

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, October 17, 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
Lance Petty, Assistant City Manager
Betty Wells, City Secretary
David Olson, Interim City Attorney
Cathy Ezell, Finance Director
Clarisa Molina, Assistant City Secretary/Administrative Assistant
Chris Motley, Freeport Fire Chief
Toby Cohen, IT Manager
Danny Gillchriest Interim Police Chief
Donna Fisher, Human Resource Director
Staff from Freeport Police Department
Staff from Freeport Fire Department
Robert Cramer, Code Enforcement Officer
Haley Wall, Water Department Billing Clerk
Yvette Ruiz,

Visitors:

George Matamoros	Bob Casale
Karla Clark	Kenneth Hayes
Nicole Mireles	Sam Reyna
Con and Diane McCleester	Manning Rollerson
Joseph Penfield	Pamela Dancy
Melanie Oldham	Sidney Falk (Bickerstaff)
Jared Barber (Freese & Nichols)	Bonnie Zimmerle
Shonda Marshall	Ruby Marshall
Sabrina Brimage	

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:

Jeff Pena spoke of the DWI. He said he is not proud of this moment. He said that he regrets this happened, and he will learn from this mistake.

Bonnie Zimmerele thanked Council and all involved for the bulk trash pickup that was held at O. A. Fleming.

Manning Rollerson thanked Council for the bulk trash pickup. He also spoke of the harassment by Freeport Officer Mosley. He said this Officer needs to be looked into.

Pam Dancy said the City is not a City, without trust from the citizens. She spoke of the money that is owed to the City.

George Matamoros 1702 N. Ave O, spoke to council of the possible change into the Citizen Comments, and comments on agenda items. He said he does not support this, and he hopes council will not institute this policy.

Karla Clark thanked Council and Mayor for following up with the items she had concern with. She said slander in this forum, is not how it should be run. Ms. Clark spoke about the search engine on the website.

John Gray, Brazoria County Scanner spoke of Officer Mosley. He said, this officer needs to be taken off of the force.

Kenny Hayes, commended the PD on the Blue Santa Golf Tournament. He also said the City of Freeport team received a trophy, for last place.

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

Presentation of Employee of the Month, for the month of September.

City Manager Tim Kelty presented the Employee of the Month to Haley Wall and Robert Cramer, for the month of September 2022.

Presentation by Bickerstaff for redistricting of Wards.

Sidney Falk gave a presentation of the process for redistricting of Wards, for the City of Freeport.

Administer Oath of Office to newly appointed Police Chief of the City of Freeport.

City Secretary Betty Wells, administered the Oath of Office to newly appointed Police Chief of the City of Freeport, Jennifer Howell.

Texas Billfish classic video presentation.

A video was played for the upcoming Billfish Classic.

CONSENT AGENDA

Consideration and possible action on the approval of City Council meeting minutes from October 3, 2022.

Consideration and possible action to approve the Brazoria County Firefighter's Association Fire Protection Agreement with Brazoria County.

Consideration and possible action to approve the purchase of a 1-ton dump truck for public works in accordance with the approved budget.

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

COUNCIL REGULAR AGENDA

Consideration and possible action of approving the final TIRZ #1 project and financing plan.

City Manager presented to council the possible action of approving the final TIRZ #1 project and financing plan. He said the preliminary plan was approved about two years ago prior to the County and College joining. He said this was presented to the TIRZ Board and was approved on October 11, 2022.

Travis James with, TXP said a TIRZ is a Tax Increment Reinvestment Zone. He said the TIRZ Board approved this final project and finance plan, and the last thing is the approval of this plan by council. Once this is done, the TIRZ can start spending money on Economic Development Projects within the Zone, all with Council approval.

A motion was made by Councilman Cain to approve the final TIRZ #1 project and financing plan, seconded by Councilman Pena. With all present voting, 5-0 council unanimously approved the final TIRZ #1 project and financing plan.

Consideration and possible action regarding appointment by Council of Representative Ward to serve on Citizens Advisory Committee, for Redistricting effort.

Bob Casale, Bridge Harbor spoke of consideration for proper representation for Ward D.

Karla Clark, 411 Sailfish asked if this is for all Wards? Mayor Bass said yes.

City Manager, Tim Kelty presented to council possible action regarding appointment by Council and Mayor of Representative Ward to serve on Citizens Advisory Committee, for Redistricting effort. He said staff recommends the Mayor and each council member appoint a citizen from their Ward to sit on an advisory committee for the Redistricting of the Wards.

Councilman Pena appointed Bill Leach. Councilman Cain appointed Eric Hayes. Councilman Brimage appointed Kenny Hayes. Councilman Muraira appointed, Raul Ramirez. And, Mayor Bass appointed Ed Garcia.

Consideration and possible action approving Resolution No. 2022-2759 amending the City Personnel Policy regarding the designated holidays of Juneteenth, Caesar Chavez, Fiesta Patrias and Cinco de Mayo.

Human Resource Director, Donna Fisher presented to council Resolution No. 2022-2759 amending the City Personnel Policy regarding the designated holidays of Juneteenth, Caesar Chavez, Fiesta Patrias and Cinco de Mayo. She said staff recommends council to discuss and make a recommendation regarding the City Personnel Policy. She said Citizen and Council has voiced their concern of Juneteenth not being observed as a Federal Holiday.

Councilman Pena said he would like to have a City-wide celebration for Cinco de Mayo, and Hispanic Heritage Month.

Councilman Cain said he is in support of Juneteenth Holiday. And he supports the proclamation adoption for Hispanic Heritage Month.

A motion was made by Councilman Brimage to approve Resolution No. 2022-2759 amending the City Personnel Policy regarding the designated holiday of Juneteenth as a paid holiday, and recognizing that a proclamation will be approved prior to Hispanic Heritage Month. Seconded by Councilman Pena, with a 5-0 vote council approved Resolution No. 2022-2759 amending the City Personnel Policy with those changes.

Consideration and possible action approving Resolution No. 2022-2760 for the addition and amendment to the City Personnel Policy Handbook for the Internet, Password, Remote Use policies.

IT Manager, Toby Cohen presented to council Resolution No. 2022-2760 for the addition and amendment to the City Personnel Policy Handbook for the Internet, Password, Remote Use policies.

A motion was made by Councilman Cain to approve Resolution No. 2022-2760 for the addition and amendment to the City Personnel Policy Handbook for the Internet, Password, Remote Use policies. Seconded by Councilman Muraira, with a 5-0 vote council approved Resolution No. 2022-2760 amending the City Personnel Policy.

Notice of Vacancy on the Planning and Zoning Commission Board.

City Manager Tim Kelty presented to council the vacancy on the Planning and Zoning Commission. He said if a member misses three consecutive meetings they can be removed from the board. Mr. Kelty said member Daniela Bailey has indicated that her work schedule is going to prevent her to participate on this board.

Consideration and possible action to approve Architectural Design proposals for City Hall renovations.

City Manager Tim Kelty presented to council the possible action to approve Architectural Design proposals for City Hall renovations. He said IAD prepared bids and specs for the renovation for City Hall. He said the bids far exceeded the funding for the renovations. Mr. Kelty said staff recommends council to approve the Architectural Design proposals for City Hall Renovations. The cost for this will be \$36,100, this is a fixed fee.

There was discussion by council on the reduced scope, and what it will include. And there was discussion on the elimination in this scope.

A motion was made by Councilman Cain to approve Architectural Design proposals for City Hall renovations. Seconded by Councilman Muraira, with a 5-0 vote council approved Architectural Design proposals for City Hall renovations. Councilman Pena said he would like there to be landscaping done.

WORK SESSION:

Mayor Bass said the Golf Course Club House was brought up by a council member. He said to enhance the Golf Course, and increase the revenue. He said this was just a thought, by a Councilman. Mayor Bass said the bulk pickup was part of the contract with AmeriWaste. They will do this twice a year, during the Spring and the Fall. He thanked Mr. Petty for getting the 1-ton dump truck for \$78,000.

Councilman Pena said Freeport best days are ahead. He discussed citizens comments. Councilman Pena spoke on the two city-wide cleanups. He asked John Gray, if he would share the video he has on the accusations made against the Police Officer? Councilman Pena asked what the status is with AmeriWaste, in regards to the roll off dumpsters? Councilman Pena asked about the alley at Park Street, he said that Centerpoint messed this up and wants to know when it will be repaired. Mr. Petty said Centerpoint will be responsible to repair this alley. Mr. Petty said he also had the Engineers come down and look at the drainage in the Alley. Councilman Pena said he wants all Public Meetings to be live video. He said he wants videos for all meetings. He asked if the Charter Review Meeting will be recorded? Mr. Olson said there is no legal obligation for this. Councilman Pena said then we may need to pass an ordinance.

Councilman Cain thanked AmeriWaste and the City Employees for the city-wide cleanup. He announced Fright Night on October 27, 2022, it will be at Riverplace. He said there will also be a Trunk or Treat, and we are looking for businesses or people who just want to come out and participate. Councilman Cain also announced, Wade Dillon with the Freeport Museum, will have a Ghost Walk on October 29, 2022 in Downtown Freeport. He said donation of candy is welcome for the Fright Night.

Councilman Muraira asked if the approved Budget in online? Mr. Kelty said the final approved Budget will be online by the end of this week, Ms. Ezell has been out.

City Manager Tim Kelty said the sanitary sewer project, the \$6 Million grant, is at about 90% engineering, and estimate that we will be going out for bids November or December. He also spoke about the \$6 Million Waste Water Treatment Plant project. He said this engineering is progressing also. He said we estimate bids will be going out in March of 2023. He said the Grant Project through the County for the sewer line between Ave G & H has been done, and now they are doing pavement repairs. There is delay in pumps stations 3, 4, and 14. He said we ordered the pumps months ago, we have an anticipated start date of these three pumps on November 14, 2022 and completion in March of 2023.

Update on reports / concerns from Department heads

CLOSED SESSION:

Open Session was closed at 8:10 PM.

Executive Session was closed at 9:30 PM.

Pam Dancy said a lot of people felt intimidated by Councilman Brimage. She said she likes Mr. Brimage, she just feels that no one does business like this. She said she feels like the city and the citizens were taken advantage of.

Kenny Hayes said nothing was done wrong by Councilman Brimage. He said you can blame Mayor Norma Garcia, Jeff Pynes, City Manager, Assistant City Manager and a Finance Director who all signed

off on this agreement. He spoke on the property with Mr. Wong, and it was approved by the same group of people.

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

A motion was made by Councilman Pena to authorize our City Attorney to investigate the collection of the unpaid \$45,000 by Braztex, LLC, for the property located at Caldwell Street, seconded by Councilman Cain. With a 3-1 vote, motion passes. Mayor Bass voted "Nay"

Discuss and Take Possible Action regarding Demand for RePayment of \$200k+ AND legal fees from Braztex LLC pursuant to the Zeck and Navarro Investigation.

A motion was made by Councilman Pena to authorize Special Counsel, to file a lawsuit to pursue the \$203,000 as per the demand letter, from Braztex LLC. Seconded by Councilman Muraira. With a 3-1 vote motion passes. Mayor Bass voted "Nay".

Adjourn

On a motion by Councilman Pena, seconded by Councilman Muraira, with 5-0 vote, Mayor Bass adjourned the meeting at 9:37 P.M.



Mayor, Brooks Bass
City of Freeport, Texas



City Secretary, Betty Wells
City of Freeport, Texas