

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, March 21, 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
- Cathy Ezell, Finance Director
- Chris Duncan, City Attorney
- Lance Petty, Public Works Director
- Chris Motley, Fire Chief
- Kacey Roman, Building Official
- James Carter, Veolia
- Ray Garivey, Freeport Police Chief
- Clarisa Molina, Administrative Assistant
- LeAnn Strahan, Destinations Director
- Toby Cohen, Information Technology
- Yvette Ruiz, Planning and Zoning Coordinator
- James Carter, Veolia

Visitors:

Raven Wuebker	David McGinty
George Matamoros	James McDonald
Bob Casale	Stella Casale
Shonda Marshall	Lucy Ware
Aaron Ware	Nicole Mireles
Sam Reyna	Kenny Hayes
Con McCleaster	Diane McCleaster
Brent Bowles	Manning Rollerson
Sabrina Brimage	Kody Gordel
Ruth Rollerson	Ed Garcia
Eric Hayes	Jennifer Hawkins
George Hawkins	Pam Dancy
Mingo Marquez	Andrew Dill
Pam Tilley	Alma Kelty

Call to order.

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

Mayor Bass read the Notice to the Public:

NOTICE TO THE PUBLIC:

The City of Freeport issues this correction and clarification regarding the posted meeting agenda for the City Council meeting of March 7, 2022.

The City Council desired to conduct a review of the job performance of the City Manager in executive session of the March 7, 2022. In connection with this review, the City Council and City Manager requested the presence of numerous city employees in executive session. Although the employees were primarily invited into executive session to discuss what they heard and saw, it was possible that some information may relate to aspects of their job duties.

Employees have a right to know in advance that Council may ask questions related to their job duties. The focus of the inquiry by the City Council was only concerning the City Manager and not the identified employees. The City Council wants to provide notice to the public that identification of an employee in the posted agenda of March 7, 2022 should not be interpreted as an accusation or inquiry of misconduct of those employees.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation was led by City Manager Tim Kelty, the Pledge was led by Mayor Bass.

CITIZENS' COMMENTS:

Dr. Kody Gordel thanked the Mayor, City Manager and Fire Chief for attending the Grand Opening of the new Kennel/Boarding Facility that has opened. Mr. Gordel said they are booked through Spring Break, and are booking for summer now.

Mr. and Mrs. Casale spoke to council about the issues they continue to have at the property in Bridge Harbor. Mr. Casale said there was a rope for years, and for the last six years there has been a gate. He said the gate was removed by the city without permission. He said there are people that come and fish on his property, use his chairs out of his garage, steals his gas cans and breaks windows trying to break into the home. Mrs. Casale said, there were men sitting on their property fishing and drinking beer. She asked them to leave or she would be calling the PD. Mr. Casale said the PD suggested putting the gate back up. Mr. and Mrs. Casale said a "Dead in Street sign may help.

Sam Reyna, 2002 N. Ave G spoke to council about meeting with Ms. Roman for the repair to the Funeral Home. He said that he was replacing the toilet and the sink in the restroom. He said that Ms. Roman gave him a list of things that had to be done first. Mr. Reyna said this is no modifications. Ms. Roman requested a drawing and construction plans. He said all of this to just replace a toilet and a sink. Mr. Reyna said this is personal, it is not the health and welfare of the citizens. He said he has been trying to get this permit since October.

Manning Rollerson spoke to council he said he joined the service in 1979 and defended our country. He said he was brought to Freeport in 1965. Mr. Rollerson said the New Jerusalem helped get him back to his grandmother with the rest of the grandkids. He said his family was beaten in 2005, and his mother in 2010. He said everything that happened in Freeport started in 1943. And it still continues today in 2022. He said decisions are being made tonight, and he hopes that there are no kind to ties to the Port Freeport.

George Matamoros, 1722 North Ave O spoke to council of his concern of one person persuading other council to fire our City Manager. He said we have lost good City Managers in the past for this same reason. He spoke of former City Manager's Ron Bottoms and Gary Beverly. He said Mr. Beverly moved to Clute and did good things for that City. Mr. Matamoros said he believes the City of Freeport is going to go through repeating history for the third time, because we don't learn from our mistakes. He said Mr. Kelty is doing a good job for our City. Mr. Matamoros said the City of Freeport needs to remove this council member by all legal means necessary. He said this one member is causing division on City Council, City Management Staff, but he is also causing division with the EDC. Mr. Matamoros said the last EDC Meeting he watched, this member accuses an EDC Board Member of interfering with a project that he helped spearhead. Mr. Matamoros spoke of removing this cancer from the EDC Board. He spoke of the closed session of removing the City Attorney. He said the exchange at the last meeting between the Mayor and the City Attorney was a horrible look to the city.

Pam Tilley spoke to council, of the East End of Freeport. She said we are still with the people of the East End, their issues and the rights of the citizens. Ms. Tilley spoke of the event that was held at the Freeport Museum. She said it was a good thing to see. Ms. Tilley spoke of historical buildings that was located at 401 & 407 East 6th Street in the East End of Freeport. She said the building located on this property was boarded up to try and preserve it. She said sadly all of the boards were removed. This was deliberate, because these boards were screwed on, with 12-inch screws. She said this was done by someone that knew what they were doing. Ms. Tilley said there is special interest in the buildings in the East End, by The Historical Peace. She said that she would like to maintain this property as long as they are in pursuit with the Port. Ms. Tilley said the Guardian Article will be coming out in the next week. Ms. Tilley said there is interest in not just these buildings but a lot of buildings. She said that Evan Thompson will be coming down to see these buildings. The barber shop is one as well.

Pam Dancy Front Street spoke of the Marina building and how it could not be used because it was too close to the bridge. She said she does not understand why someone cannot replace their toilet and sink. She said this is petty. She said she would just change it, and not get the city involved. She said there is a lot of animosity in this room. She said everyone here on council was voted in by the citizens of Freeport. She said there was a Councilman that made fun of her. And she has not received an apology. She said council needs to shake hands and move forward, and make amends.

PRESENTATION/ANNOUNCEMENTS:

Presentation of Employee of the Month for the month of February 2022.

City Manager presented the Employee of the Month to Holden Ezell for the month of February 2022.

Mr. Kelty and Mayor Bass commended all of the employees for the help in the move of City Hall Offices to the 3rd Floor.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council meeting minutes from March 3, 2022 and March 7, 2022

Consideration and possible action on the approval of street closures for Barcadia Easter Egg Hunt on April 17, 2022

Consideration and possible action on the approval of street closures, for Barcadia 2nd Annual Downtown Freeport Bike Fest & Car Show, on May 14, 2022.

Consideration and possible action on the approval of street closures, for the Cinco De Mayo Festival.

On a motion by Councilman Brimage, seconded by Councilman Cain. With a 4-1 vote, Council approved the Consent Agenda. Councilman Pena voted "Ney"

COUNCIL REGULAR AGENDA:

Planning and Zoning Commission opened their meeting with a quorum at 6:41 PM.

Joint Public Hearing was open by City Council and Planning and Zoning Commission at 6:42 PM

Public Hearing: Joint Public Hearing with Planning and Zoning Commission and City of Freeport City Council, to consider an amendment to the City of Freeport Zoning Ordinance. Proposed revisions to Section 155.403 of the City Code regarding Fences and Walls.

Ms. Roman presented to council an amendment to the City of Freeport Zoning Ordinance. The revisions to Section 155.403 of the City Code regarding Fences and Walls from 6- feet to 7-feet. She said there have been numerous requests to change this. She said this is only for residential.

Councilman Brimage asked if we know what our surrounding cities require? Ms. Roman said she believes that Lake Jacksons is 7 ½ feet. Councilman Brimage said that while we are doing this, we should raise it to 8 feet. He said he has talked with a lot of people, and this should be considered.

Eric Hayes says he agrees with the 8 feet as well.

Andrew Dill asked if it matters for the material of the fence? Picket or Chain Link.

Mayor Bass asked if this is 8 feet from the ground to the top? Ms. Roman said from the natural grade to the top of the fence.

Pam Dancy asked about the property on the levee, she said some land is not straight, will this be measured above 8 foot.

Councilman Pena asked what the commercial height is for fences? Ms. Roman said it is 8 foot. Councilman Pena asked if this is for chain link, picket, or steel post fence? Ms. Roman said yes. Councilman Pena asked if a citizen wants to extend this fence, will they be able to. Ms. Roman said yes.

Public Hearing was closed by City Council at 6:48 PM.

The Planning and Zoning commission voted to recommend that council amend the Zoning Ordinance to allow for 8-foot fences in residential areas.

A motion was made by Councilman Brimage to amend the Zoning Ordinance to reflect the allowance for 8-foot fence in Residential areas, and seconded by Councilman Pena. Discussion followed.

City Manager Tim Kelty said this amends Ordinance 2022-2661 Sections 155.403, 5a, 5c, and 5d, to 8-foot.

Mayor Bass called the motion to a vote. With all present voting "Aye" 5-0 vote, Council unanimously approved the amendment to the City of Freeport Zoning Ordinance revisions to Section 155.403 of the City Code regarding Fences and Walls.

Consideration and possible action on Resolution 2022-2741, authorizing the sale of Levy property to Lucy Ware, owner of adjacent property located at 2 North Front Street.

Consideration and possible actions to approve Ordinance No. 2022-2660, closing and abandoning the remaining Division Street right of way between Front Street and the Brazos River and authorizing the sale of said property to Lucy Ware, owner of adjacent property located at 2 North Front Street.

Lucy Ware spoke to council about the Levee property and Division Street ROW she is wanting to purchase from the city. She said that she is wanting to build a house in Freeport. She said she cannot build on the Division Street ROW. Ms. Ware said she has been told that some properties have been given away. Ms. Ware has made an offer of \$15,000 for Division Street and the Water Front properties.

Councilman Brimage recused himself from this vote.

City Manager Tim Kelty suggested that this was appropriate to be discussed in Executive Session under Deliberations on Real Property.

Melanie Oldham 522 West 5, said she thinks the \$23,000 is more than fair for the levee property.

Ed Garcia 1924 North Ave G is in favor of selling both properties to Ms. Ware.

Pam Dancy Front Street, agrees that Ms. Ware should get a fair price for the property.

Councilman Muraira made a motion to sell the Levee Property, and the remaining Division Street ROW between Front Street and the Brazos River to Ms. Ware for \$15,000. Seconded by Councilman Cain. With discussion that followed.

Mr. Kelty pointed out that the agenda included a resolution for the levee property and an Ordinance for the Division street property with amounts to be listed in each.

Councilman Muraira amended his motion to approve Resolution No. 2022-2741 authorizing the sale of the Levee Property for \$7500, and the approval of Ordinance No. 2022-2660 closing and abandoning the remaining Division Street ROW, between Front Street and the Brazos River for \$7500 to Ms. Ware for a total of \$15,000. Seconded by Councilman Cain. With discussion that followed.

Mr. Kelty said he believes the Division Street ROW property, even with the easement, is developable by itself.

Mayor Bass asked who will be responsible to maintain the easement? Mr. Kelty said the property owner.

Councilman Pena said that he would also like to go into Executive Session. He said he does not think there is enough information to decide. Councilman Pena said he is not in favor of giving away property. He said we do not need to repeat history.

Councilman Brimage said he just wants to clarify, that he has never obtained any levee property without an appraisal, and paying the appraisal price for that property. He said he has never received levee property for free. He said this is for the record only.

Ms. Ware said she wants the documents for all the property that was purchased, and she will be sending in a request for this. She said she will be paying a large amount in taxes to the city, because this is not a homestead.

Mayor Bass moved item numbers 7 & 8 to Executive Session

Consideration and possible action approving the purchase of Police Radios through the Houston Galveston Area Council (HGAC) Cooperative Purchasing Contract RA05-21.

Finance Director Cathy Ezell presented to council the action approving the purchase of Police Radios through the Houston Galveston Area Council (HGAC) Cooperative Purchasing Contract RA05-21. She said that David Fernandez came through and got a grant for the Police Radios. She said the total cost to the city is \$67.35.

Mayor Bass asked Chief Garivey if these radios tied in with the County and other Municipalities? Chief Garivey said, yes sir.

On a motion by Councilman Pena to approve the purchase of Police Radios through the Houston Galveston Area Council (HGAC) Cooperative Purchasing Contract RA05-21, seconded by Councilman Cain. With all present voting "Aye" 5-0 vote, Council unanimously approved the purchase of Police Radios through the Houston Galveston Area Council (HGAC) Cooperative Purchasing Contract RA05-21.

Councilman Pena said that he would like to donate the \$67.35 from his check he receives from the city, to cover the cost of the radios.

Consideration and possible action approving the purchase of two mowers for the Freeport Municipal Golf Course.

Finance Director Cathy Ezell presented to council the possible action of approving the purchase of a Fairway Mower for the Freeport Municipal Golf Course. She said this is a budgeted item, but it is over \$50,000 so it must come before council for approval.

Mayor Bass asked if Mr. Dybala will be keeping his other mower until next year? What is the budget for the mower? Ms. Ezell said this is budgeted. Mayor Bass said Brian Dybala, and his crew at the Golf Course is doing a wonderful job.

On a motion by Councilman Brimage to approve the purchase of a Fairway Mower for the Freeport Municipal Golf Course, seconded by Councilman Cain. With all present voting "Aye" 5-0 vote, Council unanimously approved the purchase of the Fairway Mower.

Consideration and possible action for the approval of Purchase of Code Software.

Finance Director Cathy Ezell presented the approval of Purchase of CitizenServe Code Software. She said this software will enable them to do Code Enforcement, Rental Inspections, and Building

Inspections. Ms. Ezell said this is budgeted. It is through CoOp program; the purchase is \$59,000 so it must be brought to council for approval.

Mayor Bass asked if this will allow citizens to look online as well? Ms. Roman said this program will provide customers a lot of interaction.

Mayor Bass asked what program are we currently using? Ms. Roman said GovQA.

Councilman Muraira asked if this is what we voted on last year? Mr. Kelty said no.

Mayor Bass asked may citizens leave comments and ask questions? Ms. Roman said yes. Mayor Bass asked if Mr. Kelty and council can check and see reports? Ms. Roman said yes.

Councilman Cain asked with the CitizenServe, if he was to apply for a permit would he be able to log on and see where the process is on the permit? Ms. Roman said yes, and there are reminders also.

On a motion by Councilman Cain, seconded by Councilman Brimage. With all present voting "Aye" 5-0 vote, Council unanimously approved the Purchase of CitizenServe Code Software.

WORK SESSION:

Mayor Bass told Mr. Casale that we need to get to the bottom of the issues with his property. Mayor Bass said we will get with Mr. Duncan to see if there is a way to fix this. Mayor Bass said you need to at least get your gate back. Mayor Bass spoke about the event held at the museum "Enduring the East End" with Ms. Lloyd, it was amazing.

Councilman Pena said that he will be giving Mr. Casale a call. Councilman Pena said he tries to make sure transparency is served. He said that he voted "Ney" is the Consent Agenda, because he wanted a couple things to be clarified. He asked for clarification of the date on the Cinco De Mayo Event. Mr. Kelty said the date will be on May 5, 2022 from 5PM-8PM. Councilman Pena also stated that in the Meeting Minutes, his comment that he made at the end of Executive Session was not included in the minutes. The comment "The Council was not unanimous in the conclusion in the terms of the review of Mr. Kelty, and we will continue the transparency to the citizens". Councilman Pena said that he takes all the citizens comments to heart. He said please reach out to him with any issues. He said he will be more that happy to explain his views. Councilman Pena commented on Ms. Tilley's comment of a lot of pain and suffering in this room. He said he is sensitive to the pain and suffering in the East End. He said to Ms. Tilley "take this serious, council is working to save the East End". Councilman Pena spoke about the request of the water front properties, that he and Councilman Muraira had asked for at the last meeting. He said he would like to look at the property that Ms. Ware requested in her request to the City. He has concerns that there is an evaluation on the City Attorney tonight. He said we had an evaluation a couple weeks ago of City Manager. He said the City Attorney has a legal obligation to notify the city of any risk or liabilities. He said the items that were brought up in the last meeting were legit. He said in his opinion the review on Mr. Kelty was not to completion, and there is much more to address. Councilman Pena said we did receive a letter from Mr. Kelty, requesting Chief Garivey to suspend Councilman Brimage from the Reserve Officer Position. Councilman Pena said he has a copy of the email if anyone would like a copy of it.

Councilman Cain said Waste Management has dumpsters on the levee by the boat ramp, do we know when these will be picked up? Mr. Kelty said AmeriWaste is picking up the cans, takes them to this location, and Waste Management is picking them up. Councilman Cain said he knows that the street

repair is already planned out, but the alley in the 1700 Block of 8th and 9th Street needs to be patched. He said there are some pretty big potholes. Mr. Petty said this will be June/July to start, but we can put some material to smooth it out until the County can get down there.

Councilman Muraira asked Mr. Kelty when the work will begin for the Grant that was received for North Ave H, sewer line. Mr. Kelty said that is going out for bid this week, we will be opening the bids in early April. Councilman Muraira asked about the budget for the streets for next year, he said he would like to see more done on North Ave G. Councilman Muraira said there are complaints on the 1700 Block of West 5, he said it is a cul-de-sac. Residents are wanting this to be opened up to go all the way through to Yaupon. There are mailboxes all in one spot, and garbage cans all piled in the center. He said he would like to try and adjust for next year.

Councilman Brimage thanked Chief Motley and his crew for their help with his mom. He said his mom fell in a ditch, she has a fractured wrist, sore hip, and a fractured ankle. She felt safe and secure, with the EMS Team. Councilman Brimage said he wants to bring up the positive things in the City. He said the new vet clinic, he thanked Dr. Gordel for having the confidence in the City of Freeport to open this up here. He spoke of the new Texas Gulf Bank, it is beautiful and a huge investment in the City. He spoke of the Paddle Board Rental with activities for the kids. Councilman Brimage said kudos to the EDC. Councilman Brimage said Outriggers on the Brazos. He said it is good to see people coming to Freeport to open up businesses. He said the Hotel is coming along nice, and this is huge for our City. He said the new Beverage Store coming to Freeport is huge for our City. He said these are just a few of the great things coming to Freeport, as a Councilman I love to see this stuff. He thanked the City Manager and City Staff and said to keep up the good work.

Tim Kelty asked that Council look at the first few pages of the Director Reports, he said this was put together with the help of Mr. Petty and Ms. Ezell. It outlines the status of all the various projects that are happening in the City. Mr. Kelty said that we did get the City Hall remediation recommendation and this has been sent to the Architect. He said hopefully, we will be going out for bid soon on the City Hall renovation.

Mayor Bass asked for the timeline on the generator for the Police Department. Ms. Ezell said we have a bid and we have paid our portion of the grant, she said our portion is \$19,000. She said there are some improvements that have to be done at the PD to get the generator installed. She said the generator has been ordered. Ms. Ezell said she has applied for grants for generators for four buildings, and for three different lift stations. Councilman Cain asked if these are permeant. Ms. Ezell said yes. Mayor Bass asked if they run off natural gas or diesel. Ms. Ezell said both.

Councilman Muraira asked that Mr. Kelty send him a more specific list of sidewalks, he said the one he got is very broad. Mr. Kelty said he will get with him.

Councilman Pena asked about the light update on 1st, 2nd, Broad, 4th and 5th Streets. Mr. Kelty said all new lights have been installed but for some reason were not energized. Mr. Kelty said this has been fixed. Councilman Pena said he has an updated list for Mr. Kelty. Councilman Pena asked about the lighting behind Barcadia. He said it is dark, are there any plans to get this lit up? He asked if we can put some of the Centerpoint lights back there? Councilman Pena said the lighting from 1495 and East Park is very poor. He said that he has asked the renters/owners in Downtown to turn their lights on in the evenings. Councilman Pena said the sidewalk at 2nd and Oak and Cherry he has been asking for this to be repaired and he is wondering if this is on the list for repair. Councilman Pena said the alley's in the downtown area is having buildings that flood every time it storms. He said the alleys that need to be addressed are, the alley behind Barcadia, and behind the TiKi Bar. He said these alleys need a lot of love

and attention. He wants to make sure these stay on the schedule. Councilman Pena asked when the new road construction will start? Mr. Petty said between June/August. Councilman Pena asked when the driftwood would be removed from the Beach Entry? He said that he would like to see this done soon. Councilman Pena asked if there was any testing done on the 3rd floor of City Hall? He asked if this is a clean space for the employees? Mr. Kelty said he has no concern of mold on this floor. Councilman Pena said there is no negative effects? Mr. Kelty said no. Councilman Pena asked when the Walking Trail will be complete? Mr. Petty said 90 days from the date of the signed contract. The notice to proceed was issued last week. Councilman Pena asked if legal looked at this contract? Mr. Petty said yes. Councilman Pena asked Ms. Roman what would happen if someone did not contact the city before performing work? Ms. Roman said it could be red tagged, and a citation could be issued. Ms. Roman said the issue with Mr. Reyna's job is more than just a toilet and sink. She said he is converting a garage into a Chapple.

Ms. Dancy said that City Hall is selling the large black garbage bags.

Mayor Bass said TXDOT sent a notice that the 1495 Bridge Construction will start in Spring of 2022 and the phase is until 2024. He said that council will work with them, as best as we can.

Update on reports / concerns from Department heads

CLOSED SESSION:

Open session was closed at 8:24 pm and Council entered into Executive Session.

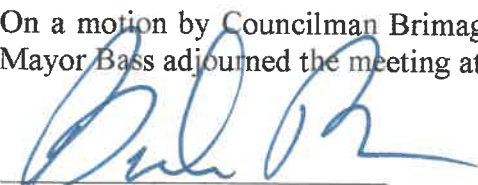
Executive Session regarding a.) (Potential Litigation) consultation with city attorney b.) (Deliberations about Real Property), East End, and Brazos Cove, d.) (Economic Development) Project 2022-C in accordance with Government Code Annotated, Chapter 551, Sections 551.071, 551.072, 551.087

Executive session was closed at 9:20 pm, and entered back into Open Session.

Councilman Muraira rescinded his motion on numbers 7 & 8 in regards to \$7500 for the Levee Property and \$7500 for the Division Street ROW Property. Councilman Cain accepted the rescinding.

Adjourn

On a motion by Councilman Brimage, seconded by Councilman Cain, with all present voting "Aye", Mayor Bass adjourned the meeting at 9:20 PM.



Mayor, Brooks Bass
City of Freeport, Texas



City Secretary, Betty Wells
City of Freeport, Texas