

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, May 1, 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  
Councilman Winston Rossow

Staff: Tim Kelty, City Manager  
Lance Petty, Assistant City Manager/PWD  
David Olson, Interim City Attorney  
Clarisa Molina, Assistant City Secretary/Administrative Assistant  
Cathy Ezell, Finance Director  
Toby Cohen, IT Manager  
Donna Fisher, Human Resource Director  
Kacey Roman, Building Official  
Chris Motley, Fire Chief  
Jennifer Howell, Police Chief

Visitors:	George Matamoros	Kenny Hayes
	Ronnie Woodruff	Karla Clark
	Nicole Mireles	Sam Reyna
	Con McCleester	Diane McCleester
	Melanie Oldham	Ruben Renobato
	Pam Dancy	Raul Ramirez
	Carol Parker	Mark Parker
	Manning Rollerson	Keith Stumbaugh

**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:**

Melanie Oldham 922 west 5<sup>th</sup> street said she is in a group that has had citizens for clean air and clean water in Brazoria County since 2008, but her group is now a 501 C3 non-profit organization that works towards having clean air, clean water and clean government. She said she wanted to talk about the BWA severe water shortage for industry, cities, rice farmers and grass farmers. She said she also wanted to talk about the condemnation, possibly eminent domain of the east end. She said she knows it was a 3 to 2 vote and thinks all of council cares about the city and hopes a good eminent domain attorney is hired.

Karla Clark 411 sailfish said she wanted thank Laura Cramer and Lance Petty for going out and working with the residents on Gulf View, to get them street lights, mowing and working on their water leak. She said she also wanted to comment about cameras, recordings and public records information requests. She has sent multiple public records request to all of council and Mr. Kelty, and has only received two responses. That has been over six months ago. She said she had requested a personal report she filed, and was told a few days later it had to go to the City Attorney. She said not being able to receive a copy of your own report without it going through the attorney is ridiculous.

Manning Rollerson said the east end already went through the condemning process and the \$8.9 million dollars will be there whether it is fought or not. He said he is concerned at the direction the city is going.

Keith Stumbaugh said he stands before council as a long time Freeport resident, and wants to address a serious concern regarding a City of Freeport council member. Mr. Stumbaugh said he would never engage in dishonest activities for personal gain or spread false information to discredit others even if he does not like them. He was responsible for inviting all the current city council candidates to participate in the CCF forum that as held on April 22<sup>nd</sup>. He said candidate and City Councilman Jeff Pena responded to the invitation with a letter that he publicly posted on his Facebook page declining the invitation listing several reasons for his decision. Mr. Stumbaugh said Mr. Pena has not provided any evidence to support his claim and has publicly refused to do so in an online reply to the CCF officers. Stumbaugh said he demands that Councilman Pena publicly retract his statements and publicly apologize for his false accusations. And he asks the City of Freeport Council to investigate the actions and behavior of Councilman Pena to determine if his actions are those befitting an elected public official representing the City of Freeport.

Sam Reyna 2002 N Ave G, spoke of Bill 2127. He said this Bill will bar cities and counties from passing regulations and will cut all city regulations entirely. He spoke of Business and Commerce Code Chapter 15, Section 15.05. He spoke of the AmeriWaste contract, he said they have a dumpster list, and they monopolize and they control the market. He said per City Ordinance there is only one company that can be used for commercial use dumpsters. He spoke of yard parking, and the streets being filled with parked cars.

Jeff Pena spoke of the Cinco de Mayo celebration being held on May 5, 2023 in downtown. He spoke of the freedom of speech. He said he wants to remind everyone Saturday in the last day to vote.

Kenny Hayes 414 Mystery Harbor, said he wants to give a kudos to the City Manager. He said he has been bashed up here for months but he has put together a great staff, better than this City has ever had. Mr. Hayes said the boat races were great at Riverfest. Mr. Hayes said he just wants to say thanks for a great job.

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

Presentation by BWA on Reservoir.

Mr. Woodruff from BWA spoke of the Reservoir Project, and what it means for the City and what it will cost. He said there is currently only about two months of storage in the reservoir. He said we need to come up with more water. The reservoir expansion being planned will provide 6 months of storage. And participating cities will be asked to cover 10% of the cost of its development. Tim Finley with Dow Chemical spoke on the Dow Water rights and the security versus the supply on the Brazos River. He spoke of the droughts and how it effects Dow.

Manning Rollerson asked what this will cost the Tax Payers.

Karla Clark asked about the Bond, she asked if this will go out to the voters. Mr. Woodruff said this would just require Council approval.

Presentation of Proclamation for National Correctional Officer Week, being of May 7th.

Freeport Police Chief Howell presented a Proclamation for National Correctional Officer Week, being of May 7<sup>th</sup>.

Presentation of Proclamation for National Police Week, being week of May 14th.

Freeport Police Chief Howell presented a Proclamation for National Police Week, being week of May 14<sup>th</sup>.

Presentation of Second Quarterly Investment Report for Fiscal Year 2022-2023.

Finance Director Cathy Ezell presented to council the Second Quarterly Investment Report for Fiscal Year 2022-2023.

**COUNCIL REGULAR AGENDA**

Consideration and possible action on the approval of City Council Meeting Minutes, from April 17,2023.

A motion was made by Councilman Cain to approve City Council Meeting Minutes, seconded by Councilman Rossow with discussion that followed.

Councilman Pena asked there be some changes made to the meeting minutes. He asked if meeting minutes are the official minutes, Mr. Olson said the minutes reflect the meeting. Councilman Pena said he would like Councilman Muraira added to the vote.

Mayor Bass called the motion to a vote, with a 4-1 vote, the City Council Meeting Minutes, from April 17,2023 passed. Councilman Pena voted "Nay".

Consideration and possible action regarding request for Replat No 1 Block 701 Velasco Townsite a Subdivision of 0.506 acres being all of a called 0.506-acre tract of land. As recorded in Brazoria County Clerk's File No. 2006001915, being all of lots 19 thru 24 and portion of Lots 1,2,3 and 18 and Portion of a 20-foot closed alley, in Block 701 Of Velasco Townsite, situated in the Sam T. Angier Survey, Abstract Number 8, in the City of Freeport, Brazoria County, Texas.

Mayor Bass opened the Public Hearing at 6:55PM.

Building Official Kacey Roman presented to council a Replat No 1 Block 701 Velasco Townsite a Subdivision of 0.506 acres being all of a called 0.506-acre tract of land. As recorded in Brazoria County Clerk's File No. 2006001915, being all of lots 19 thru 24 and portion of Lots 1,2,3 and 18 and Portion of a 20-foot closed alley, in Block 701 Of Velasco Townsite, situated in the Sam T. Angier Survey, Abstract Number 8, in the City of Freeport, Brazoria County, Texas. She said this is the property for the new Taco Bell, and was approved by Planning and Zoning.

Mayor Bass closed the Public Hearing at 6:58PM.

A motion was made by Councilman Cain, Seconded by Councilman Muraira, to approve Replat No 1 Block 701 Velasco Townsite a Subdivision of 0.506 acres being all of a called 0.506-acre tract of land. As recorded in Brazoria County Clerk's File No. 2006001915, being all of lots 19 thru 24 and portion of Lots 1,2,3 and 18 and Portion of a 20-foot closed alley, in Block 701 Of Velasco Townsite, situated in the Sam T. Angier Survey, Abstract Number 8, in the City of Freeport, Brazoria County, Texas. With all present voting "Aye" 5-0 council approved.

Consideration and possible action approving the material increase in cost for the 2022/2023 interlocal roads with Brazoria County for paving.

Assistant City Manager Lance Petty, presented to council the material increases in cost for the 2022/2023 interlocal roads with Brazoria County for paving. He said he was notified by the County that there is an increase in pod mix. He said the cost that was approved was \$59 per ton, and is now increased to \$74 a ton, the total difference for the material is \$62,769.86, and this will be paid out of the Streets and Drainage project fund.

A motion was made by Councilman Muraira, seconded by Councilman Cain to approve the material increases in cost for the 2022/2023 interlocal roads with Brazoria County for paving. With a 4-1 council approved the increase in cost for material. Councilman Pena voted "Nay"

Consideration and possible action on approval for new fueling system by Sun Coast Resources located at the City of Freeport.

Assistant City Manager Lance Petty presented to council possible action on approval for new fueling system by Sun Coast Resources located at the City of Freeport. Mr. Petty said we have had an issue with one of the vent lines taking in some water on one of the two 10,000-pound underground tanks. He said the fueling system had to be shut down. He said the City has been getting the fleet fuel from Suncoast Fueling, and this costing us a lot more money. Mr. Petty said the proposal from Sun Coast will provide above the grown tanks. He said the total price for this \$56,430.87, Mr. Petty said he is proposing to reallocate the Rec Center Parking Lot funds for this expenditure.

A motion was made by Mayor Bass to approve new fueling system by Sun Coast Resources with legal consent, seconded by Councilman Cain with discussion that followed.

Councilman Pena said he would like legal to review and vote at that time.

Mayor Bass called the motion to a vote, with a 4-1 vote, the new fueling system by Sun Coast Resources located at the City of Freeport passed. Councilman Pena voted "Nay".

Discussion and direction from Council regarding Freeport ETJ around the City of Brazoria and Brazoria's request for allowance for transfer of that ETJ from Freeport to Brazoria.

Item was moved to Executive Session.

**WORK SESSION:**

Mayor Bass said the sound from Riverfest followed him to Broad. He said he remembers the boats when he was a younger. He said it sounded like a good event. Mayor Bass said he wants to commend the staff on a good job.

Pamela Dancy said she wants to push up Haley Wall on a good job. She said she wants to push up the PD on the decorations at the PD.

Councilman Pena said thank you to all who came out and all that spoke in Citizens Comments. He said he wanted to thank the Riverfest Gods for the great weather on Saturday which allowed for boat races and live music. He said this brought 100's of guest to our City. He said this was successful because of the water, he said we will continue to attract tourist without much effort at all. He said he wants to remind everyone that Freeport is comprised of 60% Hispanic residents, he wants to thank the Main Street Board and the Museum for commemorating the event on May 5, with a public festival. Councilman Pena said an ongoing problem with City Staff, he said the problem and concern is the City Manager. He said the selection of the selective code, by City Hall has blatantly and brazenly enforced on any candidate that speaks against City Hall leadership. He said he wants the public to know he has filed a lawsuit against the City Manager to stop the random arbitrary rules that do not exist. He said the local County Courts has issued a restraining order to protect candidates to place their signs in legally designated areas. Councilman Pena said it has been filed, but not sure where the process is. He said he has met many residents and families, with concerns of their children and the speeding on the newly repaired streets. He said residents would like "children at play" signs, and possibly speed bumps. He said another concern is ditches and drainage. He said the ditches behind 6<sup>th</sup> Street along the railroad tracks, seems to have some be blocking and drainage issues. He said he hopes we can get this cleaned out. He said the ditches at Broad, and 4<sup>th</sup> by the railroad track are full of trash. He said 9<sup>th</sup> street has pooling of water. He said tonight may be his last City Council meeting, he said it has been an honor working with all of Council and the City Manager.

Councilman Cain said we are in the middle of an election for Ward A & C, and some other important items on the ballot. He said remember we have the Port Commissioner on the ballot, and Manning Rollerson would love your vote, as well as the Transfer of Land with BIRD and the Ball Park. He said all city residents please get out and vote. He said the corner of 7<sup>th</sup> and Pecan there is a fire hydrant with a trash bag over it, what is the update on this. Mr. Kelty said list has been sent to Veolia, but he will check on this one. Councilman Cain said he missed the festivities at the Park, but he has heard it was a success. He said his hat off to the City and to all involved. He said we need to do it again next year.

Councilman Muraira said revolving around the soccer field at OA Fleming, he said it was brought to his attention there are four-wheeler tracks on the field, he asked if later can we possibly look at fencing in this area to protect the grass. He said on North Avenues R, S, and T there are a lot of potholes. He said if this is his last council meeting please push along the reflectors for the long streets, they are dark. He said it has been a pleasure.

Councilman Rossow said he had a voter registration at the park, he said the park was very clean and everyone got along and came together. He also said the fireworks display was awesome at Riverfest,



better than the one in Lake Jackson, and he said the food was good. He and his wife really enjoyed the event.

City Manager Tim Kelty thanked everyone for the prayers for his dad. He said wants to thank Lance and his staff, he said Bella and Crystal really stepped up this year and need to be recognized. Mr. Kelty said we had more vendors, more activities than ever before. He said they were successful in getting the boat races.

**Update on reports / concerns from Department heads.**

Mr. Petty said that Riverfest was a huge undertaking and it takes everyone. He said all Public Works employees, the Police Department, the Police were patrolling the water. We had the Fire Department for emergencies. Bella Ramirez is the Recreation Supervisor, and Crystal Ruiz the Event Coordinator, and they worked their tails off. Mr. Petty said that Mr. Kelty has been pushing him to get something on the water, and it was a huge turnout. He said last year we had 23 vendors, this year 46.

**CLOSED SESSION:**

Open Session was recessed and Executive session was opened at 7:26 P.M.

Executive Session was recessed at 9:38 P.M.

**OPEN SESSION:**

No action taken

**Adjourn**

On a motion by Councilman Muraira, seconded by Councilman Pena, with 5-0 vote, Mayor Bass adjourned the meeting at 9:38 P.M.

  
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Brooks Bass, Mayor

  
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Betty Wells, City Secretary