

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, November 7, 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

Staff: Tim Kelty, City Manager  
Lance Petty, Assistant City Manager/PWD  
Betty Wells, City Secretary  
David Olson, Interim City Attorney  
Cathy Ezell, Finance Director  
Chris Motley, Freeport Fire Chief  
Toby Cohen, IT Manager  
Danny Gillchriest, Police Captain  
Donna Fisher, Human Resource Director  
Brian Dybala, Director Freeport Golf Course  
Kacey Roman, Building Official

Visitors:

Con & Diane McCleester	Karla Clark
Joseph Penfield	Mark Parker
Melanie Oldham	Sam Reyna
Kenny Hayes	Sandra Loeza
Pam Dancy	Ricardo Loeza
Manning Rollerson	Ruben Renobato
Melanie Oldham	Ruby Marshall
Bonnie Zimmerle	George Matamoros
Shonda Marshall	Eric Hayes
Raul Ramirez	Keith Stumbaugh

**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:**

Bonnie Zimmerle, 607 West 7<sup>th</sup> said she was not aware of the new Volkswagen Plant that is coming into the city. She said the \$6 Million that was discussed in a previous meeting, is that going into the WWTP because of this new company? She has concern that the system will be overpowered by the plant using our sewer, water, and power.

Karla Clark, 411 Sailfish #104 spoke of the lease with Olin and the City and the amount of taxes the city paid. She said she believes the city needs a liaison for the Appraisal District. She spoke of the Facebook video Councilman Muraira was recording at a meeting with city staff. Ms. Clark said Ward D needs a representative.

Manning Rollerson spoke of the Attorney General letter he received, and the footage he requested, not being released because of a pending investigation. He spoke of the resignation of the Ward D Councilman. He spoke of the video by Councilman Muraira.

George Matamoros North Ave O, spoke of Councilman Pena's arrest, and how Councilman Pena made a joke about this serious charge at the last meeting. He commented on his elected representative and the video he posted on his Facebook page. He said there is no place where administration should be ambushed. He said this video did this, and this causes the residents to doubt their city government.

Pam Dancy spoke to council on how well the Halloween event was, she said it was wonderful. She spoke of the lawsuit, against Braztex. She said citizens paid for this investigation and we need to know the truth.

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

Councilman Cain introduced Sandra and Ricardo Loeza, Carole and Ada for their assistance in the Fright Fest. He said there is probably 30 more people who are not here, who assisted in making this possible.

A video was played from the Halloween Fright Fest that was held at Riverplace and Freeport Municipal Park.

### Presentation of the Quarterly Investment Report, for the 4<sup>th</sup> Quarter.

Freeport Finance Director Cathy Ezell presented the Quarterly Investment Report for the 4<sup>th</sup> Quarter.

### Presentation on Ambulance Billing.

Fire Chief Chris Motley presented to council on Ambulance Billing. He said he wants council to be aware of the billing changes. Mayor Bass asked, why are we changing? Chief Motley said this will allow us to improve our collections and properly file against insurance and Medicare/Medicaid. He said there will be soft collection calls for payment on the bills, that have not been paid. This is not a change in policy but a change in implementation of existing policy.

## **CONSENT AGENDA**

Consideration and possible action on the approval of City Council meeting minutes from October 17, and October 26, 2022.

Consideration and possible action appointing Olson and Olson as City attorney and Julian “Pat” Taylor as Deputy City Attorney for Prosecution.

Karla Clark said she does not believe any long-term contracts should be done, until there is representation for Ward D.

Councilman Muraira asked that item #4 be pulled from Consent Agenda.

A motion was made to approve the consent agenda item # 3 by Councilman Pena, seconded by Councilman Muraira. With all present voting “Aye” 4-0 council unanimously approved the Consent Agenda, item # 3.

### **COUNCIL REGULAR AGENDA**

Consideration and possible action appointing Olson and Olson as City attorney and Julian “Pat” Taylor as Deputy City Attorney for Prosecution

City Manager presented to council for appointing Olson and Olson as City Attorney and Julian “Pat” Taylor as Deputy City Attorney for Prosecution. He said the City Charter requires the city council to appoint a City Attorney.

There was discussion on the contract length of past City Attorney. And on the contract time and charge for Pat Taylor as Deputy City Attorney for prosecution. It was pointed out that the proposed contract is month to month and could be terminated at any time.

A motion was made by Councilman Pena to table or discuss this item in Executive Session seconded by Councilman Muraira. With a 2-2 vote, motion did not pass. Councilmen Muraira and Pena voted “Aye” Mayor Bass and Councilman Cain voted “Ney”

Mayor Bass made a motion to appoint Olson & Olson as the City Attorney with a month to month contract, and on the recommendation by Olson & Olson, to appoint Pat Taylor as the City Prosecutor. Seconded by Councilman Cain, with a 2-2 vote, motion fails. Mayor Bass and Councilman Cain voted “Aye” Councilmen Pena and Muraira voted “Ney”

Manning Rollerson spoke in favor of Pat Taylor.

Consideration and possible action approving Ordinance No. 2022-2678, calling a special election to elect a person to Council Member Ward D to fill the vacancy created by the resignation for the remainder of the unexpired term for such ward; and ordering a runoff election on April 1<sup>st</sup> if necessary.

Pam Dancy asked what is the earliest date to hold the Special Election for Ward D. She was told the earliest can be January 14, 2023.

Karla Clark said she believes we need someone to represent Ward D as soon as possible.

George Matamoros spoke on the redistricting. He said if the timeline is moved up, he will be unable to run for the Ward D position. Mayor Bass said we cannot hold anything up for just one person. Mr. Matamoros said it could possibly be for several people.

Shonda Marshall said there were two options for the redistricting.

Melanie Oldham spoke on the fairness for Wards C & D.

City Manager Tim Kelty presented to council Ordinance No. 2022-2678, calling a special election to elect a person to Council Member Ward D to fill the vacancy created by the resignation for the remainder of the unexpired term for such ward; and ordering a runoff election on April 1<sup>st</sup> if necessary. He said this position must be filled by a Special Election.

There was discussion by council about Ward D needing representation, but not rushing this process. There was discussion in support of calling the Special Election. There was discussion on the redistricting of the Wards.

City Manager said per Mr. Falk, the Law requires us to have the redistricting done by the January open date for the next elections.

City Attorney David Olson explained to council the requirement of this election within 120 days of the vacancy. He said this is a Texas Constitution provision. He said if council cannot agree, then we will unilaterally, be forced to call the election at the last possible date.

A motion was made by Councilman Cain to hold the Special Election on February 25, 2023. Seconded by Mayor Bass. With a 2-2 vote the motion did not pass. Councilman Cain, and Mayor Bass voted "Aye" Councilmen Pena and Muraira voted "Ney".

A motion was made by Councilman Pena to hold the Special Election on January 14, 2023. Seconded by Councilman Muraira. With a 2-2 vote, the motion failed. Councilmen Muraira and Pena voted "Aye", Mayor Bass and Councilman Cain voted "Ney".

Consideration and possible action approving Resolution No. 2022-2763, for the revision of the Purchasing Policy.

Finance Director Cathy Ezell presented to council Resolution No. 2022-2763, for the revision of the Purchasing Policy. She said the revision will be change the amount that is required to obtain a purchase order from \$1,000-\$3,000. \$3,000-\$4,999 will require verbal quote. \$5,000-\$49,999.99 require written bids/quotes. This will not change anything in the budget.

Councilman Pena asked what portions of the audit is complete? Ms. Ezell said most of the interim work has been completed. The final presentation will be given in March.

There was discussion on the increase of the purchase orders.

A motion was made by Councilman Cain to approve Resolution No. 2022-2763, for the revision of the Purchasing Policy, seconded by Councilman Muraira. With a 3-1 vote, motion passed to approve Resolution No. 2022-2763, for the revision of the Purchasing Policy. Councilman Pena voted "Ney"

Consideration and possible action approving Resolution No. 2022-2764, amending the Master Fees Schedule for Golf Course Greens fees, and Membership rates.

Brian Dybala, Director Freeport Golf Course presented to council Resolution No. 2022-2764, amending the Master Fees Schedule for Golf Course Greens fees, and Membership rates. He said staff is

recommending the increase in daily playing rates by \$5 per round, and the monthly/yearly membership to increase to \$10 per month.

A motion was made by Councilman Cain to approve Resolution No. 2022-2764, amending the Master Fees Schedule for Golf Course Greens fees, and Membership rates. Seconded by Councilman Muraira, with a 4-0 vote council unanimously approved Resolution No. 2022-2764.

Consideration and Possible action approving Ordinance No. 2022-2679, amending 113.07 of Title XI of the Code of Ordinances of the city of Freeport Texas, by revising Section 113.07(B)(1) to except certain off-premise signs as prohibited within the corporate limits of the city.

City Manager Tim Kelty, presented to council Ordinance No. 2022-2679, amending 113.07 of Title XI of the Code of Ordinances of the city of Freeport Texas, by revising Section 113.07(B)(1) to except certain off-premise signs as prohibited within the corporate limits of the city. He said this will benefit the business owners who have off premise signs. There will be the need to get a permit for a sign.

Councilman Pena asked who will benefit from this ordinance? Mr. Kelty said businesses city wide.

A motion was made by Councilman Pena to approve Ordinance No. 2022-2679, amending 113.07 of Title XI of the Code of Ordinances of the city of Freeport Texas, by revising Section 113.07(B)(1) to except certain off-premise signs as prohibited within the corporate limits of the city. Seconded by Councilman Cain, with a 4-0 vote council unanimously approved Ordinance No. 2022-2679.

Discussion and possible appointment of a Citizens Advisory committee for the overhaul of the City of Freeport Sign regulations.

City Manager Tim Kelty presented to council the possible appointment of a Citizens Advisory Committee for the overhaul of the City of Freeport Sign Regulations. Mr. Kelty said that Eric Hayes has suggested the Planning Commission could handle this.

A motion was made by Councilman Pena to table the appointment of a Citizens Advisory Committee for the overhaul of the City of Freeport Sign Regulations, seconded by Councilman Cain. With all present and voting 4-0, council unanimously tabled appointment of a Citizens Advisory Committee for the overhaul of the City of Freeport Sign Regulations.

Consideration and possible action for the designation of streets for Interlocal with County.

Assistant City Manager Lance Petty presented to council the designation of streets for the Interlocal with the County. Mr. Petty said staff recommends council authorize the list of streets for 2022/2023 asphalt agreement with the county.

There was discussion by council. Mr. Pena requested time to meet with staff to consider and propose alternate streets for consideration.

A motion was made by Councilman Pena to table the designation of streets for the Interlocal with the County, seconded by Councilman Cain. With all present and voting 4-0, council unanimously tabled designation of streets for the Interlocal with the County.

Consideration and possible action by City Council approving sale of Trust Property located in the 200 Block of South Avenue I (Velasco, Block 71, Lot 1).

Laura Cramer presented to council approving sale of Trust Property located in the 200 Block of South Avenue I (Velasco, Block 71, Lot 1). She said this property is located at the end of South Ave I.

Melanie Oldham said she wanted to bid on this property, but she missed the sale.

Karla Clark said we need to get properties that the city owns back on the roll, and quit spending money on these lots.

A motion was made by Councilman Cain, to approve sale of Trust Property located in the 200 Block of South Avenue I (Velasco, Block 71, Lot 1). Seconded by Councilman Muraira, with all present and voting 4-0, council unanimously approved the sale of Trust Property.

Consideration and possible action by City Council approving sale of the alley between East 5<sup>th</sup> & East 6<sup>th</sup> Street in the 100 Block and approve the city attorney to prepare the deed and the mayor to sign.

Laura Cramer presented to council the sale of the alley between East 5<sup>th</sup> & East 6<sup>th</sup> Street in the 100 Block and approve the city attorney to prepare the deed and the mayor to sign. She said the owners of Gulf Food Mart is wanting to purchase this property.

Mr. Karedia owner of Gulf Food Mart spoke to council about his interest in purchasing this property. He said he is wanting to construct a Mini Truck Stop on this property. He said he thinks they will be complete in about 6 months.

Ms. Dancy asked if this property needs to be re-platted? Mr. Olson said yes.

Eric Hayes asked about the easement in the alley?

A motion was made by Councilman Pena, to approve sale of the alley between East 5<sup>th</sup> & East 6<sup>th</sup> Street in the 100 Block and approve the city attorney to prepare the deed with a 3-year requirement for development and a claw back provision for failing to do so, for the Mayor to sign. Seconded by Councilman Cain, with all present and voting 4-0, council unanimously approved the sale of the alley between East 5<sup>th</sup> & East 6<sup>th</sup> Street in the 100 Block.

Consideration and possible action by City Council approving sale of city owned 25' parcel located in the 100 Block of North Avenue B (Velasco, block 529, Lot 10) and the city attorney prepare the deed and the mayor to sign.

Laura Cramer presented to council approving sale of city owned 25' parcel located in the 100 Block of North Avenue B (Velasco, block 529, Lot 10) and the city attorney prepare the deed and the mayor to sign. She said we received an offer from Mr. Ron Speir to purchase this property. She said that staff is recommending to sell this property to Mr. Speir for the amount determined by the Brokers opinion of Value plus associated costs. She said this amount will satisfy the base amounts of the eleven mowing liens on the property.

Mr. Spier said he and his son are wanting to purchase the lot. He said they will build a larger house, or possibly two homes that will fit.

Mayor Bass said there will be claw backs stating that something will have to be built.

Councilman Pena said “there will be no problem to have a conversation of giving an extension, if needed”.

A motion was made by Councilman Pena, to approve sale of sale of city owned 25’ parcel located in the 100 Block of North Avenue B (Velasco, block 529, Lot 10) and the city attorney prepare the deed for the Mayor to sign which included a requirement for development within 3 years with a claw back provision for failing to do so. Seconded by Councilman Muraira, with all present and voting 4-0, council unanimously approved the sale of city owned 25’ parcel located in the 100 Block of North Avenue B (Velasco, block 529, Lot 10) and the city attorney prepare the deed and the mayor to sign.

#### Discussion and Update from Councilman Pena regarding Freeport MUD #1

Councilman Pena, spoke of the MUD districts next meeting on Monday. He said it is his understanding this is the Urban Renewal Property. He said the MUD is moving forward. He said residents are welcome to come and ask any questions they may have.

Melanie Oldham said Mr. Pena is the liaison for the MUD. She said she has attended 5 meetings, and Mr. Pena has been to three that she has attended.

#### Consideration and possible action approving Resolution No. 2022-2765, appointing member to the Planning and Zoning Commission.

Mr. Kelty presented to council Resolution No. 2022-2765, appointing member to the Planning and Zoning Commission.

Each applicant that was present spoke to council, of their interest to serve on the Planning and Zoning Commission.

A motion was made by Councilman Muraira to appoint Joseph Penfield as a member to the Planning and Zoning Commission, seconded by Councilman Pena. With a 2-2 vote motion failed. Mayor Bass and Councilman Cain voted “Ney”.

A motion was made by Councilman Cain to appoint Mark Parker to the Planning and Zoning Commission, seconded by Mayor Bass. With a 2-2 vote motion failed. Councilmen Pena and Muraira voted “Ney”.

A motion was made by Councilman Pena to appoint Karla Clark to the Planning and Zoning Commission, seconded by Councilman Muraira. With all present voting “Aye” 4-0. Council unanimously appointed Karla Clark to the Planning and Zoning Commission.

#### **WORK SESSION:**

Mayor Bass spoke on the Volkswagen deal. He said it was voted on several months ago. He said the company is obligated contractually to provide and hookup their utility services, and pay for them. He spoke of the conditions of job fairs for local employees. He spoke of the WWTP having a large overhaul starting in February and sewer collection system will be in December, he said these projects are unrelated to the Volkswagen deal. Mayor Bass spoke on councilman buying property, he said for himself, he owns his home, an no other property in Freeport. Mayor Bass said Mr. Garcia will not be able to serve as an advisory member of redistricting, and will be replaced by Keith Stumbaugh.

Councilman Pena spoke of not having any conflicts of owning or buying property within, he said as a member of council or board member, they need to recuse themselves from any votes. Councilman Pena thanked residents for their comments on the Councilman Muraira video. He spoke on transparency and grandstanding. He spoke of the agenda items that were not placed on the agenda which he and Councilman Muraira requested. He spoke of him wanting all meetings to be live streamed, and this was an item not put on the agenda. Mayor Bass asked if he presented the documentation for this agenda item per the ordinance and of the email from Mr. Kelty offering his assistance. Councilman Pena said he did not receive such email and that City Hall thinks they have no one to answer to.

Councilman Cain said the entrance to the City looks really good, he said the lights are legit. He said this is the image we want. He said the Halloween event was amazing. He said Riverplace is our main venue we rent out, and it needs some repairs. He said the women's restroom is missing a stall door, and the men's restroom needs some paint on some 2x2 that was added for a temporary fix. He said some insulation coming down in several places on the ceiling.

Councilman Muraira asked why Mr. Patel's signs were removed from his property, and if the signs were destroyed, and if not, can he receive them back. Ms. Roman said we will remove signs if they are in the ROW. City Attorney Olson said there cannot be signs in the ROW. Mr. Olson answered Councilman Muraira's question about recording, in public and nonpublic areas. Mr. Olson said as an individual council member, you have no more rights than a citizen in this regard. He said there are public spaces you are allowed to record. He said public meetings are allowed to be recorded.

City Manager Tim Kelty said in regard to Councilman Muraira and his Facebook video, he said the constituent had an inspection issue, and certain action needed to be taken care of and that the meeting was constructive. Mr. Kelty said when he walked in Mr. Muraira had his camera set up. He told Mr. Muraira he was welcome to record the meeting, but would not allowed to broadcast in on Facebook Live. He said the meeting did happen, and he thinks they were able to help the property owner. Mr. Kelty said the City does not require inspections with the sale of a home.

#### Update on reports / concerns from Department heads

#### **CLOSED SESSION:**

Open Session was closed at 9:29 PM.

Executive Session was closed at 10:10 PM.

A motion was made by Councilman Muraira to instruct City Manager, to email Special Counsel, Mr. Navarro, to release the special investigation report on Braztex, with any redaction of any information he feels necessary, and have this released to the public. Seconded by Councilman Pena. With all present voting "Aye" 4-0 council; unanimously approved the motion.

#### Adjourn

On a motion by Councilman Cain, seconded by Councilman Pena, with 4-0 vote, Mayor Bass adjourned the meeting at 10:11 P.M.

  
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Mayor, Brooks Bass  
City of Freeport, Texas

  
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City Secretary, Betty Wells  
City of Freeport, Texas