

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, March 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
David Olson, 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
Jennifer Howell, Freeport Police Chief

Visitors: George Matamoros
David McGinty
Sam Reyna
Pam Dancy
Con McCleester
Carol Parker
Julian Arevalo
Shonda Marshall
Karla Clark
Kenneth Hayes
Ruben Renobato
Ron Bachman
Diane McCleester
Mark Parker
Kent Holle
Winston Rossow

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 Brooks Bass.

CITIZENS' COMMENTS:

Julian Arevalo said that he wanted to thank Ms. Wells for her quick response in getting the request answered. He thanked Ms. Roman, and Mr. Petty, he said they always answer his calls and helps him.

He thanked Mr. Kelty for always taking his time with him. He thanked Councilman Muraira, he said he has helped him a lot.

Sam Reyna 2022 North Ave G, spoke of his issue with the Mardi Gras gumbo cookoff. He said this comes from the Building Official not issuing the permit. He said she has to go; the City Manager can do this. If this is not done he will issue and initiative for a referendum petition.

Karla Clark 411 Sailfish #104 said she visited with Mr. Maddox about the building plans for Skinner Street, she asked that council let the public know what is in the works.

Pam Dancy 313 S. Front, spoke of her confusion on the gumbo cookoff. She spoke of other vendors and cooking in the parks, and asked for answers for this.

George Matamoros North Ave. O, he said he has spoken with boaters and residents, and they have concerns of parking where boats are launched. He said they have asked if no parking signs can be installed where the boat ramps launch.

CONSENT AGENDA:

Councilman Pena asked that items #2 & 4 be moved to regular session.

Consideration and possible action on the approval of City Council meeting minutes from February 21, 2023.

Consideration and possible action to adopt Ordinance No. 2023-2689 amending the General Election Ordinance for May 6, 2023 for polling location change from Lake Jackson Civic Center, to the Lake Jackson Library.

A motion was made by Councilman Muraira to approve items 1 and 3 from the consent agenda, seconded by Councilman Cain, with all present voting "Aye" 4-0, Council unanimously approved item #'s 1 and 3 of the Consent Agenda.

COUNCIL REGULAR AGENDA

Consideration and possible action approving the road closures for the Spring Market Day & Food Truck Festival on March 18, 2023 from 8:00am to 5:00pm.

A motion was made by Councilman Cain, to approve the road closures for the Spring Market Day & Food Truck Festival on March 18, 2023 from 8:00am to 5:00pm. Seconded by Councilman Muraira. With discussion that followed.

Councilman Pena asked if there are not enough vendors will we cancel the event, he also asked if there are processes put in place clearly outlined for the vendors? Mr. Kelty said we have four vendors already signed up for the Market Day event.

Mayor Bass called the motion to a vote, with all present voting "Aye" 4-0, Council unanimously approved the road closures for the Spring Market Day & Food Truck Festival

Consideration and possible action to adopt Ordinance No. 2023-2690 amending the Special Election Ordinance for May 6, 2023 for polling locations.

A motion was made by Councilman Cain, to approve Ordinance No. 2023-2690 amending the Special Election Ordinance for May 6, 2023 for polling locations. Seconded by Mayor Bass. With discussion that followed.

Councilman Pena asked for clarification on the location for the new polling place. Mr. Kelty said it is the same for the Ordinance that was passed in consent. The county moved the polling location from the Lake Jackson Civic Center, to the Lake Jackson Library.

Karla Clark asked what the Park Land is, and where it is located? Mr. Kelty said this is the land currently owned by the City, on the levee where the Highschool baseball and softball fields are.

Mayor Bass called the motion to a vote, with all present voting "Aye" 4-0, Council unanimously approved Ordinance No. 2023-2690 amending the Special Election Ordinance for May 6, 2023 for polling locations

Consideration and Possible action approving Ordinance 2023-2691 canvassing the returns and declaring the results of February 25 Special Election for Ward D.

A motion was made by Councilman Cain to approve Ordinance 2023-2691 canvassing the returns and declaring the results of February 25 Special Election for Ward D, seconded by Councilman Muraira. With Discussion that followed.

City Manager Tim Kelty said staff recommends approval of this Ordinance that canvasses the returns from the February 25 Special Election. There was not a candidate receiving the majority of votes as required. There will be a runoff between Winston Rossow and Karla Clark on April 1, 2023.

Mayor Bass called the motion to a vote, with all present voting "Aye" 4-0, Council unanimously approved Ordinance No. 2023-2691.

Consideration and possible action for the approval of road closures for the Annual Easter Egg Hunt April 8th, hosted by Barcadia.

A motion was made by Councilman Muraira, to approve the of road closures for the Annual Easter Egg Hunt April 8th, hosted by Barcadia, seconded by Councilman Cain. With discussion that followed.

City Manager Tim Kelty presented to council regarding road closures for the Annual Easter Egg Hunt April 8th, hosted by Barcadia. He said this was presented to Council at a previous meeting and Council asked that it be brought back with the clarification that Barcadia was still going to host the event.

Mayor Bass called the motion to a vote, with all present voting "Aye" 4-0, Council unanimously approved approve the of road closures for the Annual Easter Egg Hunt April 8th, hosted by Barcadia.

Consideration and possible action on Second Reading and approval of Resolution No. 2023-2782 of the EDC Project, Taco Bell.

Councilman Pena made a motion to table this item. With a lack of second, the motion failed.

A motion was made by Councilman Muraira, seconded by Councilman Cain to approve after Second Reading Resolution No. 2023-2782 of the EDC Project, Taco Bell. With discussion that followed.

EDC Director Robert Johnson, presented to council Second Reading and approval of Resolution No. 2023-2782 of the EDC Project, Taco Bell. Mayor Bass asked if Mr. Johnson believes this is a positive impact on the City. Mr. Johnson said yes. Mayor Bass said he wants to commend the requirement in the agreement, that there must be a bid submitted from a Brazosport contractor.

There was discussion on the expected tax revenue for the City, and what the net will be. There was also discussion of the incentives to Taco Bell.

Mr. Kelty read Resolution No. 2023-2782.

Mayor Bass called the motion to a vote. With a 3-1 vote, council approved, after Second Reading, Resolution No. 2023-2782 of the EDC Project, Taco Bell. Councilman Pena voted "Nay"

Consideration and possible action authorizing advertising for bids for the Bryan Beach road improvement project.

George Matamoros said he opposes this improvement to the beach road, he said this road will fail. Mr. Matamoros said the City needs street repair, throughout the City.

A motion was made by Councilman Pena, to approve authorizing advertising for bids for the Bryan Beach road improvement project, seconded by Councilman Muraira. With discussion that followed.

There was a lengthy discussion on possible erosion of the road, the price to have this improvement done to the road, and the engineering needed for the improvement, adding an additional \$40,000. There was discussion of the approval by Council at a previous meeting of \$49,999, versus the price of just under \$100,000 now. Council discussed the opinion of the GLO for this improvement, and the possibility of spending \$40,000 on engineering, and the GLO not permitting the improvement. It was said there needs to be a discussion with the GLO and find out what they may approve.

Sam Reyna asked about the prime coat material Tierra Fog, would that work? Mr. Petty said no.

Councilman Pena withdrew his original motion, seconded by Councilman Muraira.

A motion was made by Councilman Cain to table this item, seconded by Councilman Muraira. With all present voting "Aye" 4-0, Council unanimously approved, tabling this item.

Consideration and possible action approving Resolution No. 2023-2783, amending the City overtime and comp time personnel policy.

A motion was made by Councilman Cain, seconded by Councilman Muraira to approve Resolution No. 2023-2783, amending the City overtime and comp time personnel policy. With discussion that followed.

Human Resource Director, Donna Fisher presented to Council Resolution No. 2023-2783, amending the City overtime and comp time personnel policy. Ms. Fisher said staff recommends the approval of this Resolution, it will allow the City to pay overtime after 80 hours worked by law enforcement in a 14-day work period.

Mayor Bass called the motion to a vote, with all present voting "Aye" 4-0, Council unanimously approved Resolution No. 2023-2783, amending the City overtime and comp time personnel policy.

WORK SESSION:

Councilman Pena spoke of the agenda items that were not placed on the agenda. He asked the City Attorney questions in regard to the report of the purchase of the Boys and Girls building item being placed in Executive Session. Mr. Olson said he spoke with Mr. Zech, and he has no problem with this report being released. Councilman Pena spoke of his other items not being placed on the agenda, that were requested by he, and Councilman Muraira. He asked why staff did not follow the procedure that is in place? Mayor Bass spoke of Ordinance No. 2022-2672 that was passed on September 6, 2022, and explained what a Councilman must do to request an item on the agenda. Councilman Pena spoke of the street repair on 10th and 11th Street. He spoke of Code Enforcement, and he spoke of non-profits, he said he wants to make sure the City if being fair.

Councilman Cain thanked Julian for all his positive comments of City Staff and City Hall. He said the “bad” is what people remember. Councilman Cain spoke of the stray dogs on the streets, he said driving around, and there does not seem to be as many dogs. He said if there is a plan in motion, thank you and keep it up.

Councilman Muraira spoke of the dogs, and that they need to be leashed, maybe make another Facebook post. Councilman Muraira said he was with Julian, and he did a real good job taking the petition going house to house and talking to the residents about getting the whole street done. Councilman Muraira asked if there can be “Kids at Play, Slow Down” signs put on Slaughter Road, he said the residents said people need to slow down. He also said the residents on North Ave. M, N & O asked for speed bumps. Councilman Muraira spoke of the Brazoria County Day in Austin, he said he feels we can do better and should have a list of things the that can affect the City’s. He said believes local cities should send a team out to advocate for the small cities.

Mayor Bass spoke about the Ordinance procedure., He said we put the rule in place to try and stop some of the issues happening within our agenda process. He said the Ordinance was amended and passed on September 6, 2022 and has been in place since. Mayor Bass said he speaks with Mr. Kelty about every agenda, as the Mayor. He said this is done with most City Managers and Mayors as the agenda is developed. Mayor Bass said he is proud of the City Employees they have been out working hard. He said he appreciates what all departments do. He said there is a process and we must follow the process.

City Manager Tim Kelty announced the 3 vacancies on the Historic Museum and Main Street Board. The BOA, has one, and the Senior Citizen Board, has one. He spoke of the excitement for Riverfest, he said there will be jet boat races on the Old River this year. Mr. Kelty spoke of Brazoria County Day. He outlined the schedule of activities and participants.

Mr. Kelty spoke of Councilman Pena’s complaint regarding items he had requested not appearing on the agenda as it was sent. Mr. Kelty said he has grown weary of the games Councilman Pena is playing to villainize me and City Staff. Mr. Kelty spoke of the rules and policy that council adopted on September 6, 2022., and Councilman Pena’s habit of waiting until the last minute to submit items and not including supporting documentation required by the ordinance. Mr. Kelty said we have put items requested by Councilman Pena on almost every agenda. He spoke of the request received on Tuesday for the five items to be placed on the agenda, even though he is limited to 4 by the ordinance. Mr. Kelty said he tried to accommodate Councilman Pena by extended the deadline to 1:00 p.m. on Wednesday, since we were all in Austin. However, Councilman Pena missed that deadline and did not submit anything until Thursday, yet he still managed to put 4 of the 5 items on the agenda in some fashion for council discussion.

Mr. Kelty gave the schedule of the street project being done by Lucas Construction. He said this schedule includes 9th, 10th, 11th, 12th and 2nd Street which will start after school lets out, as well as Ave. A and G.

M. Roman gave a report and presentation on the contractors hitting and boring into our lines. She said contractors are required to get a right-of-way permit. Ms. Roman said, she and Mr. Petty have met with reps from Centerpoint on how to fix this problem. She said free training is being offered to local contractors through Centerpoint. She said we have offered to host the training at a City facility. She said we have modified our applications to limit the scope of each application and addressing line locates prior to work starting. An issue we were having is, the contractor would have the lines located, and not come for months to start the work and the line markings had disappeared. She said we now have to be notified 48 hours before the work starts. For the lines that have been hit, we are billing the contractors. And contractors that fail to get jobs permitted. Mayor Bass agreed we need to cite these contractors. The only way they are going to pay attention, is by making them pay.

Councilman Pena said Lucas and this discussion are two items he requested on the agenda. He is glad to see them on the work shop. He asked for the number of permits pulled in 2022/2023. Ms. Roman said there were 15 pulled in 2022, and 4 so far in 2023. He asked how many contractors were digging in the wrong place in 2023? Ms. Roman said she did not pull those numbers.

Councilman Pena made a motion to invite City Manager and City Secretary into Executive Session, lack of second motion fails.

CLOSED SESSION:

Open Session was recessed and Executive session was opened at 7:49 P.M.

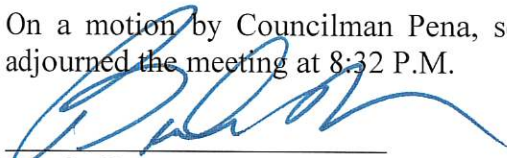
Executive Session was closed at 8:30 P.M

Mayor Bass said the report for the Purchase for the Boys and Girls Club has been approved for release and it will be made available to the public tomorrow.

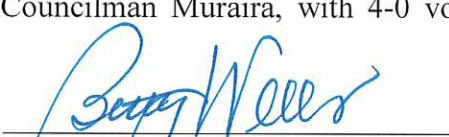
OPEN SESSION:

Adjourn

On a motion by Councilman Pena, seconded by Councilman Muraira, with 4-0 vote, Mayor Bass adjourned the meeting at 8:32 P.M.



Brooks Bass
Mayor



Betty Wells
City Secretary