

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, May 15, 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 George Matamoros
Councilman Winston Rossow

Staff: Tim Kely, 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
Mike Praslicka, Deputy Fire Chief
Jennifer Howell, Police Chief
Yvette Ruiz, Planning and Zoning Coordinator

Visitors:	David McGinty	George Matamoros
	Elva Matamoros	Noemi Matamoros
	Eli Green	Pamela Dancy
	Jessica Green	Karla Clark
	Alonzo Martinez	Kenneth Hayes
	Nicole Mireles	Raul Ramirez
	Con and Diane McCleester	Keith Stumbaugh
	Mark and Carol Parker	Manning Rollerson
	Jared Barber (Freese & Nichols)	Sam Reyna
	Ron Bachman	Kent Holle (Facts News)
	Desiree and Tommy Pearson	Roy Yates

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 Kely and Pledge was led by Mayor Brooks Bass.

Consideration and possible action approving Ordinance 2023-2694, Canvassing the returns and declaring the results of the May 6, 2023 Election for City Council Ward A and C and Special Election for Proposition for Park Land Transfer and Development, signing the required affidavit, and administering the oath for the successful candidates.

A motion was made by Councilman Cain, seconded by Councilman Rossow to approve Ordinance 2023-2694, Canvassing the returns and declaring the results of the May 6, 2023 Election for City Council Ward A and C and Special Election for Proposition for Park Land Transfer and Development, with all present voting "Aye" 4-0 motion passed.

City Secretary, Betty Wells administered to Oath of Office to George Matamoros Ward C, and Jeff Pena Ward A, both Councilmen Matamoros and Pena took his seat.

CITIZENS' COMMENTS:

Pam Dancy spoke of the sound system not working properly at the last EDC Meeting.

Mark Parker 76 Dolphin, thanked Councilman Rossow Ward D, Building Official Kacey Roman, Police Chief Jennifer Howell, and City Manager Tim Kelty for their help with the issue of a STR in Bridge Harbor.

Karla Clark 411 Sailfish, expressed concerns regarding STR in Bridge Harbor.

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

Presentation of Employee of the Month for the Month of April 2023.

City Manager Tim Kelty, and City Secretary Betty Wells presented the Employee of the Month for the month of April 2023 to Assistant City Secretary/Administrative Assistant, Clarisa Molina.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council Meeting Minutes, from May 1, 2023.

Consideration and possible action approving Resolution No. 2023-2792, amendment to the City Personnel Policy Handbook for the Meal and Break Time.

A motion was made by Councilman Cain, seconded by Councilman Pena with all present voting "Aye" 5-0, Council unanimously approved the Consent Agenda.

COUNCIL REGULAR AGENDA

Consideration and possible action awarding the contract for the Sanitary Sewer Rehabilitation for the CDBG-Mitigation 2016 HUD Contract #22-082-013-D213 to Texas Pride in the amount of \$4,721,372.

Finance Director Cathy Ezell presented to Council the contract for the Sanitary Sewer Rehabilitation for the CDBG-Mitigation 2016 HUD Contract #22-082-013-D213 to Texas Pride in the amount of \$4,721,372.50, of which \$4,662,056.24 is being funded by the Grant and \$59,316.26 was being funded by the City's match. She said this is being brought to council to award the contract for construction, to Texas Pride Utilities LLC.

A motion was made by Councilman Cain seconded by Councilman Matamoros to award the contract for Sanitary Sewer Rehabilitation for the CBDG Mitigation 2016 HUD Contract #22-082-D213 to Texas Pride Utilities LLC in the amount of \$4,721,372.50 with funding for construction for the amendments being contingent on GLO Approval of the amendments, with discussion that followed.

Councilman Pena said his concerns are not having time to review the contract, and he questioned why Freese and Nichols are the only company tabulating the bids.

Mayor Bass called the motion to a vote, with a 4-1 vote motion passed. Councilman Pena voted "Nay".

Consideration and possible action approving Administrative Service Agreement between the City of Freeport and Freeport Economic Development.

Karla Clark 411 Sailfish, spoke of the services the EDC will receive from the City. She also asked about the third-party contractor, is this who the EDC wants to use.

City Manager Tim Kelty presented to council the Administrative Service Agreement between the City of Freeport and Freeport Economic Development. He said this did go before the EDC Board and they did vote unanimously to recommend this version. He said this provides a list of services offered by the City of Freeport. Mr. Kelty said the EDC does have the right to contract out for any services the EDC wants to. He said the EDC may use the City Services. This Administrative Service Agreement was suggested by legal.

Pam Dancy said the EDC has been discussing moving out of City Hall. She asked if the phone calls are recorded. Mr. Kelty said City Hall phone calls are recorded, with the exception of the EDC.

Nicole Mireles 2002 North Q, supports this agreement.

Manning Rollerson opposes this agreement.

A motion was made by Councilman Cain, seconded by Councilman Rossow with a 4-1 vote, Council approved the Administrative Service Agreement between the City of Freeport and Freeport Economic Development. Councilman Pena voted "Nay".

Consideration and possible action on approval of letter of intent with Maddox Properties, LLC for residential development near Skinner St.

Karla Clark spoke of her concern with the 19 acres for \$150,000. She said the city needs homes, but we do not need to pay for it all.

City Manager Tim Kelty presented to council for the approval of letter of intent with Maddox Properties, LLC for residential development near Skinner St. He said the developer would like to proceed with the purchase and development of city-owned property located in the vicinity of Skinner Street and Ave. L. Mr. Kelty said the developer has been active in discussion with the EDC and the City for the last two years. If approved by Council, City attorney would be directed to prepare a purchase agreement based upon the certified appraised value of \$150,000 and the terms outlined in the letter of intent for consideration at the next meeting.

Mr. Maddox explained the process of the lots not owned by the City. He explained the PID and TIRZ agreements. There was discussion of what is being presented tonight, being just the Letter of Intent, only.

There was a lengthy discussion by Councilman Pena on transparency. He spoke of the financial review of the developer. He spoke of the value of the land being \$2 million. Mayor Bass said this is just a Letter of Intent to purchase and development, it explains the financials, and says this is nonbinding. Councilman Cain asked if the \$2 million appraisal mention by Councilman Pena was something he actually saw?

Sam Reyna supports this.

Councilman Matamoros said this is in his Ward, and he wants to see progress in this Ward and in the City.

Manning Rollerson supports this.

A motion was made by Councilman Cain, seconded by Councilman Matamoros to approve Letter of Intent with Maddox Properties, LLC for residential development near Skinner St, as well as the accompanying term sheet and authorizing the City Attorney to prepare a purchase and sales contract to come back to City Council for final approval as well drafting the development agreement. With a 4-1 vote motion passed. Councilman Pena voted "Nay".

Consideration and possible action approving Resolution No. 2023-2793, a resolution supporting the city of Freeport's application to TXDOT for their 2023 Transportation Alternatives Set-Aside call for projects.

City Manager Tim Kelty presented to council Resolution No. 2023-2793, a resolution supporting the City of Freeport's application to TXDOT for their 2023 Transportation Alternatives Set-Aside call for projects. He said this is for mass transit opportunities. He said this is a federal grant funding administered by TXDOT. He said this project includes sidewalks, wider shared-use paths around the high school, signalized and marked cross walks as well as shelters for the bus stops, and better lighting along Brazosport Blvd. Mr. Kelty said this is a 100% grant funding, for this project.

Pam Dancy supports this Resolution.

A motion was made by Councilman Pena, seconded by Councilman Matamoros with all present voting "Aye" 5-0, Council unanimously approved Resolution No. 2023-2793, a resolution supporting the city of Freeport's application to TXDOT for their 2023 Transportation Alternatives Set-Aside call for projects. He said this is for mass transit opportunities.

Consideration and possible action approving Ordinance No. 2023-2695, establishing limits for campaign signs for City owned property.

City Manager presented to Council Ordinance No. 2023-2695, establishing limits for campaign signs for City owned property.

There was a lengthy discussion by Councilman Pena on Ordinance No. 2023-2695. He said this will hurt future candidates who will be trying to get their name out. He also asked questions about the graphics and the measurements. He said this Ordinance was made because he sued the city.

Councilman Cain said he supports this Ordinance, he said there has been too much time discussing where signs are allowed, and how long they can be placed.

A motion was made by Councilman Cain, seconded by Councilman Rossow to approve Ordinance No. 2023-2695, establishing limits for campaign signs for City owned property. With all present voting "Aye" 5-0 Council unanimously approved Ordinance 2023-2695.

Consideration and possible action authorizing reimbursement to BISD for demolition cost for OA Fleming.

City Manager Tim Kelty presented to council the reimbursement to BISD for demolition cost for OA Fleming. He said staff recommends this reimbursement, with the condition that the reimbursement will not occur until after the city takes full possession of the property. He said the cost is \$240,000, which is less than we originally thought.

Manning Rollerson said he supports this, but there was no abatement on the other buildings.

Councilman Pena asked if this is a talking point with the Port? Mayor Bass said he does not recall seeing this as part of the discussion.

A motion was made by Councilman Pena, seconded by Councilman Cain to approve reimbursement to BISD for demolition cost for OA Fleming, with all present voting "Aye" 5-0, Council unanimously approved the reimbursement to BISD for demolition cost for OA Fleming.

WORK SESSION:

Councilman Pena wished all the mom's Happy Mother' Day. He said there were alley's that needed repairs, he thanked Mr. Petty for getting the repairs done. Councilman Pena said on 10th, 11th, and 12th Streets he has some videos of integrity problems with the installation. He asked if City Hall calls are being recorded, Mr. Kelty said all but the EDC. He asked if the PD parking lot camera have been repaired. Councilman Pena congratulated Councilman Matamoros.

Councilman Cain congratulated all candidates that ran in the election, he said this is encouraging to see citizens wanting to participate. Councilman Cain said with the rain this past weekend he learned we had sewer infrastructure not working. He said this is concerning, but what is more concerning is Veolia was aware of this prior to the rain event, and did not bring it to the attention of the City. Councilman Cain said we have a big problem. He said luckily, we had a temporary pump installed.

Councilman Matamoros read a passage from Isaiah 58:9-12. He said this is what he wants to do for the City of Freeport, he said he wants to work with every Councilman, he wants to see progress. Councilman Matamoros said he would like to do a ride-along with Mr. Kelty and Mr. Petty in Ward C, he said he would also like to do this with the Police Chief, for speeders and people running stop signs.

Councilman Rossow said Ward D is in pretty good shape, but he is receiving calls from other Wards. He said the Cinco de Mayo event was awesome. He said he invites comments, text, and phone calls. He said he prays about everything and worries about none. He said he is his own man, he said no one is perfect. Councilman Rossow said he is not use to negative people, and he does not hang around negative people. He said there is a way to talk to people, and that is with respect.

Mayor Bass said this is his last year, and he wants to make it a great one. One of the things he wants is the Landlord Inspection Agreement, he said he is going to make sure it is appropriate, with protecting the landlord, as well as the tenant. He said this is one of his primary initiatives along with finishing the Wastewater sewer plant. He said he would like to see something within the next three months, with the input of the Landlords.

City Manager Tim Kelty said Ana Silbas with the Main Street Program did an amazing job in organizing the Cinco De Mayo event. He announced the Shark Exhibit is coming up in the month of June.

Update on reports / concerns from Department heads.

CLOSED SESSION:

Open Session was recessed and Executive session was opened at 7:56 P.M.

Executive Session was recessed at 9:07 P.M. P.M.

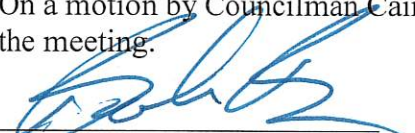
OPEN SESSION:

A motion was made by Councilman Cain to accept the third amended Mediator Settlement Proposal of \$8.9 million, seconded by Councilman Rossow with a 3-2 vote motion passed. Mayor Bass and Councilman Pena voted "Nay".

A motion was made by Councilman Cain to accept the Interlocal Agreement between the City of Freeport, and Port Freeport, seconded by Mayor Bass with a 4-1 vote, motion passed. Councilman Pena voted "Nay".

Adjourn

On a motion by Councilman Cain, seconded by Councilman Pena, with 5-0 vote, Mayor Bass adjourned the meeting.



Brooks Bass, Mayor



Betty Wells, City Secretary