

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, February 6, 2023 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
Clarisa Molina, Administrative Assistant
Tommy Ramsey, Interim City Attorney
Cathy Ezell, Finance Director
Toby Cohen, IT Manager
Donna Fisher, Human Resource Director
Kacey Roman, Building Official
Chris Motley, Fire Chief
Robert Johnson, EDC Director

Visitors:

George Matamoros	David McGinty
Karla Clark	Pam Dancy
Manning Rollerson	Sam Reyna
Jerry Meeks	Mark Parker
Kenny Hayes	Melanie Oldham
Kent Holle	Ron Bachman
Con McCleester	Diane McCleester
Jack Bullman	Jared Barber
Cynthia Stewart	Shonda Marshall
Joe Penfield	William Leitch
Carol Parker	Julie Solis
Bonnie Zimmerle	

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 Mayor Brooks Bass.

CITIZENS' COMMENTS:

Manning Rollerson spoke of the Clorox smell, and how the PD and the FD never came out after he called and reported the smell. He said he has never received a report on this leak. He spoke of his concerns of LNG restarting, he said how can we be sure it is safe. He spoke of his concerns of the PD and EMS dropping the ball with Mr. Bivens.

Karla Clark 411 Sailfish spoke of her concerns of requesting information and concerns she has, she said she never hears back from anyone, she said we as residents should not be ignored.

Cynthia Stewart, said she has been a resident of Freeport for 40 years. She spoke of her concern for the lack of concern, for the debris in the City from the Code Officers. She said nothing gets done. She spoke of past plans, and how nothing has happened or changed.

George Matamoros North Ave O, spoke of his concern of Councilman for Ward A. He said this Councilman disclosed confidential info from the discussion in Executive Session. Mr. Matamoros asked that this Councilman not be allowed in Executive Session, and that the City ask that criminal charges be brought for this most recent violation.

Resident William Leitch 216 W. Park, he spoke of the property on the East Side of Barcadia, and how the council is discussing of giving this property away to bring in another Dollar Store. He said he opposes this. He said this land was designated for parking.

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

Chief Howell introduced Officer Torres, and Officer Earl. She said they are newest Officers.

Presentation of the Freeport Police Department Annual Traffic Contact Report for 2022

Chief Howell presented the Freeport Police Department Annual Traffic Contact Report for 2022.

CONSENT AGENDA

Councilman Pena asked that item number three be pulled from the Consent Agenda.

Consideration and possible action on the approval of City Council meeting minutes from January 23, 2023.

A motion was made by Councilman Muraira to approve the January 23, 2023 meeting minutes, seconded by Councilman Cain, with all voting "Aye" 4-0 council unanimously approved the January 23, 2023 meeting minutes.

COUNCIL REGULAR AGENDA

Consideration and possible action to amend the approved Contract for Election Services between the City of Freeport and the County Clerk of Brazoria County to now provide that the Presiding Judge and Alternate Presiding Judge shall be Jarvis Davis and Clarisa Molina, respectively.

A motion was made to approve the amended agreement by Councilman Cain, seconded by Councilman Muraira. With discussion that followed.

There was discussion by council on where the Presiding Judge works and lives. And the question was asked of how the Judges are selected. There was discussion on what role Clarisa Molina holds at the city and who she works under. Councilman Pena expressed concern regarding Ms. Molina's appointment to this position.

Ms. Clark said these people are appointed by your Republican and Democratic Party.

Sam Reyna said he believes the County Elections appoints the Judges.

Manning Rollerson said in his opinion, appointing a city employee is a conflict of interest.

Pam Dancy said the City is creating the conflict.

George Matamoros defended the integrity of Clarisa Molina.

There was a lengthy discussion on the possible conflict of having a city employee as an Alternate Presiding Judge. Ms. Clark explained the role that Clarisa Molina would be in the chain as the Alternate Presiding Judge.

Mayor Bass called the motion for a vote, with all present voting "Aye" 4-0 council approved the Contract for Election Services between the City of Freeport and the County Clerk of Brazoria County to now provide that the Presiding Judge and Alternate Presiding Judge shall be Jarvis Davis and Clarisa Molina, respectively.

Consideration and possible action approving Ordinance No. 2023-2686 calling the General Election on May 6, 2023, for the election of council positions for Wards A and C.

City Manager Tim Kelty, presented to council Ordinance No. 2023-2686 calling the General Election on May 6, 2023, for the election of council positions for Wards A and C.

A motion was made by Councilman Cain to approve Ordinance No. 2023-2686 calling the General Election on May 6, 2023, for the election of council positions for Wards A and C, seconded by Councilman Muraira, with all voting "Aye" 4-0 vote council unanimously approved Ordinance No. 2023-2686 calling the General Election on May 6, 2023, for the election of council positions for Wards A and C.

Consideration on possible action approving Ordinance No. 2023-2687 calling the Charter Amendment Election.

A motion was made by Councilman Cain to approve Ordinance No. 2023-2687 calling the Charter Amendment Election, seconded by Mayor Bass. With discussion that followed.

Mayor Bass thanked the Charter Review Committee for all of their hard work.

Sam Reyna spoke of Article 3, Section 3.01(b)(d) Term Limits, he said that this was voted 2-3 with the Charter Review Board in regards to recommending a change back to the way it was prior to the last election. Mr. Reyna asked the Council to consider including this on the ballot.

There was discussion that council would consider possible change for the term to be placed on the ballot.

Councilman Pena said he wants to make sure the residents of Ward D have representation. He said he would like to table this item. Mr. Kelty said there is a time table on this Ordinance. It has to be adopted by February 17 to be placed on the ballot this year, otherwise it would have to wait until next year.

Councilman Cain said he is ok with the recommendations as presented, and he is ok with waiting on a representative for Ward D.

Councilman Muraira asked about the time on this Ordinance. Mr. Kelty said it will have to be done before the 17th of February.

Mayor Bass pointed out some sections of the ordinance that needed correction. Page, 23 needs “on” added, page 29 proposition number seven, Section 4.02(a). On page 30, proposition number nine Section 4.08, should this question be expanded explaining the duration with their tenor with the city. Interim City Attorney Ramsey said he thinks we can add language to the end of the questions.

Councilman Cain made an amended motion to add the changes that were identified, seconded by Mayor Bass. Mayor Bass called for vote on the motion. With a 2-2 vote, motion failed with Mayor Bass and Councilman Cain voting “aye” and Councilmen Pena and Muraira voting “nay”.

Consideration and possible action approving Ordinance 2023-2688 calling a Special Election to authorize the City of Freeport to transfer its property interest in 15.153 acres to Brazosport Independent School District to allow the District to continue to use the 15.153 acres for softball and baseball purposes so the District can donate 30.9 acres to the City to develop in part for new recreational and park purposes.

Karla Clark asked which park? And what will we do with the Park at O.A. Fleming?

Manning Rollerson said he is concerned of another Rec Center and Park in his neighborhood. He said we have no houses. He said all parks have to be voted on by the citizens.

Joe Penfield said if the City gets the land, the Port doesn't.

A motion was made by Councilman Cain, to approve Ordinance 2023-2688 calling a Special Election to authorize the City of Freeport to transfer its property interest in 15.153 acres to Brazosport Independent School District to allow the District to continue to use the 15.153 acres for softball and baseball purposes so the District can donate 30.9 acres to the City to develop in part for new recreational and park purposes, seconded by Councilman Muraira with discussion that followed.

Mayor Bass said this is a project that we have been working on for a long time. He said the idea was to build a neighborhood. He said there was language in the agreement that the city has to get the land released from the Texas Parks and Wildlife. And there are additional requirements. We are still wanting to build houses, along with the park.

City Manager Tim Kelty explained the process for the agreement with the BISD and the ball diamonds. He said the previous 50-year lease agreement was entered over 20 years ago. He said the land was used as match for a \$500K grant from Parks and Wildlife and there are requirements to find alternate park land or pay back the grant.

Bonnie Zimmerle asked will this be another apartment complex being built? Or residential housing? Mr. Kelty said it is planned for residential, single family housing and park land.

Karla Clark asked will this field be big enough for a soccer field?

Councilman Pena asked if we need an election for this? Mr. Ramsey said 253.001 of Local Government Code said has to be taken to the voters, or taken to the Legislation. There was discussion on Texas Wildlife and the previous requirements.

Mayor Bass called the motion for a vote, with all voting "Aye" 4-0 council unanimously approved Ordinance 2023-2688 calling a Special Election to authorize the City of Freeport to transfer its property interest in 15.153 acres to Brazosport Independent School District to allow the District to continue to use the 15.153 acres for softball and baseball purposes so the District can donate 30.9 acres to the City to develop in part for new recreational and park purposes.

Consideration and possible action approving Resolution No. 2023-2778 Reaffirming Ethics Ordinance No. 2019-2567.

City Manager Tim Kelty presented Resolution No. 2023-2778 Reaffirming Ethics Ordinance No. 2019-2567. He said this has to be renewed annually. He said he did not request any proposed changes to the ordinance.

A motion was made by Councilman Pena to table Resolution No. 2023-2778 Reaffirming Ethics Ordinance No. 2019-2567, seconded by Mayor Bass, the item was tabled.

Consideration and possible action on Amendment #1 to Freese and Nichols Task Authorization #17 for Sanitary Sewer Lift station 3, 4, &14 Rehabilitation.

City Manager Tim Kelty presented Amendment #1 to Freese and Nichols Task Authorization #17 for Sanitary Sewer Lift station 3, 4, &14 Rehabilitation. He said this will allow for provision of necessary additional design services for the rehab of Lift Stations 3, 4, & 14. The cost of this amendment will be \$35,833.80.

A motion was made by Councilman Cain to approve Amendment #1 to Freese and Nichols Task Authorization #17 for Sanitary Sewer Lift station 3, 4, &14 Rehabilitation, seconded by Councilman Pena with all present voting "Aye" 4-0 council unanimously approved Amendment #1 to Freese and Nichols Task Authorization #17 for Sanitary Sewer Lift station 3, 4, &14 Rehabilitation.

Consideration and possible action approving Task Authorization No. 22 with Freese &Nichols, for the Copper and Lead Project, Phase 1.

City Manager Tim Kelty presented Task Authorization No. 22 with Freese &Nichols, for the Copper and Lead Project, Phase 1. He said this is in preparation to comply with Federally mandated Lead and Copper rules. He said Freese and Nichols will prepare the required report to move the City of Freeport towards compliance. The cost will be \$70,196.

A motion was made by Councilman Cain, to approve Task Authorization No. 22 with Freese & Nichols, for the Copper and Lead Project, Phase 1, seconded by Councilman Pena. With discussion that followed.

Mayor Bass asked if this is budgeted? Finance Director Cathy Ezell said no. It may be able to come out of a Bond Fund, but more than likely it will come from the Water/Sewer Fund.

Mayor Bass called the motion to a vote, with all present voting "Aye" 4-0 council unanimously approved Task Authorization No. 22 with Freese & Nichols, for the Copper and Lead Project, Phase 1.

Consideration and possible action on Resolution No. 2023-2779, supporting State GLO Funding for Levee improvements.

Karla Clark asked if this resolution is just to send to the State? Mr. Kelty said this is correct.

A motion was made by Councilman Cain to approve Resolution No. 2023-2779, supporting State GLO Funding for Levee improvements, seconded by Mayor Bass. With discussion that followed.

Mr. Kelty said in regards to this project the Federal Government has funded this Levee work in the amount of over \$700 million, they have entered into an agreement with Velasco Drainage for the match that required them to come up with \$246 million. Mr. Kelty said that at the time the agreement was signed the Texas GLO was going to provide the Velasco Drainage District funding for this match. He said the GLO now has only provided the district \$20 million, and in order for the project to move forward, it will require the District to come up with the balance. So, what they are doing is seeking support from the cities, and the government entities with similar resolutions and letters of support asking the state to recognize their original commitment.

Mayor Bass called the motion to a vote, with all present voting "Aye" 4-0 council unanimously approved Resolution No. 2023-2779, supporting State GLO Funding for Levee improvements.

Consideration and possible action approving Resolution No. 2023-2780 for vehicle and equipment repair maintenance policy.

Finance Director Cathy Ezell presented to council Resolution No. 2023-2780 for vehicle and equipment repair maintenance policy. She said this policy will formalize the procedures for repair and maintenance of vehicles and equipment. She said it is now required to have a policy for repair and maintenance of equipment and vehicles for applying for some grants.

A motion was made by Councilman Cain to approve Resolution No. 2023-2780 for vehicle and equipment repair maintenance policy, seconded by Councilman Pena. With discussion that followed.

Mayor Bass asked Ms. Ezell to correct a few items in the new Policy and Procedure for Repairs and Maintenance. There was discussion if this is to keep record of the repair and maintenance on the vehicles and equipment.

Mayor Bass called the motion for a vote, with all present and voting "Aye" 4-0 council unanimously approved Resolution No. 2023-2780 for vehicle and equipment repair maintenance policy.

WORK SESSION:

Mayor Bass announced at 9:00 AM Saturday, at the John McGee Auditorium at the high school there will be a meeting with the Federal Department of Transportation in regard to the fire that occurred at the LNG Plant. Public is invited to attend ask questions and make comments.

Councilman Pena said he would like copies of the Police reports if any were made, in regards to the issues Mr. Rollerson spoke of. He asked Ms. Clark to email council with the outstanding request she spoke of. He told Ms. Stewart he can assure there are good will efforts between council. He said we have more to do, accountability, and this includes replacing staff. He said all elected officials are held to different standards. Councilman Pena said he educated himself of the rules, he said the topic of the Dollar General was actually cleared by Olson and Olson Municipal Expert. He said this was for transparency.

Councilman Cain said there should be another heavy trash day for the City. He said if we continue to have nice weekends like we just had, we are going to need the heavy trash pickup. Councilman Cain suggested we go ahead and pick a date and start advertising it. He spoke of the house fire on 8th & Dixie. Ms. Roman said a warrant inspection is being issued to take before the Board of Adjustments. Councilman Cain said the roof is starting fall in. It is becoming dangerous. He said across the street from this house, there is a mountain of concrete. He said someone is going to get hurt, we need to get this removed.

Councilman Muraira asked for an update on the lighting plan. Mr. Kelty said we just got confirmation from Centerpoint on the project and according to them the lights will be finished in 6 weeks. Councilman Muraira asked of the completion of Starbucks? Ms. Roman said about six months. Councilman Muraira asked for an update on the internet outage. Mr. Kelty said City Hall is up. He said they originally gave us a two-week time period. Councilman Muraira asked Mr. Kelty to give his goals at an upcoming Council meeting.

City Manager Tim Kelty spoke of Mr. Dillon's exhibit at the museum that will be going on until March 4. He also said the City Audit is progressing well. He said he is hoping this will be presented to council in March. He asked Council to send back the questioner to Whitley Penn.

Councilman Pena made a motion to invite City Manager and City Secretary into Executive Session, seconded by Councilman Cain, with a 2-2 vote motion fails. Mayor Bass and Councilman Cain voted "aye" and Councilmen Pena and Muraira voted "nay"

A motion was made by Mayor Bass to allow City Manager into Executive Session, excluding Ms. Wells, seconded by Councilman Cain, with a 2-2 vote motion fails. Mayor Bass and Councilman Cain voted "aye" and Councilmen Pena and Muraira voted "nay"

A motion was made by Mayor Bass to include Mr. Johnson from the EDC into Executive Session, seconded by Councilman Cain, with all present voting "Aye" 4-0 motion passed.

CLOSED SESSION:

Open Session was recessed and Executive session was opened at 8:03 P.M.

Executive Session was closed at 8:49 P.M

A motion was made by Councilman Cain to authorize the City to convey 1.4 acres between 2nd and Broad to the EDC for project Blue Bird, with the condition that the EDC has it developed as a project having claw backs, requiring completion within 18 months, and shared parking for public use. Seconded by Councilman Muraira with discussion that follows.

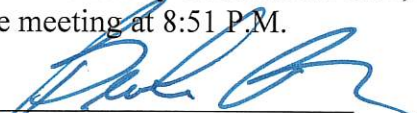
Councilman Pena said the public needs to have more input on this.

Mayor Bass called the motion for a vote, with a 3-1 vote motion passed. Councilman Pena voted "Nay".

Councilman Pena made a motion for the release of the investigation of the Boys and Girls Club report, by Zech and Navarro. With lack of a second, the motion failed.

Adjourn

On a motion by Councilman Cain, seconded by Councilman Pena, with 4-0 vote, Mayor Bass adjourned the meeting at 8:51 P.M.



Mayor, Brooks Bass
City of Freeport, Texas



City Secretary, Betty Wells
City of Freeport, Texas