

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, March 20, 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  
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:	Karla Clark	David McGinty
	Melanie Oldham	Ron Bachman
	Margaret Bachman	Julian Arevalo
	Bob Casale	Jack Bullman
	Con McCleester	Diane McCleester
	Mark Parker	Carol Parker
	Kent Holle	Sam Reyna
	Shonda Marshall	Winston Rossow
	Mike Darlow	Manning Rollerson
	Shonda Marshall	Joe Penfield
	Chris Duncan	Dolores Zac
	Douglas Domingues	Bill Leitch
	Ron Martin	

**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:**

Karla Clark, 411 Sailfish thanked Mr. Petty for looking at the drainage and water leaks on Gulf View. She spoke of the emails she has sent, with no response from Council or Mr. Kelty. She spoke of the texts from Mr. Kelty and her campaign signs. She said she has been harassed, and it needs to stop.

Manning Rollerson spoke of an AG Report, he said he has not received the letter and he wants it. He said he needs to know what Councilman Pena; his representative of Ward A is doing concerning Lincoln Park.

Bob Casale spoke of the trash not being picked up on Snapper Lane. He spoke of Freeport needing a News source.

Dolores Zak 1118 Gulf View, spoke of the issues the residents have on this street. She said staff has ignored them and the request they have made. She said the ditches have been filled in, and they have no lights.

Julian Arevalo spoke of the road repair being done by Lucas Construction. He said they are not doing the road repair correct, and there are no inspections being done on the work.

Joe Penfield 130 West 5<sup>th</sup>, spoke of the joint meeting with the EDC and Planning and Zoning. He said the meeting covered the zoning regulations for downtown. He said he has not seen another meeting on the Planning and Zoning agenda, no workshops. Mr. Penfield said this is a serious issue. He spoke of the restriction of the bottom floor use in downtown.

Sam Reyna 2002 North Ave G, spoke of a new investor who bought seven houses in Freeport. He said the investor was told by the Building Official, Kacey Roman to notify her when the houses were done and she would let them know what color to paint the houses. Mr. Reyna said Ms. Roman needs to enforce code violations, Mr. Reyna said Julian is operating a business out of his garage.

Melanie Oldham 922 West 5, spoke of item #14. She spoke of the homes and businesses to be built by Mr. Wong. Ms. Oldham said she opposes this item.

Jeff Pena 224 West Park, spoke of the Special Meeting Agenda.

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

Presentation for Employee of the Month, for the Month of February 2023.

This item was moved to the first meeting in April.

Proclamation of the City of Freeport declaring April 2023 Fair Housing Month.

Mayor Bass read Proclamation of the City of Freeport declaring April 2023 Fair Housing Month.

Proclamation of National Public Safety Telecommunicators Week.

Mayor Bass read Proclamation of National Public Safety Telecommunicators Week, April 9-15, 2023.

Presentation of the Annual Audit by Whitley Penn.

Celina Cereceres, with Whitley Penn presented to council the Annual Audit.

Presentation of the collection of delinquent taxes and court fine and fees from Mike Darlow with Perdue, Brandon, Fielder, Collins & Mott, LLP.

Mike Darlow with Perdue, Brandon, Fielder, Collins & Mott, LLP, presented to Council the collection of delinquent taxes and court fine and fees.

Presentation of the Veolia Annual Report.

James Carter with Veolia, presented to council the Annual Report from Veolia.

Mayor Bass asked what is the Scada System. Mr. Carter explained how the system works.

Karla Clark asked when the water leak on the relief valve at the beginning of the Gulf View Subdivision would be repaired. Mr. Carter said he will look into this tomorrow.

Manning Rollerson asked about the quality of the water. Mr. Carter said the water is purchased from BWA, is tested daily, and said there are no issues.

### **CONSENT AGENDA:**

Consideration and possible action on the approval of City Council meeting minutes from March 6, 2023.

Consideration and possible action approving changing the first regular meeting in April being Monday April 3, 2023 to Tuesday April 4, 2023.

A motion was made by Councilman Cain, seconded by Councilman Muraira, with all present voting "Aye" 4-0, Council unanimously approved the Consent Agenda.

### **COUNCIL REGULAR AGENDA**

Consideration to take possible action to approve a contingent fee contract with Perdue Brandon Fielder Collins and Mott, LLP pursuant to Section 6.30 of the Tax Code, said contract being for the collection of delinquent government receivables owed to City of Freeport and notice of said contract is posted with the agenda in accordance with Section 2254 of the Government Code.

Mike Darlow presented to council a contingent fee contract with Perdue Brandon Fielder Collins and Mott, LLP pursuant to Section 6.30 of the Tax Code, said contract being for the collection of delinquent government receivables owed to City of Freeport and notice of said contract is posted with the agenda in accordance with Section 2254 of the Government Code.

A motion was made by Councilman Pena, seconded by Councilman Cain, with all present voting "Aye" 4-0, council unanimously approved a contingent fee contract with Perdue Brandon Fielder Collins and Mott, LLP pursuant to Section 6.30 of the Tax Code, said contract being for the collection of delinquent government receivables owed to City of Freeport and notice of said contract is posted with the agenda in accordance with Section 2254 of the Government Code.

Consideration and possible action approving Resolution No. 2023-2784, for FY2022/2023 EDC Budget Amendment #1.

Finance Director Cathy Ezell, presented to Council Resolution No. 2023-2784, for FY2022/2023 EDC Budget Amendment #1. This is to create Project and Marketing funds, with a net zero impact on the budget. EDC Director Robert Johnson said this is to give a cleaner budget.

A motion was made by Councilman Pena, seconded by Councilman Cain, with all present voting “Aye” 4-0 council unanimously approved Resolution No. 2023-2784, for FY2022/2023 EDC Budget Amendment #1.

Consideration and possible action approving Resolution No. 2023-2790, for updating the Master Fee Schedule to change the hourly rate of police officers working security for Special Events.

Freeport Police Chief, Jennifer Howell, presented to council Resolution No. 2023-2790, for updating the Master Fee Schedule to change the hourly rate of police officers working security for Special Events. She said this is when an officer is off duty, and works security for a special event in Freeport. The pay rate has not been changed in about ten years. She said staff is asking that the rate be raised from \$35 an hour to \$45 an hour.

A motion was made by Councilman Cain, seconded by Councilman Pena, with all present voting “Aye” 4-0 council unanimously approved Resolution No. 2023-2790, for updating the Master Fee Schedule to change the hourly rate of police officers working security for Special Events.

Consideration and possible action on approving Centerpoint GRIP Resolution No. 2023-2785.

City Manager Tim Kelty presented Centerpoint GRIP Resolution No. 2023-2785. He said under State Law when Centerpoint considers rate increase they have to go through this process. The City of Freeport is a member of the TCUC. This recommendation comes for Alfred Herrera, who is our Legal Counsel from TCUC. Staff recommends to approval of this ordinance.

A motion was made by Councilman Muraira, seconded by Councilman Cain, with all present voting “Aye” 4-0 council unanimously approved Centerpoint GRIP Resolution No. 2023-2785.

Consideration and possible action approving Resolution No. 2023-2786 expressing opposition to State Legislative action to diminish city’s ability to participate in rate cases before the Public Utility Commission of Texas (PUCT) and the Railroad Commission of Texas (RRC).

City Manager Tim Kelty presented to council Resolution No. 2023-2786 expressing opposition to State Legislative action to diminish city’s ability to participate in rate cases before the Public Utility Commission of Texas (PUCT) and the Railroad Commission of Texas (RRC). Mr. Kelty said it is the recommendation of staff to approve this resolution opposing the State Legislative action to diminish the city’s ability to participate in rate cases.

A motion was made by Councilman Cain, seconded by Councilman Muraira, with all present and voting “Aye” 4-0 council unanimously approved Resolution No. 2023-2786 expressing opposition to State Legislative action to diminish city’s ability to participate in rate cases before the Public Utility Commission of Texas (PUCT) and the Railroad Commission of Texas (RRC).

Consideration and Possible action on a Petition for Consent to Annex Land into Freeport Municipal Utility District No. 1 by Aylesbury, LTD, a Texas limited partnership.

City Manager Tim Kelty, said staff is recommending that this petition be denied.

A motion was made by Councilman Cain to deny item number fourteen, seconded by Mayor Bass. With discussion that followed.

There was discussion by council on how the MUD works. There was discussion on what Mr. Wong is requesting in this petition. Councilman Pena said he was not contacted, and he is the liaison for the MUD. He asked if there has been conversation with Mr. Wong, without him. Mr. Kelty said, no conversation has happened. There was discussion about the city needing rooftops.

Mayor Bass called the motion to a vote, with a 3-1 vote the motion to deny a Petition for Consent to Annex Land into Freeport Municipal Utility District No. 1 by Aylesbury, LTD, a Texas limited partnership passed. Councilman Pena voted "Nay"

Consideration and possible action on Resolutions appointing members to various Boards and Commissions.

A motion was made by Councilman Pena to table this item, seconded by Councilman Muraira. With discussion that followed.

City Manager Tim Kelty, presented to council Resolutions appointing members to various Boards and Commissions. He said the Main Street Board has three vacancies, and they have had a difficult time in holding meetings because there is not a quorum. He said these appointments can be just through the end of the term, which is May 2023.

Councilman Muraira withdrew his second to the motion to table this item.

A motion was made by Councilman Cain, to approve Resolution No. 2023-2789 appointing Tanya Sharp to the Senior Citizen Commission to serve the remainder of the term ending May 31, 2023, seconded by Councilman Muraira. With all present voting "Aye" 4-0 council unanimously approved Resolution No. 2023-2789.

A motion was made by Councilman Cain to approve Resolution No. 2023-2787 appointing Kenny Hayes to the Boards of Adjustment to serve the remainder of the term ending May 31, 2024, seconded by Councilman Muraira. With a 3-1 vote motion to approve Resolution No. 2023-2787 passed. Councilman Pena voted "Nay".

Applicants Ron Martin, Melanie Oldham, Bill Leitch, and Jeff Pena spoke to council in their interest to serve on the Historical Museum and Main Street Board. Jeff Pena also spoke of his interest in the BOA.

A motion was made by Councilman Muraira to approve Resolution No. 2023-2788 appointing Ron Martin to the Historic Commission and Main Street Board to serve the remainder of the term, ending May 31, 2023, seconded by Councilman Cain with all present voting "Aye" 4-0 council unanimously approved appointing Ron Martin.

A motion was made by Councilman Pena to approve Resolution No. 2023-2788 appointing Bill Liech to the Historic Commission and Main Street Board to serve the remainder of the term, ending May 31, 2023, seconded by Councilman Cain with all present voting "Aye" 4-0 council unanimously approved appointing Bill Liech.

A motion was made by Mayor Bass to approve Resolution No. 2023-2788 appointing Doug Dominguez to the Historic Commission and Main Street Board to serve the remainder of the term, ending May 31, 2023, seconded by Councilman Cain with all present voting "Aye" 4-0 council unanimously approved appointing Doug Dominguez.

Consideration and possible action for appointing a subcommittee for possible plans of soliciting Architecture Design for new Rec Center

A motion was made by Councilman Pena to table this item, seconded by Councilman Cain, with all present voting "Aye" 4-0 council unanimously approved to table appointing a subcommittee for possible plans of soliciting Architecture Design for new Rec Center.

**WORK SESSION:**

Councilman Pena spoke of the citizens that spoke in Citizens Comments. He spoke of East and Lincoln Park, and the Port. He spoke of the issues on Gulf View. Councilman Pena spoke of the comments made of the 10<sup>th</sup> Street road repair, he said there are some issues and we are not getting what we are paying for. He spoke of the Downtown District, and hopes we can create a plan. He asked if color schemes are in the scope of what code enforcement does. Councilman Pena spoke of the Fair Housing month, and said he thinks we should have a HUD office. He said he did not scream or yell, or intimidate anyone with the street repair on 10<sup>th</sup> Street. He said, if a resident call him, he will show up. He said we need to make sure we have supervision and oversight over all contractors in the City. He spoke of mailboxes being destroyed, he asked they be put up the same way. He spoke of his concern of the Code Department. Councilman Pena said Olson and Olson has said there is no requirement from excluding the City Manager from the executive session meetings, Councilman Pena said he looked this up in the Open Meetings Handbook, he said the Governing Body is allowed in Executive Session.

Councilman Cain announced the voting for Ward D just started. He said this has been a long campaign for the two candidates, he thanked the candidates. He said citizens in Ward D, get out and vote. Councilman Cain said he would like to revisit the rules on calling a Special Meeting, his opinion of a Special Meeting should be for time sensitive items, or emergencies. He said they should not be a tool because you missed the deadline to get items on the regular meeting agenda. this is the second time that it has been used as a tool for just that. Councilman Cain said he is not saying the items on the Special Agenda are not important, but in his opinion, this is not how a Special Meeting is supposed to be handled. I would like to this on an agenda coming up.

Mayor Bass asked Mr. Kelty to put the potential amendment to Special Meetings Policy on the next agenda as requested by Councilman Cain, as well as the potential Censure motion requested by Councilman Pena.

Councilman Muraira asked who maintains the ditch before the dead-end on Ave N. Mr. Kelty said it Velasco Drainage. Councilman Muraira asked if Mr. Kelty can reach out and ask that they clean it out. Councilman Muraira asked that he and Mr. Kelty get together to do some research on rumble strips for North Ave M, N, O and Q, Zapata, Skinner and Yellowstone. He said we need something to slow the vehicles down. He thanked Public Works for the sidewalks, they are finished and look good. He also said there is a complaint about the levee trail, it has washed off where the pipe was placed. Councilman Muraira spoke of the street repair, and he thinks Freese and Nichols and the City, needs to get with Lucas to make sure we have a quality requirement.

Mayor Bass said if we recall Lucas did the repair on 8<sup>th</sup> Street, when we discovered there was an issue on some of the leveling; the City and Freese and Nichols reached out to Lucas, and they repaired the problem. Mayor Bass said he is all for accountability, but we cannot have people going out to the worksite. We have to be careful, there are safety regulations.

City Manager Tim Kelty spoke on the concrete work Lucas is doing, he said there are three levels of quality control and inspection to ensure the project is done properly. He spoke of the inspections that are being done for the street repair by Public Works, Freese and Nichols as well as a third-party inspector. Mr. Kelty read a letter from Freese and Nichols refuting the concerns raised by Mr. Arevalo and Councilman Pena. Mr. Kelty spoke of the joint meeting with Plan Commission, EDC and Mainstreet boards. He said this was a productive meeting, he said the Plan Commission decided they wanted to wait on the Ward D councilperson before we move forward on these issues discussed.

Finance Director Cathy Ezell announced that the City of Freeport was awarded the 2022/2023 GFOA Outstanding Budget Award.

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

**CLOSED SESSION:**

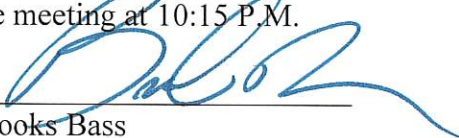
Open Session was recessed and Executive session was opened at 8:48 P.M.


Executive Session was recessed at 10:15 P.M.

**OPEN SESSION:**

Adjourn

On a motion by Councilman Cain, seconded by Councilman Pena, with 4-0 vote, Mayor Bass adjourned the meeting at 10:15 P.M.

  
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Brooks Bass  
Mayor

  
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Betty Wells  
City Secretary