

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, September 6, 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 Specialist 1

Visitors:

David McGinty	Bob Casale
Shonda Marshall	Sabrina Brimage
Desiree Pearson	Tommy Pearson
Manning Rollerson	George Matamoros
Billy Toomer	Nicole Mireles
Sam Reyna	Con McCleester
Diane McCleester	Ed Garcia
Karla Clark	Pam Dancy
Michael. Smyth	

Call to order.

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation and Pledge was led by City Manager Tim Kelty.

CITIZENS' COMMENTS:

Michael. Smyth spoke to council of his concern with the Building and Code Department. He said he has been trying to get help with a permit he applied for two years ago. He said the company took \$12,000 from him. He said no one will call him back.

Bob Casale, Bridge Harbor, said he is curious about the trash pickup. He said he has had a trash pile out for six months. He asked if there is a plan to pick up the trash throughout the City.

Manning Rollerson said the trash that has been sitting out has been picked up. He said thank you. He said he also has concerns with the Interlocal Agreement the City has with the Port. Mr. Rollerson said he requested the abatement records for the Boys and Girls Club, he said he received a letter saying the city has no records. Mr. Rollerson said the ditch is so full of trees and grass on 6Th and Cherry. He said this needs to be taken care of.

Ed Garcia 1924 North Ave G, he said he wants to tell council since Nov. he has been extremely disappointed in the performance of this council. He thanked the Mayor and Councilman Brimage for voting against Mr. Pena to have Mr. Garcia removed from the EDC. He said he is extremely disappointed Councilmen Cain, Pena and Muraira, because there was no investigation or documentation to have him removed. Mr. Garcia said he has great concern of the parking at Freeport Intermediate School. Mr. Garcia said people are parking on the highway, trucks are going by. The only crossing guard is not on the highway but on 4th Street.

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

Presentation by EDC President Mingo Marquez on the Grants given by the Freeport EDC.

There was not a presentation by the EDC President.

CONSENT AGENDA

Consideration and possible action on the approval of City Council meeting minutes from August 15 and August 22, 2022.

Consideration of approving the road closure for the Brazosport High School Homecoming Parade.

Consideration and possible action approving Interlocal Agreement with Brazoria County for FY 2022/2023.

Consideration and possible action to approve the annual investment policy.

Consideration and possible action approving the Holiday Schedule for City of Freeport FY 2022/2023.

A motion was made to approve the consent agenda by Councilman Cain excluding item #5, seconded by Councilman Brimage. With all present voting "Aye" 5-0 council unanimously approved the Consent Agenda with the exception on #5.

COUNCIL REGULAR AGENDA

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

Karla Clark asked if the all the vehicles are licensed and titled that the City has for sale? Mr. Kelty said we are working on this. Ms. Clark said she was told two vehicles did not have titles. Mr. Kelty said that Ms. Cramer is working on this. They will not go for auction until we have all titles. Ms. Fisher said we have one title that is still outstanding.

A motion was made to approve agenda Item #5 by Councilman Brimage, seconded by Councilman Cain with all present voting "Aye" 5-0 council unanimously approved the motion.

Public Hearing: On the removal from park use, 13.153 acres of land currently used for the ISD Baseball and Softball facilities, to be sold to the Brazosport ISD.

Mayor Bass opened the Public Hearing at 6:15 PM.

City Manager Tim Kelty explained the purpose of holding this Public Hearing for the removal from park use, 11.153 acres of land currently used for the ISD Baseball and Softball facilities, to be sold to the Brazosport ISD. He said the ISD currently uses the land for their ball fields. He said this is part of the land swap deal. Mr. Kelty said council voted on this agreement last year.

Mr. Matamoros said the School District should not be allowed to dictate what the City does with that property during the land swap, unless they are going to pay for all improvements.

Mr. Kelty said this is stemming from an Interlocal lease Agreement that was entered into 20 years ago, regarding lands owned by the School and City. He said the City had acquired the property as part of a project receiving a grant from the Texas Department of Parks and Wildlife. He said via that agreement we allowed the school to develop their baseball and softball fields on the land. In exchange, they allow us to use the property at O. A. Fleming for soccer fields.

Mayor Bass said anytime a city looks at changing the use of a City Park, you have to hold a Public Hearing in regards to any transfer of that property. He said this property was agreed to be swapped with the ISD, and there are no constraints, the only constraint was in regards to demolition of the O. A. Fleming building.

Manning Rollerson said this property was donated as a park, this property has to be voted on by the people.

Councilman Muraira asked if this is the property by the baseball and softball fields? Mayor Bass said yes. Councilman Muraira asked what is the reason for this? Mayor Bass said there is a 50-year lease that was entered into, the City of Freeport owned the piece of property. He said Council voted last year, that we would like to own all the property at O. A. Fleming. He said at this point, we have to fill our obligation of transferring this property we own to the ISD in exchange for the OA Fleming property. Councilman Muraira asked if the School District could fence in the property, once we remove the park. Mr. Kelty said yes, that will be their property, but they would still have to comply with fence restrictions in the code.

Karla Clark asked what the acreage is at the O. A. Fleming Property? Mr. Kelty said it is a nine-block area.

Max Ryder said there is asbestos in this building. She also said this asbestos was buried in a pit on the property.

Manning Rollerson said there is no record of abatement on this building.

Councilman Muraira asked if abatement is going on now, and where would we get the records? Mr. Kelty said we do not have the records but part of the agreement was that the school had to abate asbestos prior to the demolition of the external buildings that have recently come down. Mr. Kelty said Council has already approved an agreement regarding the property.

Mayor Bass closed the Public Hearing at 6:33 PM.

No action was taken.

Public Hearing: Public Hearing Regarding FY 2022-2023 Proposed Budget.

Mayor Bass opened the Public Hearing at 6:33 PM.

Finance Director Cathy Ezell said we proposed the Budget for FY22/23 on August 1 ,2022. She said after feedback from Council we propose putting these cuts into the Budget. She said the cuts are in the Administration, Code, Fire, Police Department, Streets, Rec Center, Museum and Golf. Ms. Ezell said an Information Technology position has been created. She said this was done from pulling funds from other departments and results in a net zero impact. Ms. Ezell said there is a decrease in the Water/Sewer Department expense of \$176,095 because Veolia came back with a 5% increase instead of a 9% in their M/O. There was discussion on the Mulching Site. Mr. Kelty said he is not sure where we will find the funds in this budget, unless we take it out of reserves and add to the operating budget.

Councilman Muraira said we need more research on the mulching site.

Karla Clark asked about the salaries for the EDC Director, and the Police Chief. Mayor Bass said the EDC Director is paid for by the sales tax through the Economic Development Corporation. She asked about the IT Department and the funds being moved. Mr. Kelty explained how this works.

Councilman Pena asked about the IT Department, and the Budget for this new department. Ms. Ezell said it is \$229,000.

Councilman Pena asked if the mulching site can be paid out of the reserved funds or from other departments? Councilman Pena asked isn't there a major savings account? Ms. Ezell said "no".

George Matamoros said he supports the IT Department, recommends that you keep the maintenance and office supplies with this department. He also said he opposes taking funds from other departments for the mulching site, he does not agree with this.

Ms. Dancy opposes the mulch site.

There was lengthy discussion by Council of the mulch site.

Councilman Cain spoke on the decrease of \$443,000. He asked, is this the cuts from the last meeting? Mr. Kelty said yes. Councilman Cain asked if this is eliminating any positions? Mr. Kelty said yes. Councilman Cain said he has an issue with eliminating a position, if the person in the position is doing a good job.

Mayor Bass asked if anyone opposes to reestablishing the Jailer position? Councilman Pena said, we need to support the Police Department at all opportunities. If the employees are good employees then let's move them to another position we have open. But if the position is obsolete and we don't need it, then we need to make the cut.

Mayor Bass said he is looking for support from Council for this position of the Jailers. There was a 4-1 consensus in favor of keeping this position.

Councilman Muraira asked who the cuts would affect in the Rec Center? Ms. Ezell said it is for the two attendant positions. The Supervisor and the Programs Coordinator will be kept. Ms. Ezell said there is a savings of \$78,000 in changing the hours and the cuts of the two attendants, for an annual budget of \$572,000, versus \$620,000.

Shonda Marshall said she feels the City needs to explore Councilman Pena's recommendation on building a new Rec Center. Ms. Marshall said her children use the Rec Center, and we need to make sure we invest in our children.

Pam Dancy said the Gym next to Arlan's has been in business for two years. She said people are using the gym instead of our Rec Center.

Karla Clark said when the Rec Center first opened she played racquet ball with the Mayor's mother and sister.

Councilman Pena asked about the budget cut of \$57,940 for the Museum. Mr. Kelty said it is from eliminating the newly proposed part time position, display cases, fund raiser, and wall boards.

City Manager, Tim Kelty explained the major onetime expenses for Streets and Drainage, \$750,000 transfer for street improvements. Street improvements at the levee and T-Dock, \$150,000. Extension of 5th Street \$759,000. Facilities and Grounds, Temporary Modular Station #2, \$426,000. Jail Renovations, \$115,000. Various parking lots. Gun Range, \$50,000. Mr. Kelty said he is actually proposing we eliminate the \$50,000 for the firearm training facility.

Mayor Bass asked if we own the property, or the ROW for the 5th Street extension? Ms. Ezell said there is no ROW we will have to purchase or get donated the ROW.

Councilman Muraira said the cost is high, but what is the cost for asphalt? Mr. Kelty said it goes down to \$699,000 for asphalt.

There was a lengthy discussion on this extension of 5th Street.

Mayor Bass said he does not think we should designate \$759,000 for this property since we do not own it. He asked Council what their consensus is on moving the \$759,000 from the Budget? All council agreed to keep the funds in streets and drainage but not designated to a project.

Karla Clark asked about the Bond money and the Industrial Agreements. Mr. Kelty said the City issued an \$8 Million Bond in 2020. A large portion of this money was designated for streets and drainage. Mr. Kelty explained the Industrial Agreements.

Mayor Bass closed the Public Hearing at 7:50.

Consideration of an Ordinance No. 2022-2674 Adopting FY2022-2023 Budget.

Mayor Bass tabled this item and called a Special Meeting on September 12, 2023 at 5:30 PM for item # 10 consideration and action.

Public Hearing: Public Hearing Regarding FY 2022-2023 Tax Rate.

Mayor Bass opened the Public Hearing at 7:51 PM

Finance Director Presented to council the FY 2022-2023 Tax Rate. She said a proposed Tax Rate of \$0.60 is being recommended by Staff, for adoption. Ms. Ezell explained that the Budget was not adopted, and we cannot adopt the Tax Rate tonight.

Sam Reyna said that there will be a Charter Review Meeting on September 12, 2023. Mr. Kelty said yes, we will have the Special Meeting at 5:30.

Mayor Bass closed the Public Hearing at 7:56 PM.

Consideration and Possible Action Regarding an Ordinance No. 2022-2675 Establishing a Tax Rate for the 2022 Tax Year.

Mayor Bass tabled this item and asked that it be considered at the Special Meeting on September 12, 2023 at 5:30 PM.

Ratification of Increased Property Tax Revenues Reflected in the Fiscal Year 2022-2023 Adopted Budget

Mayor Bass tabled this item and asked that it be considered at the Special Meeting on September 12, 2023 at 5:30 PM.

Consideration and possible action of the ratification of the purchase of (2) Zoll X-Series Advance Cardiac Monitor Defibrillators to be included within the original replacement vehicle budget of \$600,000 proposed on October 4, 2021.

Finance Director Cathy Ezell presented to council the possible ratification of the purchase of (2) Zoll X-Series Advance Cardiac Monitor Defibrillators to be included within the original replacement vehicle budget of \$600,000 proposed on October 4, 2021. Ms. Ezell said this was part of the \$600,000 that was allocated to the purchase of the ambulances. This purchase came into question when the auditors were here, the purchase price was over \$50,000. She said it is being brought back to council for the ratification of the purchase at the auditor's request.

A motion to approve ratification of the purchase of (2) Zoll X-Series Advance Cardiac Monitor Defibrillators to be included within the original replacement vehicle budget of \$600,000 proposed on October 4, 2021 was made by Councilman Brimage, seconded by Councilman Pena with all present voting "Aye" 5-0 council unanimously approved the motion.

Consideration and possible action awarding the Bid for Phase II Concrete Street Reconstruction and authorizing the Mayor to sign the resulting contract following Legal Review.

Public Works Director, Lance Petty presented to council the possible action awarding the Bid for Phase II Concrete Street Reconstruction, and authorizing the Mayor to sign the resulting contract following Legal Review. Mr. Petty said Freese and Nichols recommends awarding the Bid to Lucas Construction Company. The City went out for bids and received four proposals, with Lucas being the lowest bidder.

George Matamoros said the Lucas is doing a poor job. With this recent rain, people cannot get to their driveways. He said they did not put enough base material. He said we need to make sure that this gets taken care of properly.

Scott with Freese and Nichols, said we are working with the contractor to take care of these issues. The concrete work is good, but the rain is slowing them down. Mr. Petty said the approaches were too narrow going in. The concrete was already cut out, and this was pooling water from all the rain.

Councilman Pena asked who will provide the oversight? Mayor Bass said it will be from City Staff, Freese and Nichols as well as the Contractor.

A motion to approve awarding the Bid for Phase II Concrete Street Reconstruction and authorizing the Mayor to sign the resulting contract following Legal Review was made by Councilman Brimage, seconded by Councilman Cain. With all present voting the motion passed 4-1. Councilman Pena voted "Nay"

Consideration and possible action approving Ordinance No. 2022-2672, approving Ordinance setting Policy Agenda.

City Manager Tim Kelty presented to council Ordinance No. 2022-2672, approving Ordinance setting Policy Agenda. Mr. Kelty said this ordinance amends the ordinance that was adopted in January. He said staff is recommending three changes.

Councilman Pena questioned the backup documentation, he asked if City Staff will be able to help provide this? Mr. Kelty said yes sir. Mr. Kelty said if the requestor will meet with him ahead of time to go over the item he will help them prepare the memo and assemble any documentation. Councilman Pena asked if there is anything in the ordinance preventing council from contacting Olson & Olson? Mr. Kelty said no.

There was discussion on the number of items allowed to be placed on any agenda. Councilman Pena said he likes six items. Councilmen Cain, Brimage and Muraira all agreed to four items being placed on an agenda.

There was discussion on the number of months that an item can be reintroduced, after being placed on an agenda and failing to pass.

A motion was made by Councilman Brimage to approve the Ordinance with item #3 on page 1, "4 items may be added to any single City Council agenda", and on item #9 on page 2, there will be a "3-month time frame before an item will be reintroduced if the item fails". The motion was Seconded by Councilman Cain. With discussion that followed.

Councilman Pena asked if this ordinance is for Special Meetings as well? Mayor Bass said it is not. Councilman Pena asked if we can extend the deadline on adding an item to the agenda to Thursday before the meeting?

Mayor Bass asked if Councilman Brimage would amend his motion. Councilman Brimage said he does not see a point in doing that.

Mayor called the motion for a vote, with all present voting 3-2 Council approved Ordinance No. 2022-2672, approving Ordinance setting Policy Agenda. Councilmen Pena and Muraira voted "Nay".

Consideration and possible action on amendment to the employee policy Manual regarding a press release/media relations policy.

City Manager Tim Kelty presented to council an amendment to the Employee Policy Manual regarding a press release/media relations policy. He said this policy establishes a written policy regarding the issuance of Press Release regarding City issues. Mr. Kelty said it allows the Mayor, City Manager or individuals authorized by the Mayor or City Manager, as authorized representatives, responsible for City Press Release.

Councilman Pena asked if this violates Freedom of Speech? Mr. Olson said no, this is regards to statements made on "Behalf of the City".

Mayor Bass said this will keep a unified front.

Councilman Cain said, as council we need to do a better job of instructing when, and what we would like to be said. Sometimes council don't always agree with what should be released.

Mayor Bass explained the Ordinance.

A motion was made to approve the policy by Councilman Cain, seconded by Councilman Brimage. With discussion that followed.

Councilman Pena said this ordinance does not make for well transparency.

Councilman Muraira said he agrees with Councilman Pena, with the inclusivity aspect of it.

Mayor Bass called the motion to a vote, with all voting 3-2, council approved an amendment to the Employee Policy Manual regarding a press release/media relations policy. Councilmen Muraira and Pena voted "Nay"

Consideration and possible action of the renewal of Freese and Nichols contract.

City Manager Tim Kelty presented to council the possible action of the renewal of Freese and Nichols contract. He said three years ago following an extensive Request for Qualification process, and a series of interviews, the City selected Freese & Nichols as our City's Engineer. Currently Freese & Nichols is working on a number of major projects for the City. Staff recommends the approval of the renewal contract with Freese and Nichols.

A motion was made to approve the Contract extension by Councilman Brimage, seconded by Councilman Cain with all voting 4-1, council approved the motion. Councilman Pena voted "Nay"

Discussion for redistricting of Wards

City Manager Tim Kelty said that he has talked with Mr. Olson, and Mr. Kelty said he has checked with some other cities and Bickerstaff is the company that most cities use for this process. Mr. Kelty said this can be a very challenging political decision for the council to make. Talking with the attorney from Bickerstaff the process is pretty straightforward. Mr. Kelty said that there is a requirement that prohibits the largest and the smallest Ward being different by more than ten percent in population. Mr. Kelty said Bickerstaff is putting a proposal together, and this will be presented at the next City Council meeting.

Mayor Bass said this is a requirement that is necessary. He said the populated areas have changed, he said he recommends this.

Councilman Muraira asked how long does this process take? Mr. Kelty said the goal is to be done by December.

Discussion regarding the AmeriWaste Trash Contract.

Councilman Cain said he has been for the AmeriWaste Contract. He spoke of his concerns for the residents. He said they do not know who to contact, or where to get the roll off dumpsters. We need to educate residents to call the City, and they will be instructed use Wastemasters, per the contract with AmeriWaste. He spoke of the contractors that frequently use roll offs, and the possible relationship they have with a specific company. Councilman Cain said he feels like, if we limit people to just one company, this is another way that the City is handcuffing the improvement in the City. Councilman Cain said he is hoping we can have conversation with AmeriWaste.

Councilman Brimage said he has used a roll off one time, from Wastemasters. They were quick to drop off, and pickup. He said he used Sprint prior to this, because local residents Kenny McGee and his wife Karen owned it, and Councilman Brimage said he chose to use a local company. He said Wastemasters is out of Alvin, this is a Brazoria County company.

Mr. Kelty said when the contract was agreed on, the company made a significant investment to ensure there would be plenty of roll off dumpsters for the City. Mr. Kelty spoke on the franchise fees.

Nicole Mireles said she is very upset that people are being fined. She said how can the city dictate how to spend our money?

Pam Dancy said people are angry. She said people should be allowed to choose who they want to use.

Sam Reyna presented council a letter given out to residents in the City explaining which company that can be used.

George Matamoros has been in favor of AmeriWaste residential service. But does not like being dictated on who can be used. He said the notice given to residents should have be worded better.

Councilman Pena said we need to end this contract, if this is something AmeriWaste was being serious about. Or we need to edit this contract as it is. Councilman Pena asked Interim City Attorney if the city has grounds to be making threats to the citizens and businesses? Mr. Olson said there is authority in Chapter 50 of the Code of Ordinances.

Mayor Bass said Council had the opportunity to read the contract in its entirety. This is a contract, and there is not much that can be done. He said if we wanted to object, we should have done so before the contract was signed. He said we will talk with them, and Janelle has been responsive with us.

Sam Reyna said he has been against this contract from the beginning.

WORK SESSION:

Councilman Cain spoke of the rain and all the mosquitos. He said he is grateful to see the mosquito truck. He spoke of the rain is making the grass to grow quicker, for the most part, the majority of the lawns are mowed. But there are some that are overgrown. The empty rental property homes, have overgrown yards. He said we need to get after the owners of these empty homes.

Councilman Muraira asked for updates on the concrete streets for 1700 West 8th. Mr. Kelty said it should be completed by the end of October. He asked about the Alley between 6th & 7th, he said there is standing water. Mr. Petty said they are going to cut some ditch where this is holding water. Councilman Muraira asked if the mosquito truck can go to Slaughter Road. Councilman Muraira asked about the Velasco Drainage District, in regards to the ditches by Magnolia, and Cedar. Mr. Petty said it is not to make the ditches wider, but to clean them out. Councilman Muraira asked about an update on the Police Chief search. Mr. Kelty said there have been interviews of eight candidates, we will be bringing three back on Thursday for final interviews. Thorough background checks will be conducted, before he makes a recommendation to City Council. He asked about the Magnesium Plant, he said can we require an environmental impact study before? Mr. Kelty said most companies do this before they make an investment.

Councilman Pena thanked all that came out and spoke. He asked Mr. Kelty about Mr. Smyth's issue with the permit. Mr. Kelty said he will be giving him a call. He spoke on the trash issue that Mr. Casale is having, and asked him for pictures of the trash. He spoke on the gas line that was broke from the mowing on 6th and Cherry. Chief Motley said this was taken care of the same day. Councilman Pena asked about the work being done at the 100 Block of Broad Street. He said there was a gas line being dug up by Centerpoint. Chief Motley said they are replacing older lines right now. Councilman Pena said the alleys are torn up. Ms. Roman said when a company comes in they are required to get a ROW Permit, this is so we can backtrack them and make sure the repairs are done. Councilman Pena asked about the parking at the Intermediate School. Mayor Bass said this is a TXDOT road. Councilman Pena spoke of the road complaints on 288. Mr. Kelty said TXDOT is planning to make repair of this, this fiscal year. Councilman Pena asked about Code Violations. Mr. Kelty said no fine is issued unless the problem is not taken care of. He asked about the pet policy and the number of dogs allowed. He also spoke of the loose dogs in the City. He asked what the Police Chief Salary will be, Mr. Kelty said he does not have that information with him. Councilman Pena asked if the new Chief will be required to live in the City. Mr. Kelty said he does not believe we can require this. He spoke of the Kisuma withdraw from the City.

CLOSED SESSION:

Open Session was closed at 8:46 PM.

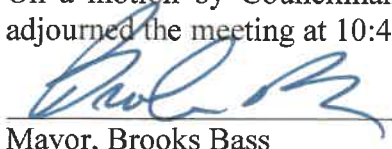
Mayor Bass asked if Mr. Navarro, Betty Wells, and Mr. Kelty to be included in Executive Session.

Executive Session was closed at 10:49 PM

No action was taken from Executive Session.

Adjourn

On a motion by Councilman Cain, seconded by Councilman Brimage, with 5-0 vote, Mayor Bass adjourned the meeting at 10:49 P.M.



Mayor, Brooks Bass
City of Freeport, Texas



City Secretary, Betty Wells
City of Freeport, Texas