

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, June 5, 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 Kelty, City Manager
Lance Petty, Assistant City Manager/PWD
Tommy Ramsey, Interim City Attorney
Betty Wells, City Secretary
Cathy Ezell, Finance Director
Toby Cohen, IT Manager
Donna Fisher, Human Resource Director
Kacey Roman, Building Official
Freeport Fire and Ems
Jennifer Howell, Police Chief
Chris Motley, Fire Chief
Ana Silbas, Main Street Coordinator

Visitors:	David McGinty	John Garza
	Kenny Hayes	Nicole Mireles
	Sam Reyna	Shonda Marshall
	James Saccamanno	Karla Clark
	Manning Rollerson	Con McCleester
	Diane McCleester	Margaret McMahan
	Pam Dancy	Chris Duncan
	Landis Adams	James Carter
	Mark Parker	Tommy Pearson
	Jack Bullman	Keith Stumbaugh
	Margaret Bachman	Ron Bachman
	Raul Ramirez	Carol Parker
	Ruben Renobato	Amanda Goerdel
	Patti Richardson	Melanie Oldham

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:

Margaret McMahan 1330 West 8, commended the Police Chief Jennifer Howell. Ms. McMahan said she complained about stray, loose dogs, and the Chief contacted her the next day. Ms. McMahan said the ACO and the PD has been on top of this. She also asked about agenda items which are tabled. Is there a plan in place to keep up with these, and if not, she asks that the city come up with something.

A. Goerdel 1316 N. Brazosport, spoke of the Ordinance change that was recommended by Planning and Zoning Commission, she said for the WR fencing. She voiced her concern this item was not on the agenda for City Council tonight.

Chris Duncan, spoke of an agenda request for his property on the river. He said there has been vandalism done to this property.

Manning Rollerson spoke of his concern for the agenda process ordinance, and items being put back on an agenda before the time is allowed, he said it is 90 days. He asked how this was allowed for the Port deal? He said this was a violation of the ordinance.

Sam Reyna 2002 North Ave G, spoke of the Legislature Bill that is going to pass, The Desk Star Bill. He said this will regulate what cities and counties will be allowed to enforce.

Kenny Hayes 414 Mystery Harbor Lane, said Councilman Pena is out of line with arguing with the Mayor during meetings. He said the Mayor has the right to remove a citizen, and he feels the Mayor should remove Councilman Pena as well.

Karla Clark spoke of the maps hanging in Council Chambers. She said maps designating Zoning should be in Council Chambers as well.

Pam Dancy South Front, said principal before personalities. She also asked if the owners of STR were notified of the amendments? She also spoke of the property purchased by Mr. Mejia, she said he was supposed to build within three years, she said he has not built.

Jeff Pena thanked all the applicants for the Boards and Commissions. He mentioned the death of Ruby Marshall. He also said you get what you pay for, and he mentioned the T-Dock.

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, presented the Employee of the Month for the month of April 2023 to Lt. Kristopher Vierra, and Freeport Fire Fighter Abdiel Martinez.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council Meeting Minutes, from May 15, 2023.

Consideration and possible action for the approval of road closures the Fort Velasco Day Event.

Consideration and possible action approving changing the second regular meeting in June being Monday June 19, 2023 to Tuesday June 20, 2023.

Consideration and possible action approving street closure for St. Mary Star of the Sea celebration of Solemnity of the Body and Blood of Christ on Sunday, June 11th, with a procession down Velasco.

Consideration of approving various items and equipment for surplus and approve the sale of such items by auction.

Consideration and possible action of approving Resolution No. 2023-2794, renewing agreement for the GLO Beach Maintenance Reimbursement Program.

Consideration and possible action approving Ordinance No. 2023-2699, lifting emergency declaration of the Public Health Emergency for COVID-19.

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

COUNCIL REGULAR AGENDA

Consideration and possible action of appointing Council Liaison for City of Freeport Boards and Commissions.

Mayor Bass volunteered to serve as the Liaison for the Charter Review and the Library Board. Councilman Matamoros volunteered to serve as the Liaison for the Board of Adjustment. Councilman Pena volunteered to serve as the Liaison for Historic and Main Street Board, and the Senior Citizen Board. Councilman Rossow volunteered to serve as the Liaison for the Beautification and Parks Board.

A motion was made by Councilman Matamoros to nominate himself to serve as the Liaison for the Planning and Zoning Commission, seconded by Councilman Rossow. With a 4-1 vote motion passed, with Councilman Pena voting "Nay"

A motion was made by Councilman Pena to nominate himself to serve as the Liaison for the Freeport EDC, with lack of second motion fails.

A motion was made by Councilman Cain to nominate himself to serve as the Liaison for the Freeport EDC, seconded by Councilman Pena with all present voting "Aye" 5-0 Council unanimously approved the motion.

Consideration and possible action awarding the bid for City Hall asbestos remediation agreement.

City Manager Tim Kelty said staff recommends awarding the bid for City Hall asbestos remediation to RDNI. He said if the bid is awarded to RDNI that the City Attorney would draw up the contract. He said the City went out for bids, and we received six. The cost for this based on the lowest and most responsive bid will be \$76,989.

The question was asked if there would be retesting once the remediation has been completed, and if so who would pay. Mr. Kelty said it will not be necessary because the material identified as containing asbestos will be removed.

A motion was made by Councilman Cain, seconded by Councilman Matamoros to approve awarding the bid for City Hall asbestos remediation to RDNI.

Councilman Pena asked if we move forward with this, will we no longer consider O.A. Fleming? Mr. Kelty said no, we are no longer considering O.A. Fleming.

Mayor Bass called the motion to a vote, with all present voting “Aye 5-0, council unanimously approved awarding the bid for City Hall asbestos remediation to RDNI.

Consideration and possible action approving City Hall Renovation contract.

Councilman Pena requested this item be moved to Executive Session.

Consideration and possible action approving Ordinance No. 2023-2696, allowing with a Permitted Use for development of Mini-Storage units for C-2 Zoning District.

Nicole Mireles opposes this.

Building Official Kacey Roman presented to council Ordinance No. 2023-2696, allowing with a Permitted Use for development of Mini-Storage units for C-2 Zoning District. Ms. Roman said currently this is not allowed, she said staff requested it be allowed with a Specific Use Permit. She said this was presented to Planning and Zoning it was approved with a 3-2 vote, with a Permitted Use Permit.

There was discussion on the Ordinance that will mandate the way the Mini Storage will be maintained.

Councilman Matamoros said he watched this meeting and he is disturbed by the Chairperson of this board voting on this ordinance when he has a monetary interest. He said staff recommended this as a Specific Use Permit. He said the Specific Use Permit would give us more leeway on how to regulate the esthetics.

A motion was made by Councilman Pena, seconded by Mayor Bass to table this item.

Consideration and possible action approving Ordinance No. 2023-2697, allowing drive through and drive-in restaurants in C-1 and C-1 Zoning as a Permitted use.

Building Official Kacey Roman presented to council Ordinance No. 2023-2697, allowing drive through and drive-in restaurants in C-1 and C-1 Zoning as a Permitted use. She said this is to correct the ordinance as it is written now.

The question was asked about the zoning now, and if every restaurant that has a drive through grandfathered? Ms. Roman said yes.

A motion was made by Councilman Cain, seconded by Councilman Pena with all present voting “Aye” 5-0 council unanimously approved Ordinance No. 2023-2697, allowing drive through and drive-in restaurants in C-1 and C-1 Zoning as a Permitted use.

Consideration and possible action approving Ordinance No. 2023-2698, amending the Short-Term Rental Ordinance.

Karla Clark opposes this ordinance.

Mark Parker 76 Dolphin Lane, supports this ordinance.

Mike Russell, STR owner, said he was not aware of this ordinance.

There was discussion by Council on the number of owners of STR in the City. Mr. Kelty said the city is aware of 21 in the City, 13 have registered, 3 new ones, and 5 others that have refused to comply with the ordinance adopted last year. There was discussion on the number of owners from Bridge Harbor in the meeting that was held with the Mayor, & City Staff? Mayor Bass said about 8-10 were in attendance.

A motion was made by Councilman Pena to table this item, seconded by Councilman Cain. The item was tabled

First reading and consideration of resolution approving an economic development agreement to be enacted by the Freeport Economic Development Corporation and Overland Group.

Ana Silbas Main Street Coordinator spoke to council she said this is on behalf of the Freeport Historic Commission and Main Street Advisory Board. Not only is it important to be focused on the present, of Freeport, but also the future. Freeport Historical Commission and Main Street Advisory Board recognizes the need to be future-focused and the work that is needed to strengthen our community resilience. The board understands that increased foot traffic is necessary to attract future development in downtown. Ms. Silbas said Freeport Historical Commission & Main Street Advisory Board is currently working collaboratively with the Freeport Economic Development Corporation and City Administration to assess needs of downtown and priorities of Main Street.

Freeport EDC Director Robert Johnson, presented to council an economic development agreement to be enacted by the Freeport Economic Development Corporation and Overland Group. He said he was approached by Mr. Kahn back in December 2022, for the possibility of developing a Dollar General Market, he said this will have fresh produce, and fresh meat. He said the land is on 115 East 2nd Street. He said after the appraisal for the land there is an agreement this can be sold fairly at \$200,000.

Mayor Bass asked what is the support of the EDC board? Mr. Johnson said it was a unanimous vote to approve. Councilman Cain asked if another grocery store comes wanting to build will they be turned down? Mr. Johnson said we are still trying to recruit a grocery store. This is not the end all of grocery needs in the city.

Mr. Khan with the Overland Group discussed the claw back provisions with the City of Freeport, Overland, and the EDC. Mayor Bass asked about the provisions between Overland and Dollar General Market Place. Mayor Bass said he has concerns of not seeing provision between City of Freeport, Overland, and the Dollar General Market Place. Mr. Kahn spoke of the benefits of having a DG Market Place. Councilman Pena said at the last EDC meeting, Main Street said they do not want this, he said 75% of downtown residents and business owners, do not want this.

City Manager Tim Kelty did the first reading of the resolution.

Melanie Oldham said she has concerns with the agreement.

Sam Reyna spoke of the land that Mr. Muraira and Councilman Pena previously wanted to give to the Hispanic Chamber, the land where the Community House was located.

Councilman Matamoros said he has been in the EDC meetings pertaining to this agreement, he asked Mr. Johnson to bring the parking map to the next reading. There is a lot of misinformation that has been shared.

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

City Manager Tim Kelty presented to council Resolutions appointing/reappointing members to various Boards and Commissions. He said this is done annually.

Each applicant for the Boards and Commissions present spoke of their interest to serve on the boards.

A motion was made by Councilman Matamoros, seconded by Councilman Cain to approve Resolution No. 2023-2796, Boards of Adjustments Appointments reappointing Sammie Moore, and Barry Simmons for the two-year term, with all present voting "Aye" 5-0 council unanimously approved this motion.

A motion was made by Councilman Cain, seconded by Councilman Matamoros to approve Resolution No. 2023-2796, Boards of Adjustments Appointments appointing Nicole Mireles for a two-year term, with all present voting "Aye" 5-0 council unanimously approved this motion.

A motion was made by Councilman Matamoros, seconded by Councilman Cain to approve Resolution No. 2023-2796, Boards of Adjustments Appointments appointing James Gossett Jr., for a two-year term, with all present voting "Aye" 5-0 council unanimously approved this motion.

A motion was made by Councilman Matamoros, seconded by Councilman Rossow to approve Resolution No. 2023-2796, Boards of Adjustments Appointments appointing Shonda Marshall as an alternate., for a two-year term, with all present voting "Aye" 5-0 council unanimously approved this motion.

A motion was made by Councilman Cain, seconded by Councilman Matamoros to approve Resolution No. 2023-2797 Historic Mainstreet Advisory Board, to reappoint Ronnie Martin for a two-year term, with all present voting "Aye" 5-0 council unanimously approved this motion.

A motion was made by Councilman Pena, seconded by Councilman Cain to approve Resolution No. 2023-2797 Historic Mainstreet Advisory Board, to reappoint William Leitch, and appoint Sandra Wood-Wicke, Jack Bullman and Betty (Page) Acala for a two-year term, with a 4-1 vote motion passed. Council Matamoros voted "Nay".

A motion was made by Mayor Bass, seconded by Councilman Cain to approve Resolution No. 2023-2798, Charter Review Committee to appoint Shonda Marshall, Theodore "Vince" Baker, Lila Diehl, and Sam Reyna for a two-year term with all present voting "Aye" 5-0 council unanimously approved this motion.

A motion was made by Councilman Rossow, seconded by Councilman Cain to approve Resolution No. 2023-2799 Senior Citizen, to appoint Nina Cardoza for a two-year term with all present voting "Aye" 5-0 council unanimously approved this motion.

A motion was made by Mayor Bass, seconded by Councilman Cain to approve Resolution No. 2023-2799 Senior Citizen to reappoint Ona Johnson, Sammie Moore, Sandra Childress, Jane Hawkins for a two-year term with all present voting "Aye" 5-0 council unanimously approved this motion.

A motion was made by Councilman Matamoros, seconded by Councilman Cain to approve Resolution No. 2023-2800, Planning and Zoning Commission to appoint Ron Bachman, and to reappoint James Saccamano, with a 4-1 vote motion passed. Councilman Pena voted "Nay".

Councilman Cain spoke of reappointing all current EDC board members whose terms were expiring, and also mentioned Councilman Matamoros' intention to step down from the EDC once he got a project he is working on off the ground.

Councilman Cain made a motion to reappoint all current EDC board members whose terms were expiring. Councilman Pena asked if the motion was contingent upon Councilman Matamoros stepping down within 60 days.

Councilman Cain recalled his motion.

A Motion was made by Councilman Cain to approve Resolution No. 2023-2801, Freeport EDC Board to reappoint Josh Mitchell, Sandra Loeza, Shonda Marshall, and Mingo Marquez. George Matamoros being an elected councilman will agree to resign his position with EDC in 60 days from the next EDC meeting, seconded by Councilman Pena.

Councilman Matamoros said 60 days will not be enough time to get this project off the ground. He said he will resign once work on this project is started.

Councilman Cain recalled his motion.

A new motion was made by Councilman Cain, to approve Resolution No. 2023-2801, Freeport Economic Development Board to reappoint Josh Mitchell, Sandra Loeza, Shonda Marshall, and Mingo Marquez, seconded by Councilman Rossow, with a 4-1 vote motion passed. Councilman Pena voted "Nay".

Councilman Cain said the Beautification and Parks and Recreation Board has been inactive for years, currently we have four people interested, we need one more person. This was requested by the Mayor to place the Beautification/Parks and Rec on the agenda for June 20.

WORK SESSION:

Councilman Pena spoke of the vote on the land, he said his vote was to change the use of the land. Councilman Pena thanked all who volunteered for the Boards. He asked Mr. Kelty of the alley work behind Park Ave., Mr. Kelty said it is on the repaving plan for 2024. Mr. Petty said crushed concrete was added today, he said it was about 8 inches. Councilman Pena spoke of a mailbox that was destroyed on 10th Street, Mr. Petty said Lucas will take care of this repair. Councilman Pena spoke of the beaches being highly visited, he said he noticed there were only three port a potties', he asked if we could get more. Mr. Petty said there are six out, and we can move closer.

Councilman Cain said he is excited to see 2nd Street being repaired. He thanked Lance and his crew for painting the stripes on the cross walks. Mr. Petty said this has been done by Lucas with the street repair.

Councilman Matamoros said thank you for all the residents who applied for Board positions. He also thanked the City Manager and Assistant City Manager for spending three hours on Friday going over concerns in Ward C. He spoke of a water leak on Ave M, near 1321 N Ave M. He said the stop sign at Skinner and Ave J has been damaged, he asked if we can have this put back up.

Councilman Rossow had no comment.

Mayor Bass said he thought Freeport got some great press he said, Kelvin Steamer a graduate from Brazosport High School, was one heck of a baseball and softball player, and he went on to referee and umpire. Mayor Bass said, Mr. Steamer was selected to be in the UIL, Softball State Championship Tournament. Mayor Bass said he wanted to give props out to Kelvin.

Mr. Kelty said he just wants to let everyone know the pool will be open on Saturday. He also announced that Crystal and Bella have been working on getting a soccer camp starting in July. The age limit on the camp is ages 7-11.

Update on reports / concerns from Department heads.

A motion was made by Mayor Bass to invite City Manager Tim Kelty, Assistant City Manager Lance Petty, and City Secretary Betty Wells into Executive Session, seconded by Councilman Cain, with all present voting "Aye" 5-0 council unanimously passed the motion.

CLOSED SESSION:

Open Session was recessed and Executive session was opened at 9:36P.M.

Executive Session was recessed at 10:40 P.M.

OPEN SESSION:

Consideration and possible action approving City Hall Renovation contract.

City Manager Tim Kelty presented to Council the City Hall Renovation contract. He said this will included the mold remediation, repairing the second elevator, improvements to the HVAC, ADA improvements, exterior brick work, and re-sealing all windows and exterior brickwork.


A motion was made by Councilman Cain, seconded by Councilman Rossow to approve City Hall Renovation contract. With a 3-2 vote, motion passed. Mayor Bass and Councilman Pena voted "Nay"

Adjourn

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



Brooks Bass, Mayor



Betty Wells, City Secretary