

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, October 3, 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 Absent

Staff: Tim Kelty, City Manager
Lance Petty, Assistant City Manager
Betty Wells, City Secretary
David Olson, Interim City Attorney
Cathy Ezell, Finance Director
Kacey Roman, Building Official
Clarisa Molina, Assistant City Secretary/Administrative Assistant
Chris Motley, Freeport Fire Chief
Toby Cohen, IT Manager
Danny Gillchriest Interim Police Chief
Brian Dybala, Director Freeport Municipal Golf Course
Donna Fisher, Human Resource Director
Stephanie Arbolante, Freeport Police Department
Hope Bullman, Code Enforcement Officer

Visitors:

Shonda Marshall	David McGinty
George Matamoros	Bob Casale
Sam Reyna	Karla Clark
Ruben Renobato	James Carter
Margaret McMahan	James Sacamanano
Pam Dancy	Brett Bowles
Eric Hayes	Melanie Oldham
Caroline Bass	Melissa Lawson (Bass)

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, and Pledge was led by Mayor Bass.

CITIZENS' COMMENTS:

Eric Hayes 1507 West Broad, spoke to council about Ave G Road repair. He said the street is too high. Mr. Hayes said they should not be putting overlay on this street, it is causing a problem.

Sam Reyna, 2002 N. Ave G, spoke to council about the Citizens and Council that keep tarnishing Councilman Brimage's name. He spoke highly of Councilman Brimage. Mr. Reyna thanked Councilman Brimage for his service.

Karla Clark, 411 Sailfish spoke to council about past meetings where other people are degrading and minimize someone else. Ms. Clark said these people should not be allowed to demean others. She said she sent an email to each council person, and only one responded. She spoke of Industrial Agreements and Abatements, she was given through Public Information Request. She spoke of not being able to obtain a clear City Map boundary map with streets, from the City.

Manning Rollerson spoke of conspiring coverups for nine months. He spoke of council allowing this to happen. He said he has called the DA and the Texas Rangers to investigate the Councilman that owes the money.

Melanie Oldham, spoke of her training with PIR. She also spoke on the Industrial Agreements. Ms. Oldham said she hates to hear Citizens attacking Council. Ms. Oldham spoke of the positive work the City is doing.

George Matamoros, 1722 N. Ave O, spoke to council about transparency. He asked where the investigation is on Councilman Ward A. He also said he would like Council to release why City Attorney Chris Duncan was terminated, he said this information will be helpful to the EDC since they still employ him.

Bob Casale asked if Councilman Pena can be appointed as the liaison for Ward D.

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

Presentation by Brett Bowles for Freeport Municipal Golf Course Club House

Brett Bowles with IAD presented to Council a PowerPoint for the Freeport Municipal Golf Course Club House.

There was discussion by Council on this item.

There was opposition by Bonnie Zimmerle to this item.

Sam Reyna spoke of the money from the DOW Lease.

Presentation for the Food Service Awards for local restaurants.

Building Official Kacey Roman, and Code Officer Hope Bullman presented Food Service Awards for local restaurants. These awards were given to Brazosport Cares, Billy's Donuts, Maria's Kitchen, Memorial Child Care, Bucees, Freeport and Velasco Elementary, Lanier and Freeport Intermediate.

CONSENT AGENDA

Consideration and possible action on the approval of City Council meeting minutes from September 19, 2022.

Consideration and possible action of road closures on October 27, 2022 for the ISD

A motion was made to approve the consent agenda by Councilman Cain, seconded by Councilman Muraira. With all present voting "Aye" 4-0 council unanimously approved the Consent Agenda.

COUNCIL REGULAR AGENDA

Consideration and possible action on the recommendation by the City Manager for the new Police Chief for the City of Freeport.

City Manager Tim Kelty presented the recommendation for the new Police Chief for the City of Freeport. He said she has a more than 20-year career in law enforcement, she is currently employed as Assistant Chief for the City of Lacy Lakeview Police Department. She was one, of 21 applications received for this position.

Mayor Bass asked that Ms. Howell tell of her experience of Patrol, up to Assistant Chief.

Councilmen Pena, Muraira, and Cain had numerous questions for Ms. Howell.

A motion was made by Mayor Bass to approve the City Manager's appointment of Jennifer Erlanson Howell, as the Police Chief for the City of Freeport, seconded by Councilman Pena. With all present voting, 4-0 council unanimously approved the City Manager's appointment of Jennifer Erlanson Howell as the Police Chief for the City of Freeport.

Public Hearing: Public Hearing and possible action on an Ordinance amending Land Use Regulations effecting the Downtown District zoning classification Downtown (DT) Zone.

Mayor Bass opened the Public Hearing at 7:28 PM.

Councilman Pena asked Mr. Olson if he is allowed to discuss, advise and vote this item? Mr. Olson said under Chapter 171, he does not believe there legally is a conflict and he believes he is legally able to participate and vote on this matter.

Building Official Kacey Roman presented to council an Ordinance regarding amendment to the Zoning Ordinance, regarding residential development in the Downtown (DT) Zone. She said that the Planning and Zoning Commission voted to recommend an ordinance allowing residential development in the Downtown by Specific Use Permit, and eliminating the prohibition of reconstruction of existing residential uses in the event of unintended demolition of those properties.

Pam Dancy supports this amendment of this ordinance.

Mr. Penfield spoke of his home in the Downtown, and how the existing ordinance will prevent him from rebuilding his home if something happened to it. He is in support of the amendment of this ordinance.

Melanie Oldham opposes the amendment of this ordinance.

Margaret McMahan, Chairman of the Historic Mainstreet Board spoke in regard to the commission's vote to oppose any change to the existing ordinance and their reasons why.

George Matamoros opposes the amendment to this ordinance.

Betty Alcalá supports the amendment to this ordinance.

William Leach 216 West Park supports the amendment of this ordinance.

Eric Hayes Chairman of the Planning and Zoning Commission said the commission originally voted 3-1 in favor of changing the ordinance allowing unrestricted residential development in the downtown zone. Once the ordinance was prepared and presented to the Commission they voted 4-0 on the Ordinance that allows Residential Development by Specific Use permit. He said he personally supported the idea of allowing unrestricted residential development in the downtown.

James Sacammano said P & Z believes the ordinance with the specific use permit requirement, is a good compromise.

Councilman Pena Spoke of his confusion and frustration regarding the city's failure to bring the Plan Commission's original request to council for a vote. He passed out to council the original Ordinance presented to the Planning and Zoning Commission that included the allowance for unrestricted residential development "by right". He also presented a video regarding the development of the OA Flemming property.

There was lengthy discussion by Councilman Pena on the amendment to this ordinance.

Mayor Bass closed the Public Hearing at 8:25 PM.

Councilman Pena made a motion to approve AN ORDINANCE AMENDING THE CITY OF FREEPORT'S ZONING ORDINANCE BY AMENDING SECTION 155.401 – LAND USE TABLE, SPECIFICALLY TABLE 155.401-1, PERMITTED USES BY DISTRICT, BY ADDING ALL "HOUSEHOLD LIVING" RESIDENTIAL USES AS "PERMITTED BY RIGHT" (SYMBOL "P") TO THE DOWNTOWN DISTRICT (SYMBOL "DT"); CONTAINING A PREAMBLE; CONTAINING A SEVERANCE CLAUSE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AND PROPERLY PUBLISHED FOR HEARING AS REQUIRED BY LAW AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS. The motion was seconded by Councilman Muraira. With all present voting, 2-2, the motion failed. Mayor Bass and Councilman Cain voted "Ney" Councilmen Pena and Muraira voted "Aye"

Public Hearing: Public Hearing for consideration and possible action regarding the proposed replat of Lot 1 Block 703 City of Velasco a replat of all of Lots 1-8 and part of Lots 9 & 10, Block 703, Town of

Velasco Located in the City of Freeport and being out of the S.T. Angier Survey, Abstract No. 8, Brazoria County, Texas.

Mayor Bass opened the Public Hearing at 8:27 PM.

Building Official Kacey Roman presented to council the proposed replat of Lot 1 Block 703 City of Velasco a replat of all of Lots 1-8 and part of Lots 9 & 10, Block 703, Town of Velasco Located in the City of Freeport and being out of the S.T. Angier Survey, Abstract No. 8, Brazoria County, Texas. Ms. Roman said this was presented to and approved by Planning and Zoning Commission.

With no one from the public desiring to speak on the matter, Mayor Bass closed the Public Hearing at 8:29 PM.

A motion was made by Councilman Cain to approve the proposed replat of Lot 1 Block 703 City of Velasco a replat of all of Lots 1-8 and part of Lots 9 & 10, Block 703, Town of Velasco Located in the City of Freeport and being out of the S.T. Angier Survey, Abstract No. 8, Brazoria County, Texas, and seconded by Councilman Pena. With all present voting "Aye" 4-0, council unanimously approved the replat of Lot 1 Block 703 City of Velasco a replat of all of Lots 1-8 and part of Lots 9 & 10, Block 703, Town of Velasco Located in the City of Freeport and being out of the S.T. Angier Survey, Abstract No. 8, Brazoria County, Texas.

Consideration and possible action approving the sewer line replacement in the Alley of 8th and 9th, at Yaupon and Dixie.

Assistant City Manager, Lance Petty, presented to council for the approval of the sewer line replacement in the Alley of 8th and 9th, at Yaupon and Dixie. He said the city went out for Bids twice, and both times the quotes were very high. Staff is recommending that the city purchase the materials, and Contract with Easy Construction to do the work. This proposal is for labor only in the amount of \$89,800.

Councilman Cain said the alley way is on the list of roads to be repaired, and asked if these two be done in conjunction with each other? Mr. Petty said yes sir.

A motion was made by Councilman Cain to approve the sewer line replacement in the Alley of 8th and 9th, at Yaupon and Dixie, in the amount of \$89,800 and seconded by Councilman Muraira. With a 3-0 vote council approved the sewer line replacement in the Alley of 8th and 9th, at Yaupon and Dixie, in the amount of \$89,800. Councilman Pena was not present for the vote, he had left the Council Chambers.

Discussion regarding amending the City Personnel Policy regarding the Federally designated holidays of Juneteenth and Columbus Day

Donna Fisher, Human Resource Director presented to council the possible amending of the City Personnel Policy regarding the Federally designated holidays of Juneteenth and Columbus Day.

Councilman Pena said he wants to make sure we are making our best effort for diversity.

There was support from the citizens in adding the Juneteenth Day to the Holiday Schedule.

Mayor Bass said he is in support of adding Juneteenth as a Holiday, as well as Cesar Chavez Day on March 31.

There was no action taken on this item.

Discuss and Take Possible Action to investigate and collect the unpaid \$45,000 by Braztexas LLC to the City of Freeport for property located at Caldwell Street under Ordinance 2013-2034

Karla Clark spoke to council about being harassed by other people in the gallery, she said this is not a forum that she understands. She said that she would like her name removed from the written minutes. She said the written minutes are not the official minutes, she said the taped minutes are the official minutes

Pam Dancy spoke of Councilman Brimage being allowed to break the rules. She spoke of Chief Garivey selling property to Councilman Brimage.

Melanie Oldham spoke of the misinformation on the item. She said she does not think this was handled properly.

This item was moved into Executive Session on the advice of Interim City Attorney, David Olson.

WORK SESSION:

Councilman Pena spoke of the citizen comments. He asked about the overlay making the street too high, and asked who oversees this? Mr. Petty said either he, or the supervisor oversee the roadwork. Councilman Pena spoke of the investigation on Councilman Brimage. Councilman Pena spoke on the FY22/23 Budget and the financial concern brought by Ms. Ezell and the IDA's. Councilman Pena spoke of the investigation on himself and the Boys and Girls Club he said this is still being done, and it is a serious process. He asked if Oak Street is a private road, he said that it is roped off. Mr. Kelty said he will check into this. Councilman Pena asked when Centerpoint will repair the damage that was done in the alley Downtown?

Councilman Cain said he did not receive an email from Mr. Penfield, nor Ms. Clark. He asked that this be checked into. Mr. Kelty said he will get with Toby tomorrow. Councilman Cain spoke on the three streets, 7th, 8th, and 10th being under construction for concrete. He said last meeting it was mentioned that they were ahead of schedule. He asked if all three of these streets are being done by the same company and one crew? Mr. Petty said same company, but there are several crews. Councilman Cain said the sidewalk on 2nd Street looks amazing. And he said he wants to give a shout out to the First Responders that worked the issue at Bucces.

Councilman Muraira said he would like to have Main Street and Charter Review on Face Book Live, and held at the Council Chambers. He said he would also like to have a presentation given by the Main Street. He said we need to listen to the residents in the Downtown. Councilman Muraira said nothing has changed in the Downtown. He said Barcadia has been a hit. He said he has received complaints of the dumpster on the softball fields. Councilman Pena asked if there can be some chemicals added to the ditch at Ave M, the grass is getting tall. Councilman Muraira asked that Mr. Kelty and Lance Petty meet with him by McDonalds, he said residents are wanting the ditches to be dug out. He asked if we can make an Ordinance for Chemical Companies to show they have done an environmental study. Councilman Muraira asked about the investigation on Councilman Pena.

City Manager Tim Kelty reminded council and the citizens of National Night Out, tomorrow at 6. He announced the City-Wide Community Cleanup is October 15, 8-12 at O. A. Fleming. He announced Downtown Fall Market Day is October 29.

Update on reports / concerns from Department heads

CLOSED SESSION:

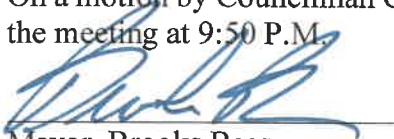
Open Session was closed at 9:26 PM.

Executive Session was closed at 9:50 PM

No action was taken from Executive Session.

Adjourn

On a motion by Councilman Cain, seconded by Councilman Pena, with 4-0 vote, Mayor Bass adjourned the meeting at 9:50 P.M.



Mayor, Brooks Bass
City of Freeport, Texas



City Secretary, Betty Wells
City of Freeport, Texas