hurricane Nichols.

A motion was made by Councilman Cain, seconded by Councilman Muraira with all present voting "Aye" 5-0 council unanimously award the bids for Primary and Secondary Disaster Debris Removal Services and authorize the Mayor to sign the contracts after being prepared and approved by City Attorney.

Consideration and possible action approving the EDC Project and Economic Development between the Freeport EDC and 905 North Brazosport. LLC., for the development of a Starbucks.

City Manager Tim Kelty presented to council the EDC Project and Economic Development between the Freeport EDC and 905 North Brazosport. LLC., for the development of a Starbucks. This comes from the EDC where it was voted on unanimously.

Councilman Cain said there was a lot of discussion by EDC for this. He said it will be good for the City.

A motion was made by Councilman Cain, seconded by Councilman Pena, with all present voting "Aye" 5-0 council unanimously approved the EDC Project and Economic Development between the Freeport EDC and 905 North Brazosport. LLC., for the development of a Starbucks.

Manning Rollerson asked if the Grant money for downtown is not being used for this Starbucks?

Bulk Trash Door Hangers and Fines- Discussion and Possible Action

A motion was made by Councilman Pena, seconded by Councilman Cain to table this item.

Bulk Trash Brush and Mulch Services- Machinery and Cost Analysis - Discussion and Possible Action

Councilman Pena said this is something he would like to get some kind of cost analysis. Mr. Kelty said he has reached out to the City Manager in Lake Jackson, but he has not responded yet.

Councilman Cain said on this point, he would be interested to see what are our options with the mulch that is made. Are we going to be able to use it or is it just going to pile up and one day catch fire?

Councilman Pena made a motion, seconded by Councilman Cain with all present voting "Aye" 5-0 council unanimously approved that Administration provide all the information on the Machinery and Cost Analysis.

Review of any and all contracts between City of Freeport and Olson and Olson... 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 said he brought this back simply because we did not see the contract. Mayor Bass said the contract was attached on the last agenda. Councilman Pena said this is more of housekeeping, council should have weighed in on this contract. Interim City Attorney said this is not a contract for a term, this is an agreement that can end at any time. It was approved by council at the previous meeting. No action taken.

Levy Jog Trail Re-route and Estimate Review - Discussion and Possible Action.

Lesa Girouard, 121 Brazos Landing spoke to council of the reroute to the levy jog trail. She is against this. She said the existing trail lights are in bad condition, the post needs painting and there are wires hanging out. She does not believe the trail is being taken care of. She asks that council votes to not allow this levee run behind people's homes.

Kenny Hayes said he does not see any problems with the current walking the trail. He said this will be a waste of money.

Councilman Muraira said he runs the levy, and the lights on the levy do work, and looks really good at Riverplace. Councilman Muraira thanked Mr. Petty for this. Councilman Muraira said on the side of the levy where there is no trail, no property of homeowners, is where he thinks the the trail should be rerouted. People can then see where they are going, and cars can see the people.

Councilman Cain said he spoke with several of Ms. Girouard's neighbors, and all but one has the same feeling as Ms. Girouard. Councilman Cain said the one thing we have not considered is lighting, and the cost it would take to add new lighting on top of the levy. He said he spoke with a lady using the trail that makes the full circle. He asked if she felt unsafe at the boat ramp. She said she felt safer at the boat ramp, because there are more people.

Councilman Pena said he did an informal poll in the morning, and evenings, sitting at the park. He said during this time there are about 5-8 people that use the levy.

A motion was made by Councilman Pena that we reroute the Levy Jog Trail, as described in the map, seconded by Councilman Muraira.

Councilman Muraira asked that Councilman Pena amend his motion to extended the trail along the levee only between the two entry roads to the park. Councilman Muraira said with that amendment the trail along the levee would connect back with the existing trail by where the Community House was. Mayor Bass asked if Councilman Pena would like to amend his motion. Councilman Pena asked how do we negotiate traffic and safety. Mayor Bass said this will not be going behind the houses at Brazos Landing. It is the section of the levy between the two roadways. Councilman Muraira said we can add mirrors so traffic can see the pedestrians.

Mayor Bass asked Councilman Pena would be willing to amend his motion as requested by Councilman Muraira. Councilman Pena said he did not understand the requested amendment Mayor Bass explained that Councilman Muraira requested his motion be amended to include the new layout for the trail would extend between the ingress, and the egress of the road, that lead above the levee and over the levee by the T-Dock.

Councilman Cain asked Councilman Pena how many people make the full circle, and how many goes park to park? Pena said there is not a way to make a full circle as it is. Mayor Bass explained what was meant by the full circle.

Councilman agreed to amend his motion as requested by Councilman Muraira, seconded by Councilman Muraira.

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

Contract Review of VW Tax Abatement and Starbucks Grant-Discussion and Possible Action.

Councilman Pena acknowledged the item has been resolved.

City of Freeport Press Release Process - Discussion and Possible Action.

Councilman Pena said he wants to make sure we discuss in public for all the issues that may happen in the City. He said the lack of a press release process and a press release policy has caused a lot of confusion, suspicion and distrust of City Hall.

A motion was made by Councilman Pena that City Council instructs the City Staff to put together a policy for press release, and bring back to council for review. Seconded by Councilman Muraira. With all present voting "Aye" 5-0 council unanimously approved City of Freeport Press Release Process.

Council Agenda policy Discussion and Possible Action.

Councilman Pena presented Council Agenda Policy to council. He said he asking that there be a policy for the agenda, for the residents. He said he thought this is something we can add to the current agenda policy.

A motion was made by Councilman Pena that we amend the current agenda policy Ordinance No. 2022-2657 to specifically allow the residents of Freeport to provide an agenda request for the following meeting. With a lack of a second, motion failed.

Pam Dancy said citizens come and speak at meetings, ask questions and the issues are never answered.

Sandcastle Tournament - Discussion and Possible Action.

There was no action.

Soccer Field Lighting Estimates - Discussion and Possible Action.

Councilman Muraira said we have three quotes, one from Penney's Electric, Electric Cool On, and Hope and Hope Electric. He asked which staff recommends. Mr. Kelty said we are already proceeding with this. Mr. Petty said we will pick up the generator tomorrow. Electrician is lined up to do the work, this project is progressing.

City Employee Policy Handbook - Discussion and Possible Action

Councilman Pena said he wanted to discuss the drug policy Section 5.13 pages 5-6 for the City of Freeport. He highlighted there is zero tolerance, and with a violation there would be immediate termination. He said he would like clarification on this.

Ms. Ezell said this is not necessarily how the policy works, because we offer an employee to seek help. If they refuse the random or drug test, this will be grounds for termination. She said an employee may have a prescription that may make them fail a test. Mr. Kelty said he has discretion in the final decision.

No action taken.

WORK SESSION:

Councilman Pena spoke on citizens comments made by Manning Rollerson, and the emails he sent to council. Councilman Pena said he will make sure he responds to the emails. He said Mr. Reyna spoke on the City Managers review, he said it is not required to be in August, if there are infractions now. He said Ms. Dancy asked for the report Braztex to be public, he said he will support this if is at the pleasure of the council. He thanked Mr. Sacammano for supporting the VW deal. He said to Mr. Matamoros there is no disinformation campaign he said what he puts out, he makes sure it is already public record, and documentation to support it. He said he will repeat that he is the only council with perfect attendance for all meetings. Councilman Pena said take the news from the newspaper with a grain of salt, they are not always correct. He said we can disagree as councilmen, but we can speak fairly and openly. Councilman Pena spoke on the comment of wanting to remove Councilman Brimage, Mr. Kelty, Mayor Bass and Mr. Holman and I want to clarify this comment by Ms. Oldham. He said I will pursue the removal of anyone who personally attacked or insulted citizens.

Councilman Cain thanked council for the good conversation. He said there were decisions made for the best of the City, instead of the shenanigans that have been going on. He said he encourages council to continue working in the manner tonight. Councilman Cain said the City Parks with playgrounds needs some attention. He said the grass is overgrown. He said there is very little mulch. He said let's get this back on the priority list.

Councilman Muraira said he had raised a lot of citizen concerns to Mr. Kelty, and they have all been taken care of. He said thank you Mr. Kelty and Lance for addressing these issues.

Councilman Brimage asked that Chief Motley thank the EMS for taking care of his dad. He said his dad had a bad accident, he has 27 stiches in his hand, and 28 in his face. He said he just wants to commend Chief Motley and his staff for the quick response. He said kudos to Lance and his staff and we appreciate their hard work in this heat.

City Manager Tim Kelty said he wants to remind everyone that Kidfest is coming up. He said we are getting into the budget season, and he will get the calendar out tomorrow.

Mayor Bass thanked Mr. Kelty and the administration for putting on the Strategic Planning Meeting. He said he thinks the budget will be one we are proud of. He said administration is working hard to get this done for us.

Councilman Muraira asked if City Hall will be open tomorrow. Mr. Kelty said yes, there were issues with the AC today. Councilman Muraira said he would like to tour O. A. Fleming.

Update on reports / concerns from Department heads

Councilman Pena said there is a water leak on 722-726 West 11th he said it is causing street damage. He asked Ms. Roman if permits were pulled for the 500 Block of Broad street, for the new homes being built. Councilman Pena asked Mr. Kelty about the mold reports. Mr. Kelty said we have the initial report back, but not the remediation report from them. Mr. Kelty said there is no mold on the 3rd floor, but the 1st and 2nd floor there is still a problem. Councilman Pena asked if there has been any staff that has been affected by this mold issue? Mr. Kelty said there were complaints, which is what made us do these tests.

CLOSED SESSION:

Mayor Bass asked if there was any objection to Mr. Kelty, Ms. Wells and Mr. Navarro staying in Executive Session. There was no objection by Council.

Open Session was closed at 8:25 PM.

Executive Session was closed at 9:25 PM

COUNCIL REGULAR AGENDA

A motion was made by Councilman Cain to authorize Special Council Zech and Navarro to prepare and send a demand letter to Braztex and Troy Brimage, seconded by Councilman Muraira. With a 3-1 vote motion passed. Mayor Bass voted "Nay".

Adjourn

On a motion by Councilman Cain, seconded by Councilman Muraira, with 5-0 vote, Mayor Bass adjourned the meeting at 9:31 P.M



Mayor, Brooks Bass
City of Freeport, Texas



City Secretary, Betty Wells
City of Freeport, Texas